

STATES OF JERSEY

OFFICIAL REPORT

MONDAY, 19th MARCH 2018

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[14:45]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. Welcome to His Excellency The Lieutenant Governor

The Bailiff:

Turning to the Order Paper. First of all I am pleased to welcome His Excellency. [Approbation]

QUESTIONS

2. Written Questions

2.1 SENATOR P.F.C. OZOUF OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING ESTIMATED AND ACTUAL INCOME TAX RECEIPTS: [WQ.56/2018]

Question

Will the Minister provide a table showing the actual Income Tax received in each of the years 2015, 2016 and 2017 alongside the estimated income for each of those years as published in the preceding budget statement?

Answer

Income Tax Actuals and Forecasts	2013	2014	2015	2016	2017	
	£'000	£'000	£'000	£'000	£'000	
2013 Actual Income Tax	458,261					
2014 Actual Income Tax		444,732				
2015 Actual Income Tax			457,583			
2016 Actual Income Tax				487,965		
2017 Revised Forecast Income Tax					483,000	Note 1
2013 Income Tax Forecast- Budget 2013 (Sept 2012)	457,600					
2014 Income Tax Forecast- Budget 2014 (Sept 2013)		474,965				
2015 Income Tax Forecast- Budget 2015 (Sept 2014)			455,000			
2016 Income Tax Forecast- Budget 2016 (Sept 2015)				455,000		
2017 Income Tax Forecast- Budget 2017 (Sept 2016)					481,000	
Notes						
1. The latest published figures for 2017 are the revised forecast in the 2018 Budget (September 2017)						

2.2 DEPUTY J.A. MARTIN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING OPERATIONAL SUBSIDIES PAID TO SERCO: [WQ.59/2018]

Question

In relation to the running of the AquaSplash swimming pool on the Waterfront, will the Minister –

- advise how much has been paid to Serco in operational subsidies in each year since 2001, indicating in which years the agreement with Serco was revised;
-
- advise whether or not these figures include a £100,000-a-year maintenance grant, or whether such a grant has been paid in addition to the operational subsidy, and whether or not the whole of this maintenance grant has been spent in each of the years listed; and
-
- indicate what work, if any, he has undertaken to confirm that this is an effective use of public money?

Answer

In relation to the running of the AquaSplash swimming pool on the Waterfront, will the Minister –

(a) advise how much has been paid to Serco in operational subsidies in each year since 2001, indicating in which years the agreement with Serco was revised;

(f)

(g) The Agreement between Serco & WEB was signed in August 2001, however AquaSplash itself did not open until July 2003 with the subsidy payments commencing in 2005.

(h)

(i) Details of subsidy payments are included in the Tables below:

Year	2003	2004	2005	2006	2007	2008	2009	2010
States Subsidy (£)	0	0	218,000	276,000	298,000	343,000	348,000	362,000

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019
States Subsidy (£)	369,000	376,000	383,000	391,000	291,000	291,000	291,000	291,000	291,000

The main 20 year contract between Serco & WEB allows for renegotiation of Terms on a five yearly basis and this was achieved via revised Heads of Terms with Commencement Dates as follows;

1st January 2010

1st January 2015

(b) advise whether or not these figures include a £100,000-a-year maintenance grant, or whether such a grant has been paid in addition to the operational subsidy, and whether or not the whole of this maintenance grant has been spent in each of the years listed;

(j) No Maintenance Grant is paid by the States to Serco in respect of Aquasplash

(k)

(l) When new HoT were put in place by ESC in 2015, in return for a reduction in the level of subsidy, a Minor Capital budget of up to £100,000 per annum was agreed, intended to fund an annual, mutually agreed programme of maintenance works.

(m)

(n) The Programme is agreed by both parties, the schedule of works tendered and contracted, payments being made by Serco then re-charged to the States via the Department

(o)

(p) Payments from the Minor Capital Budget since 2015 are indicated below:

(q)

(r) Year	(s) 2015	(t) 2016	(u) 2017
(v) Minor Capital Expenditure (£)	(w) 91,264	(x) 85,842	(y) 68,994

(c) indicate what work, if any, he has undertaken to confirm that this is an effective use of public money?

When the current HoT was put in place by ESC in 2010, a significant amount of financial evaluation was undertaken, prior to the current model being developed, exploring the use of public finances.

In terms of going forward, the Department is due to meet with Serco in April for an annual review, at which point discussions will begin regarding a new HoT Agreement to commence in January 2020, until the 2023 lease end-date.

As part of the preparations for these discussions, EDTSC has engaged specialist external input, in order to advise on the current Terms and Conditions, levels of subsidy (compared with similar pools in the UK) and any proposed new T&C's that may come forward.

This preparatory work is already under way.

2.3 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING ACCESS BY THE CHIEF EXECUTIVE TO MORIER HOUSE: [WQ.60/2018]

Question

Will the Chairman advise whether or not the new Chief Executive has been granted full access to Morier House and, if so, will he explain how the independence of the States Greffe (including the Scrutiny Office) will be maintained; and will he state what assessment, if any, was undertaken by the Committee before access was granted?

Answer

Morier House is occupied by three non-ministerial departments – the States Greffe, the Law Officers' Department and the Viscount's Department – and access to the building is a matter for the principal officers of the three departments.

The incoming CEO asked to be granted access to Morier House so that he could meet with the Law Officers, the Greffier of the States and the Law Draftsman without being unduly delayed at the ground floor reception. The Attorney General and the Greffier agreed that he could be issued with a fob permitting entry only to the second floor and to the reception area of the third floor of the building through the main entrance during office hours.

This arrangement reciprocates the access to Cyril Le Marquand House which the Attorney General and the Greffier had already been granted.

The Law Officers are appointed by the Crown and the arrangements which guarantee their independence from the executive are set out in the Departments of the Judiciary and the Legislature (Jersey) Law 1965. The Greffier of the States is appointed by the Bailiff with the consent of the States and the independence of the role is guaranteed by virtue of Article 41 of the States of Jersey Law 2005. The independence of these roles is not affected by the decision to permit the CEO working hours access to parts of Morier House.

2.4 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING THE CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN: [WQ.61/2018]

Question

Further to the answer to Written Question 1(594), answered on 14th November 2017, on the Convention on the Elimination of Discrimination Against Women (CEDAW) –

- (a) what matters are being considered in deciding whether CEDAW should be extended to Jersey;
- (b) on what dates has the Minister or officials from his Department taken part in meetings to discuss extending CEDAW to Jersey;

- (c) will the Minister release the minutes of such meetings, if any, and papers or presentations discussed at such meetings; and
- (d) when does the Minister expect that the Government's consideration of extension will be concluded?

Answer

The Convention on the Elimination of Discrimination Against Women (CEDAW) is a core UN human rights treaty, and there is broad support within the Government that it should be extended to Jersey. It contains a wide range of requirements to promote gender equality that cut across the policy responsibilities of most, if not all, government departments. Work is underway to identify where Jersey already complies with the requirements of the Convention and what legislative changes might be needed to ensure that the Island is compliant. However, it is hoped that Jersey will be in a position to request extension of CEDAW before the end of the year.

2.5 THE DEPUTY OF ST. OUEN OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING THE NUMBER OF PEOPLE TRANSFERRED ON TO THE ORGAN DONOR REGISTER: [WQ.62/2018]

Question

Since the introduction of driving licence application forms which provide applicants with an option to join the Organ Donor Register, how many applicants have indicated they wish to take up that option and how many of those have been transferred onto the Register?

Answer

The total number drivers who have consented to organ donation when applying for a driving licence is 14,720. However this may well include persons who have registered separately with NHSBT and it is not currently possible to ascertain the degree of duplication.

There have been ongoing delays in finalising the data transfer to NHS Blood & Transplant (NHSBT). Last year NHSBT advised that it would not be possible for them to consider taking on new ODR (Organ Donor Register) Access Partners at this time as they were undergoing a significant ICT Transformation and as such resources required to support new access partners for the Organ Donor Register was not currently available. These difficulties were not identified when it was initially agreed to collect the data on Jersey driving licence application forms.

NHSBT are now proposing that the main route to new registrations should be the NHSBT website. This would mean work will cease on the ongoing sharing of data with Jersey no longer processing this data. It would also mean that issues such as GDPR, organ preference updates and other governance issues are controlled via a single NHSBT-led route (NHSBT will be able to provide analysis of registrations via this route, should this be required). NHSBT will be provided with a full dataset of the information already held and the Jersey driving licence application form will be amended so that information is no longer gathered.

2.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE TENANCY AGREEMENT USED BY ANDIUM HOMES: [WQ.63/2018]

Question

Given that the standard form of tenancy agreement used by Andium Homes since 1st January 2017 requires the payment of rent monthly, in advance and by Direct Debit, will the Minister –

- (a) advise what assessment, if any, has been undertaken to determine whether this form of agreement is appropriate for all tenants or whether such an agreement requires some tenants to borrow or to rely on Income Support, thereby compounding debt problems facing these tenants; and
- (z)
- (b) agree to direct Andium Homes to change its standard tenancy agreement to allow for weekly Direct Debit payments and, if not, will she explain why not?

Answer

1. The payment of rent monthly in advance is a standard requirement with Andium Homes and all the housing trusts and, indeed, in the private rented sector. Andium Homes is more generous than some other housing providers who also require the payment of a deposit (often a month's rent equivalent) in addition to the payment of a month's rent in advance.
2. This is not a new requirement at Andium Homes. The requirement to pay rent in advance has been a requirement of tenancy agreements since 2010 (with an additional option of Standing Order) for tenancies commencing before 2017. Andium Homes' tenants who signed agreements prior to 2010 still have the option to pay their rent in arrears.
3. As mentioned, paying rent in advance is standard practice in the private rented sector and, in the majority of cases, private sector landlords will be holding and returning deposits to tenants making the transition to affordable housing.
4. Income support is the appropriate mechanism established by the States to assist households who may experience financial difficulties, and, crucially, this assistance is provided on an appropriately means-tested basis.
- (aa)
5. There have not been any complaints made to Andium Homes or the Minister for Housing regarding the difficulty of paying rent in advance, and no offers of a tenancy have been refused by prospective tenants on the basis that they do not have the means to pay their rent in advance.
- (bb)
6. The Minister has been advised that, in the event a tenant experienced a genuine difficulty in paying rent monthly in advance, Andium Homes would look at the option of weekly Direct Debit payments being made available to that tenant. However, as this has not been a problem to date, the Minister is not minded to request Andium Homes or the housing trusts to change their tenancy agreements.
- (cc)
7. It should be noted that the Memorandum of Understanding between the Minister for Treasury and Resources and Andium Homes does not enable the Minister for Housing to issue a direction to the company. This is a matter for the Minister for Treasury and Resources as guarantor. However, the Minister for Housing will be writing to Andium Homes and the housing trusts in order to seek their reassurance in relation to these matters.

2.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE FORECAST RENTAL INCOME AND OPERATING SURPLUS OF ANDIUM HOMES: [WQ.64/2018]

Question

Notwithstanding the response to Written Question 53/2018, and further to the Statement of Comprehensive Income presented on page 25 of 'Andium Homes: Annual Report 2016' (R.78/2017), will the Minister

- (a) inform members of the projected figures for total rental income in each year from 2017 to 2021 and break down the projected increases in rental income in each year to show how much of each increase is due to the:

- Increase in the number of properties;
- Increase in rents by RPI + 0.75%; and
- Increase in the number of tenancies with rents at 90% of private rental levels; and

(b) provide projections for each of the years from 2017 to 2021 for the following matters:

- Operating Surplus before the return to the Guarantor, depreciation and impairment;
- Return to the Guarantor; and
- Operating Surplus before depreciation and impairment?

Answer

The information requested is laid out in the table below. The information is taken from Andium Homes' 2017-2021 Strategic Business Plan and supporting documentation.

	2017	2018	2019	2020	2021
	£000s	£000s	£000s	£000s	£000s
Rental income:					
Core stock and other movements	45,166	45,674	46,388	49,443	54,922
New properties	-	241	1,506	4,748	5,670
RPI + 0.75%	1,118	1,201	1,157	1,298	1,332
Impact of new tenancies in year	347	646	866	941	836
Rental income	46,631	47,762	49,917	56,430	62,760
Operating surplus before return to the Guarantor, depreciation and impairment	29,075	31,227	31,408	31,133	32,274
Return to the Guarantor	28,164	28,650	29,102	29,625	30,159
Operating Surplus before depreciation and impairment	911	2,577	2,306	1,508	2,115

Andium Homes implement the rent policy adopted by the States Assembly in P.33/2013 *'The Reform of Social Housing'*.

As noted in the response to Written Question 53/2018, referred to by the Deputy above, Income Support is available for up to the full amount of rent charged on an Andium Homes' property (as long as the household is occupying a property appropriate for its needs). Any reduction in rent would, therefore, only serve those who do not qualify for assistance through Income Support.

Income Support is the appropriate means to assist households who need financial assistance. Restricting rents would only result in there being insufficient funds available to maintain rented accommodation and the delivery of new homes would become unviable.

The Return to the Guarantor represents a charge for the use of the States property assets transferred to Andium Homes upon incorporation. However, the Return is not new; prior to the incorporation of Andium Homes a similar return was made by the Housing Department. It is used, in part, to fund Income Support payments as well as other vital services delivered by the States.

Since the incorporation of Andium Homes, the return has been fixed in real terms (being adjusted by RPI each year). The rent policy and the stability of the Return to the Guarantor provides Andium Homes with a

sustainable business model capable of bringing all rental properties up to the Decent Homes Standard by 2020 and able to deliver much needed new homes for Islanders.

2.8 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR EDUCATION REGARDING THE DEPARTMENT'S WORK IN RESPECT OF NURSERY EDUCATION FUNDING: [WQ.65/2018]

Question

Following the Review of Early Childhood Education in Jersey, will the Minister provide an update on the Department's position in respect of nursery education funding and will he state what work is now being carried out and what potential solutions are being worked on to support early years provision and the private nursery sector?

Answer

The Early Years Childhood Partnership (EYCP) published its report 'Review of Early Childhood Education in Jersey' in November 2017. The report was prepared by a group of EYCP stakeholder members which included representatives of private sector nursery businesses, a primary school head teacher and the officers of the Education Department. It was led by the independent chair of the EYCP.

Members of the EYCP group are now looking in more detail at how the recommendations put forward in the report could be implemented. Consultations with parents and wider stakeholder groups are being planned and work has started on preparing an Early Years Strategy which will feed in to the Children and Young People's Plan.

In the meantime, the usual process for nursery year applications for three to four year olds for September 2018 is under way. The allocation process for States nursery places has started and parents will be informed by the end of March whether they have the place they requested.

The Nursery Education Fund (NEF) in its current form remains in place for September 2018. A meeting has taken place with representatives of private providers to discuss the partnership agreement for the next academic year and this has now been sent to all NEF providers.

2.9 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR EDUCATION REGARDING THE DEPARTMENT'S ROLE IN DELIVERING THE FOOD AND NUTRITION STRATEGY: [WQ.66/2018]

Question

Further to the publication of 'A Food and Nutrition Strategy for Jersey 2017 – 2022' (R.85/2017) by the Strategic Public Health Unit, will the Minister advise what role his Department plays in ensuring that children (particularly at primary school) are given the opportunity to learn about, and engage with, food and nutrition at an early stage; and will he further advise what funding (capital and revenue), if any, is being provided from his Department to support a collaborative and cross-cutting approach to this initiative and to ensure proper delivery of the strategy?

Answer

The Education Department has been involved in the development of the new strategy at all stages and played an important role on the steering group during strategy development.

Alongside this, there is a significant amount of ongoing work in schools to educate children about healthy lifestyle choices and the positive benefits of a balanced diet and regular activity.

Children are learning from a very early age about the importance of food and nutrition. In the years before a child starts compulsory education, nurseries are expected to follow the Early Years Foundation Stage curriculum, which includes Physical Development and Health and Self Care. Children should be taught about the importance of good health, physical exercise and a healthy diet. Also, as part of the new nutrition strategy, all early years settings and schools have been offered 'HENRY' training, which stands for Health, Exercise and Nutrition for the Really Young and is an evidence based programme.

The Jersey Curriculum, which was updated in September 2014, requires that children at all key stages in school learn about the importance of healthy lifestyles, particularly physical, mental and emotional wellbeing. Positive lifestyle choices are covered in Health and Wellbeing strand of the PSHE curriculum. In addition, students from Key Stage 1 to 3 are given opportunities to learn about diet as part of the Cooking and Nutrition of section of the Design and Technology curriculum, which states:

'As part of their work with food, pupils should be taught how to cook and apply the principles of nutrition and healthy eating. Instilling a love of cooking in pupils will open a door to one of the great expressions of human creativity. Learning how to cook is a crucial life skill that enables pupils to feed themselves and others affordably and well now and in later life.'

Schools are very aware of the importance of wellbeing and healthy living and there are many projects, including, for instance, whole weeks focusses on the issue. All this work is funded from within existing school budgets. Some of the teaching in this area is led by PSHE specialists within schools and other projects are supported by external agencies or charities.

Additional targeted funding for the implementation of the strategy is provided by the Strategic Public Health Unit. The Education Department continues to provide support at both strategic and operational level to roll out and deliver the workstream initiatives.

2.10 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE PROVISION OF A NEW SKATE PARK: [WQ.67/2018]

Question

Further to recent developments in respect of the skate park and the public meeting held at the Town Hall, will the Minister advise what the Government's position is on providing a new skate park; whether any funding has been allocated for this initiative; and whether an appropriate and accessible area has been identified?

Answer

The current site for the skateboard park (New North Quay) is not appropriate and an alternative needs to be found. Following the closure on health and safety grounds, a short term solution has been found to keep the park open at peak periods.

A working group led by Connétable Pallett, Assistant Minister for Sport, has been established whose purpose is:

- to identify sites available which could be considered for the relocation and development of the current skateboard park
- to evaluate the options and identify a preferred site
- to identify and secure sources of funds for the development of the preferred site.

The working group, which is formed of representatives of the extreme sports community, has been provided with professional project management support to build the case for a new park.

A new association (the Jersey Skateparks Association) has been formed by the skate board / BMX / scooter community which is being supported by Jersey Sport. The Jersey Skateparks Association (JSA) will work closely with the working group to ensure all elements of evidence are brought forward and the social impact case made for an appropriate site with the support of all statutory agencies and stakeholders.

Wide support has been established in a short period of time and the launch of a new social media and PR campaign by the JSA will help keep the community informed. Funding can only be identified once a suitable site is identified. Funding will be sought from a variety of partners including a case being made to the States of Jersey. Planning policy colleagues are working closely with the working group to ensure any identified site sits within the strategic framework of the developing St. Helier Open Space Strategy.

2.11 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR SOCIAL SECURITY REGARDING A REVIEW OF THE EMPLOYMENT (JERSEY) LAW 2003: [WQ.68/2018]

Question

Will the Minister advise whether she intends to undertake a full-scale review to assess the appropriateness and functionality of the Employment (Jersey) Law 2003; if so, will she advise what prospective challenges for employers and employees such a review will seek to address; and if not, will she undertake to implement such a review?

Answer

The Employment (Jersey) Law 2003 has been developed and improved over a number of years based on consultation by the independent Employment Forum. Since its introduction in 2005, the Employment Law has been regularly reviewed with a view to adjusting and extending employment protection. In addition, the Employment Law has been updated in the context of the development of the Discrimination (Jersey) Law 2013. Each stage of this development has been achieved following full public consultation. Reviews of the Law have included –

(dd)

1. A proposal to extend family friendly employment rights in 2018 and 2019 (December 2017)
2. Annual reviews of the minimum wage system and hourly rates (resulting in Regulations and Orders made annually)
3. To adjust the provisions relating to unfair dismissal and retirement age on the introduction of protection against age discrimination (September 2016)
4. To amend the provisions for short fixed-term contracts and the two-thirds rule for protection against unfair dismissal (December 2015)
5. To introduce compensation awards in respect of written terms of employment, pay slips and rest days (December 2015)
6. To introduce employment protection for armed forces reservists (February 2014)
7. To provide that dismissal on grounds of discrimination is automatically unfair and to extend the remit of the Employment Tribunal to include claims under the Discrimination Law (September 2013)
8. To review codes of practice made under the Law, including disciplinary and grievance procedures and uninterrupted rest days (July 2013)
9. To consider increasing the qualifying period for protection against unfair dismissal (June 2013)
10. To introduce the right to representation in disciplinary and grievance hearings (March 2013)
11. Review of the decisions of the Employment Tribunal (April 2013)
12. To investigate the award of Tribunal costs and vexatious claims (December 2010)
13. To review the provisions for triggering collective redundancy rights (September 2010)

14. To consider the operation of the Law in relation to therapeutic work (May 2009)
15. To introduce the first stage of family friendly employment rights (June 2008)
16. To review the powers of the Employment Tribunal in unfair dismissal awards (June 2008)
17. To consider introducing protection in redundancy and business transfer situations (June 2006)

The Employment Law is currently working well, providing employees with fundamental employment protections, in conjunction with free advice and guidance provided by the Jersey Advisory and Conciliation Service, as well as enforcement via the Jersey Employment and Discrimination Tribunal and the Social Security enforcement team. The Minister is not aware of any evidence to indicate that a full-scale review of the Employment Law might be required at this time.

3. Oral Questions

3.1 Deputy J.M. Maçon of St. Saviour of the Chief Minister regarding the investigation of actions of civil servants involved in the Jersey Innovation Fund: [OQ.46/2018]

Further to the response of Written Question 104/2017 will the Chief Minister update Members on what has happened with the investigation of actions of civil servants involved with the Jersey Innovation Fund, and will he explain whether any of the report of this investigation will be published and if not, why not?

Senator I.J. Gorst (The Chief Minister):

I ask Senator Green, the chairman of the States Employment Board, to answer this, thank you.

Senator A.K.F. Green (Chairman, States Employment Board - rapporteur)

The investigation was concluded and, as a result of its findings, appropriate action was taken in line with the States of Jersey disciplinary procedures and policies, including the code of conduct. It would obviously not be appropriate for me to publish the report or to disclose the outcome of proceedings concerning any officers as this would constitute a breach of personal data.

3.1.1 Deputy J.M. Maçon:

But there is a point that the public and the Members have the right to know about if any changes were instituted, any reporting lines were changed, if there was a management change. That is something that the public and the Members of this Assembly should be made aware of. So why can the Minister not pass on key findings of that report and publish those types of things? I do not know understand why all the document needs to be kept secret.

Senator A.K.F. Green:

I answered the question that was asked and that was regarding the disciplinary action of staff. But I am pleased to say that procedures were changed as a result of the enquiries and also the Comptroller and Auditor General's report. Also that P.1 is partly as a result of those changes in the way that we handle things. But Members might be pleased to hear a bit of good news. The Innovation Fund has substantially improved and, in fact, some loans have been completely repaid now and there is a write-back rather than write-off of £1.6 million. The loss will be substantially lower than was anticipated in that scheme.

3.1.2 Deputy J.M. Maçon:

But within that, if my question was misguided then, perhaps I should ask: will the key findings of the report be made so that we can hold the department and Ministers to account for any of these changes, such as holding them to account for introducing and adopting recommendations made by the Comptroller and Auditor General in this subject? We cannot do that if we do not have the documentation.

Senator A.K.F. Green:

I know the Deputy means well with this. There was a very clear report from the Comptroller and Auditor General, which is in the public domain, and that was about process. The report on whether it is appropriate or not to take disciplinary action against individuals is not appropriate to be in the public process. So there were changes to process as a result of the work that came back from the Comptroller and Auditor General, and it has, as I said before, resulted in some of the changes made in P.1.

3.1.3 Deputy A.D. Lewis of St. Helier:

I just wondered if the Deputy Chief Minister was able to advise the Assembly whether the £2 million that was left in the Innovation Fund is going to be reallocated and used for innovation or not?

[15:00]

Senator A.K.F. Green:

£2 million plus £1.6 is still sitting in the Innovation Fund.

3.1.4 Deputy A.D. Lewis:

Will it be reactivated and will lessons be learned from the past and will it be revitalised?

Senator A.K.F. Green:

I believe there was a States decision that that should be frozen for the time being, but it sits in the fund at the moment. The only activity is recovering the money from people that have been lent the money.

3.1.5 Deputy R. Labey of St. Helier:

What failings were identified by the report with the administration of the fund? Without any names, do the public not deserve to be made aware of that?

Senator A.K.F. Green:

The public are fully aware, if they were interested enough to want to be made aware by reading the Comptroller and Auditor General's report. That was about the process and any difficulties that the Comptroller and Auditor General saw. The question that I was asked was about the disciplining of staff. It is just not appropriate to name names or discuss staff and what action, if any, or not, was taken against the individuals. It is very clear, to answer the Deputy's question, what needed to be done in the Comptroller and Auditor General's report.

3.1.6 Deputy T.A. Vallois of St. John:

If the Deputy Chief Minister is absolutely clear that things have been dealt with regarding the Innovation Fund and there is still money that is sitting there that needs to be used for innovation, what confidence can he give the public to ensure that in future that governance is up to scratch and that although things may not be perfect, that they can have trust that money that is being used by the public is being used appropriately?

Senator A.K.F. Green:

This is moving completely away from the original question. I stand here as chair of the States Employment Board. If people really want to discuss the Innovation Fund and the way going forward then I would defer to the Chief Minister in questions without notice. Officers were found to have made errors of judgment. Appropriate action was taken against those officers and the Comptroller and Auditor General also found us wanting in some of the political process. All that is in the public domain. It was agreed or the States asked that the fund be frozen, if I remember correctly, because I was not briefed on the fund, I was prepared for the question on disciplinary action. As I remember correctly, that fund was frozen until a new process was put in place. It is substantially improved.

Loans have been repaid. The write-back... in other words we are not writing off £2.2 million, we are writing back £1.6 million into the fund. It is a good news story but if Members want to discuss the fund then I suggest they ask the appropriate Minister.

The Deputy of St. John:

With all due respect to the Deputy Chief Minister, this question was put to the Chief Minister and it was the Chief Minister's choice to give it to the Deputy Chief Minister and it is about the Jersey Innovation Fund.

The Bailiff:

I was thinking that the difficulty with what has happened so far is that the word "disciplinary" has been inserted before "investigation" in the question, by nature of the passage of the question to the Deputy Chief Minister because the question, as first put, is in relation to the investigation of actions of civil servants, which goes ... it may or may not go to disciplinary questions but has been converted into a disciplinary question, which may not have been what the questioner intended. I think that is the difficulty because we now have the wrong person answering questions. I am not sure there is any way out of it at this stage, frankly and probably it is a matter for Deputy Maçon to bring back at the next meeting to the Chief Minister.

Deputy J.M. Maçon:

We have Chief Minister questions without notice later.

The Bailiff:

Or put it to the Chief Minister questions without notice later. Are there any other questions on something which the Deputy Chief Minister, as chair of the States Employment Board, can answer?

3.1.7 Deputy A.D. Lewis:

One of the observations that the Comptroller and Auditor General made in her report was that there was a matter of under-resourcing in the department relevant in terms of staff to get on and administer this fund. Can the Deputy Chief Minister give some assurances that if this was to happen again that it would be adequately resourced so that these errors, if they are errors, would not occur again because it was properly resourced and properly managed with the appropriate people administering, managing and running the fund?

Senator A.K.F. Green:

The Deputy makes a really good point and it is not just that area that is under-resourced in getting Government work done or States Assembly work done. That is why I support P.1. That is about the political process as well. But I support P.1, but also why I am delighted that we have a new chief executive of the States who has put forward, and States Members have seen, his new structure, if you like, for want of a better term, which will ensure that appropriate resources are going into the right areas to ensure not only do we get done what the States have asked to be done but we have appropriate governance wrapped around that as well. So I am confident that that is on its way.

3.1.8 Senator P.F.C. Ozouf:

The C. and A.G. (Comptroller and Auditor General) was indeed very critical of the fund and of the actions of officials. I took responsibility for the fund because, like pass the parcel, I was holding the responsibility for it. If I would have used the word *responsabilité* in French I would have said I was liable, responsible and answering to the Assembly but "responsibility" in the English Westminster system does not mean liability. Liability was with the officials and does he think that the changes that he cited in P.1 is going to deal with that and will he be advancing the arguments in P.1 that if we

do not adopt P.1 we are going to see a similar failure in governance as we saw previously, which is a failure of officials not political, even though politicians should be responsible?

Senator A.K.F. Green:

I agree with what the Senator has said but also I think P.1 also makes it much clearer for the Chief Minister to be able to make changes in structure if the Assembly accepts it, so you do not end up with it being unclear. As I remember the C. and A.G.'s report, it was quite unclear at times who was politically responsible for oversight as well. I do accept what the Senator is saying around the officials but it is also political as well. That is why I support P.1.

3.1.9 Deputy R. Labey:

Would it be fair to say that an officer of too junior a rank was given too much responsibility in regards to the administration of the Innovation Fund and that responsibility should have been carried by somebody further up the chain? Can we be sure that that junior officer has not been unfairly disciplined?

Senator A.K.F. Green:

I agree with the question the Deputy asked: was somebody of a too junior nature responsible? Yes, possibly so. They have not been treated unfairly, I can assure the Deputy of that. But also the chief officers did not report to the Minister responsible for the fund because of all the changes that needed to be done. That is why P.1 is so important going forward.

3.1.10 Deputy J.M. Maçon:

In the last part of my question it clearly asks about the report that looked into this investigation. I am not interested in the disciplinary matters over junior civil servants but I am interested in management structures, I am interested in reporting lines, and I think the public are because clearly, during this process, there were problems there. Unless we have a transparent way in which to understand what has gone wrong, then how can we possibly know that actions that the Minister is talking about have been implemented and therefore we can hold the Government to account on these types of things. So I ask again, will the Minister go back, look at that report that was conducted and if any information, such as the key findings, *et cetera*, can be made public, will he publish that information? If not, why not?

Senator A.K.F. Green:

I am slightly lost on this because very clearly the question was about the disciplinary action of staff. It may not have been intended that it should be but you cannot read it any other way. The Comptroller and Auditor General published their comments, which have been accepted by the Chief Minister. I do not think I can help the Deputy any more. Maybe it is something P.A.C. (Public Accounts Committee) could help with.

3.2 Deputy J.A. Martin of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the agreement in respect of the swimming pool on the Waterfront; [OQ.47/2018]

Will the Minister advise whether the agreement with Serco in respect of the swimming pool on the Waterfront comes to an end in 2022; will he further advise whether discussions to negotiate a new deal have started and, if so, who is leading those negotiations and, if they have not started, will the Minister explain why not?

Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):

With Deputy Martin's kind consent, the Assistant Minister with responsibility for sport will take the question.

Connétable S.W. Pallett of St. Brelade (Assistant Minister for Economic Development, Tourism, Sport and Culture):

I thank Deputy Martin both for the oral question and the written question. A 20-year agreement with Serco was signed by the Waterfront Enterprise Board in August 2001. It came into force when the pool opened in 2003, so this means the lease and Serco contract both expire in July 2023. Discussions regarding a new contract will begin as part of a review meeting scheduled for 2018. It was due this month but it was called off because of the snow. Our department, Economic Development, Tourism, Sport and Culture, will be leading on negotiations for the States of Jersey.

3.2.1 Deputy J.A. Martin:

I brought this to the attention of the Minister because I see a lease coming to an end and it made me go cold thinking about the fuel farm and how we were informed retrospectively. I thank the Assistant Minister for his reply but can he understand that with the change in maybe political things and who is leading this, can he assure this Assembly that we will not get another retrospective or we left it too late, nobody was dealing with it, and we have had to sign because this is our only option coming up in a few years' time?

The Connétable of St. Brelade:

I can absolutely assure the Deputy that it will be Economic Development, Tourism, Sport and Culture that will be leading on this. We are currently carrying out a review of all sport facilities in the Island, which I think is vitally important, not just for the next few years but for the next 15 to 20 years. As part of that we will have to look at pool provision, I think, Island-wide and make some decisions fairly early about the future of AquaSplash and whether it remains in private or public use. But I can assure you that it will not be left to the last minute. As I say, negotiations will start this month based on a review the department have done over recent months.

3.2.2 Deputy K.C. Lewis of St. Saviour:

Can the Assistant Minister state the level of subsidies paid to Serco annually and whether it is his plan to pay subsidies into the future in the next agreement?

The Connétable of St. Brelade:

That will very much depend on what the agreements are in future and whether, I say, it stays in private or public use. But the subsidies are clearly set out within the answer we have supplied to Deputy Martin. They started off, I will go back to 2005 when it first opened, the States subsidy was £218,000 with a developer subsidy of £87,000. As of last year, the subsidy was £291,000, which was agreed in the heads of terms, which were renegotiated in 2015, with a developer subsidy of £136,000. So if you add the 2 up in 2017 it comes to about £425,000 per year.

3.2.3 Deputy J.A. Martin:

Can the Minister inform me, I know he said this is part of a bigger piece of work looking at the facilities we need for swimming pools, but can he absolutely assure me there is nothing nowhere to say the States are obligated to this company from 2023 onwards? Nowhere.

The Connétable of St. Brelade:

Absolutely not. The contract expires in 2023 and I think it is an absolute duty of the department and the States to ensure they get best value for money for the site. I think we do need to assess whether it will form part of our public pool provision or whether it stays in private use. But that is a decision that I think we need to look very closely at. We have pools that are currently getting to the end of

their working life but we do need to have, I think, a review of what we are going to need and what capacity we are going to need in the Island over the next 15 to 20 years and how AquaSplash fits into that provision.

3.3 Deputy R.J. Renouf of St. Ouen of the Chairman of the Comité des Connétables regarding people's registration as organ donors when completing a driving licence application: [OQ.53/2018]

What has been the outcome of the decision of the Comité des Connétables to invite people to register as organ donors when completing a driving licence application?

Connétable L. Norman of St. Clement (Chairman, Comité des Connétables):

The invitation to register as organ donors when completing a driving licence application has been well received by the public but the outcome has been less than satisfactory. The National Health Service Blood Transfusion and Transplant Service have undergone a significant I.C.T. (information and communications technology) transformation and the resource required to support new access partners for the organ donor register has not been available. This has, to date, prevented the transfer of data to the N.H.S. (National Health Service) but we expect this will be achieved in the next couple of months.

3.3.1 The Deputy of St. Ouen:

Have the Parishes contacted those 14,720 persons who have made their wishes known and made the explanation? If it is not possible, at the end of the day, to record those names on the register will the Parishes write again to inform those persons and to point them to the N.H.S. application website?

[15:15]

The Connétable of St. Clement:

With hindsight, of course the Parishes should have contacted those people before now but in mitigation of course we kept getting assurances that this was going to happen in a relatively short timescale, and we know as well as we can that it is going to be transferred within the next 2 to 3 months. If for any reason that fails, yes, I would undertake that we would make sure that everybody is contacted.

3.3.2 Deputy K.C. Lewis:

I have also been communicated with by parishioners regarding organ donation and what the delay was in transferring the data. A lot of people have said they have spoken to their next of kin, as have I - I have got an organ donation card. I spoke to my next of kin. But I did mine direct with the N.H.S. so if anybody has a problem they can go on the website, which is organdonation.nhs.uk, and do it directly, if there is any delay. But if the chairman of the Comité has any problem with that, maybe that is the way to go.

The Connétable of St. Clement:

No, there is no problem with that. Certainly, as the Deputy has said, many of those who completed the form - the driving licence application form - would have discussed this with their families and that is the very important thing. That is the way the National Health Service wish us now, or our Islanders, to come on to the donor list is by going through the N.H.S. Blood Transfusion and Transplant website.

3.3.3 The Deputy of St. Ouen:

Can the chairman say what will happen to the forms, which have that piece on the forms that invite people to register their organ donation wishes, particularly as I understand many driving licences are

coming to the end of their 10-year validity and there will be a need for many people to renew their licences soon. Are they going to fall into the same trap? Are we adopting the same procedure? Will organ donation feature on the form?

The Connétable of St. Clement:

It will not feature in the way it has done. There might be a note on there to redirect, or to advise people who wish to, directly to the website that Deputy Kevin Lewis was referring to. But, no, we will have to change the form because the system will change, and as soon as they have been approved by the Minister for Infrastructure, which they have to be by law, the current ones will be withdrawn and new ones will be used, and certainly well in time for what we call the bulk renewal of driving licences, yes.

3.4 Deputy S.Y. Mézec of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding plans to re-launch the Jersey Aircraft Registry: [OQ.55/2018]

Will the Minister update Members on the plans to relaunch the Jersey Aircraft Registry, including details on timeframe and budget?

Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):

I wonder if Deputy Mézec would allow Deputy Norton to take this question, as he has been leading on this.

Deputy M.J. Norton of St. Brelade (Assistant Minister for Economic Development, Tourism, Sport and Culture - rapporteur):

As Members will know, my department has spent a number of months trying to determine whether a different business model can yield the benefits to Jersey outlined when the legislation to establish the Jersey Aircraft Registry was established by the previous Assembly. I am pleased to be able to inform Members that this work has now been completed and that we have concluded that a new business model can, once fully implemented, add to Jersey's offering as an international business and finance centre of excellence. Now in order to maximise the opportunity presented by the registry the Minister has written to Ports of Jersey outlining our wish for them to assume oversight of the operations of the registry. Similar to that, that they successfully have, with the ship's registry. Other than officer time in necessary legislative development the remaining cost to the department will consist of the non-recoverable charges of those services of a registrar. I hope this can be concluded during the remainder of March and April. This will allow the programme of legislation development to be agreed over the summer and the Jersey Aircraft Registry relaunched, we estimate, in the middle of 2018.

3.4.1 Deputy S.Y. Mézec:

The reason I have asked this question was simply after reading the transcript from the recent quarterly public hearing with the Scrutiny Panel about this, and what I wanted to try to find out is: what really is the detail behind this new scheme and how can we be assured that it will be successful where the current one has not been successful? What is the offering that it will be making that will make it more likely to succeed? Do we have any detail about this at the moment?

Deputy M.J. Norton:

The detail that we have is that we are relying on the expertise and the knowledge and the natural home for an aircraft registry, in my opinion, which of course is Ports of Jersey, as I have already outlined. All I can say is that we need to widen the scope of our services that the Jersey Aircraft Registry can offer the market. This is why further developments to our suite of legislation will be

necessary. The business model will be approved by the Minister for Economic Development, Tourism, Sport and Culture and, of course, Ports of Jersey, who will be handling it.

3.4.2 Senator P.F.C. Ozouf:

It is good to hear that the Assistant Minister is now working to find a realistic solution to the aircraft registry. Would the Minister confirm that the department, in discussions with Ports of Jersey, is now no longer proposing to sell the aircraft registry to a French company? Would he agree that moving ahead, would it not be better in discussions with Ports of Jersey, to focus around potentially creating the airport as a special trade zone, whereby a real focus on export services could be really a boost to the Jersey economy without depleting local revenues?

Deputy M.J. Norton:

I thank the Senator. I do not know where he gets his information from but there has never been a plan to sell the aircraft registry to any nation, let alone be it a French company. There has never been that plan, so where he gets his information from I am slightly at a loss to comment any further on. What I can say is that Ports of Jersey, and ourselves, have been working, and I know you are happy that I have started working on this. I have been working on it for 18 months. We have now got to a conclusion that there is a new model and a new way forward and that new way forward will have benefits for Ports of Jersey, that is why it is going there. That will include hangarage. That will include aircraft operators and many other areas, as well of course our financial services, which will benefit the most from this.

3.4.3 Senator P.F.C. Ozouf:

Sorry, my question also included that a special trade zone that has been so successful with the aircraft registries in Switzerland and other places such as that.

Deputy M.J. Norton:

Yes, anything such as that, of course, may well involve question marks over G.S.T. (goods and services tax). There are 2 parts to G.S.T. The first part to G.S.T. with regard to aircraft registries is that Jersey's aircraft registry, in order to compete, must be on a level playing field and have exactly the same international standards of taxation that other aircraft registries enjoy that we do not. Secondly, there is then a question about G.S.T. on privately owned aircraft within Jersey, and that is something that would come back to this Assembly for.

3.4.4 Deputy S.M. Brée of St. Clement:

My recollection of events is that in 2014 the States Assembly approved the establishment of an aircraft registry. The aircraft registry itself was launched in 2015. As I understand it, it currently has, and I am sure the Assistant Minister will correct me, one aircraft on it. Could the Assistant Minister confirm how much money has been spent on the Jersey Aircraft Registry to date?

Deputy M.J. Norton:

I thank the Deputy for his question. He is absolutely right with his dates and, yes, that is the case in terms of it did start when approved by this Assembly in July 2014. In terms of money that has been spent to date - it is the same question the Deputy asked the last time this question was raised - it is exactly the same amount that has been spent since the last time he asked this question. In fact, just under £900,000 has been spent on the establishment and operation of the Jersey Aircraft Registry. Part of that, between a third and a half - I think it is nearly £400,000 of that - has been on the development of online registered software. That was developed by Jersey Finance. That registry software was not only for the aircraft registry but was in fact for software registries that are now in use, such as beneficial ownership. There are many others as well. That software is not just for aircraft registry and some of those funds, of course, have gone on to other things as well. In answer to the

question, just under £900,000 has been spent, and he is absolutely right with his figures and everything else.

3.4.5 Deputy S.M. Brée:

I was wondering whether or not the Assistant Minister could confirm how many aircraft are currently registered. He did not quite confirm that point.

Deputy M.J. Norton:

I am sure I did say that he was absolutely correct in his assumption that we currently have, and aircraft registries do change; we had one, 2 and 3 and then 2, and we are back to one at the moment because aircraft move on and off registries. But we do in fact have one aircraft on that registry, which is why we are relaunching with a new business model for exactly that reason.

3.4.6 Senator P.F.C. Ozouf:

I offer no criticism whatsoever to the Assistant Minister but just as the question that Deputy Mézec... because he has inherited effectively something that was completely unsustainable. Just as the question that Deputy Maçon asked about disciplinary actions and the C. and A.G.'s report into the failure of officers in relation to the Innovation Fund, surely a failure and a scale of lost opportunity in building a Jersey Aircraft Register of this magnitude with one aircraft, surely would he not confirm that he has asked, or he will be asking, for a review into the performance of the failure of officials who advised the Minister originally to undertake this, because it is a serious matter that Jersey is effectively an international laughing stock with an aircraft register of one aircraft, when other jurisdictions have got literally hundreds and are doing very well out of it?

Deputy M.J. Norton:

Of course the Senator is absolutely right. It has been pretty much - and no one can put it in any other way - been a failure of an aircraft registry, which is why, after one year of it being in operation, I stopped it being in operation so we could look for a new business model. Now the question asks, just to refer to the question, the question does refer to update plans on the relaunch of the aircraft registry and the timeframe and the budget, which I think I have answered. If you want me to go back over to 2014, 2015, 2016 and 2017 we can do so. But they are not really related to the question going forward of the aircraft registry. What I can say is that at the time there were, with good intention, an aircraft registry was brought about. It was unfortunate that there was a breakdown in negotiations before my time in this Assembly, between Guernsey and Jersey, who were going to launch a Channel Islands registry. Guernsey went off and launched the Channel Islands registry on their own. How very clever of them. We ended up launching our own aircraft registry and did we miss the plane, did we miss the flight? Possibly we did. We were going after a market with no differentiation between us and everybody else, and they were already well ahead of us. What we need to do is look ahead. What we need to do and what we have done is have what we believe is a very, very good business model. We have taken some very, very good advice from around the globe and we are very excited about what we see over the next 5 years. Aircraft registries, and I must make this to all Members, are never judged over one, 2, 5 years. An aircraft registry runs for 30 to 40 years and most agreements, for most of the successful aircraft registries, run over 30 or 40 years. That is what they are based on and they are not based on the income of fees. They are based on the secondary benefits to a finance centre. We have an excellent finance centre. We have an excellent offering. I am sure, in time, we will have an excellent aircraft registry.

3.4.7 Deputy S.Y. Mézec:

I welcome the comments from the Assistant Minister and, like every Member of this Assembly, I obviously want my constituents to get the best value for money out of this. It is clear that that has not happened up until this point. Just what worries me right now is the lack of detail about what this

new relaunched aircraft registry will look like and how will it be different from the one that proceeded it. Is it going to be different just in terms of its management or will it be different in terms of the service that it offers. If it is going to be different in terms of the service it offers could we have more information about what it will look like so that we can have guarantees that it will not simply be a repeat of what happened previously and that it will not be able to differentiate itself from other aircraft registries?

Deputy M.J. Norton:

I thank the Deputy and I understand why he is asking that question. I would be only too delighted to tell you exactly what we are going to do so that we can let the Isle of Man and Guernsey and the Cayman Islands and every other aircraft registry know exactly what we are doing. We have spoken globally to aircraft manufacturers and we have spoken globally to registrars from around the world. We have spoken to Ports of Jersey who are managing a very successful shipping registry. In the last 2 years 1,900 transactions and 287 new registered vessels in a shipping registry. They are very good at doing it. Let us be very clear, civil servants are not particularly good at running an aircraft registry. We believe Ports of Jersey will be. They will be engaging the right experts to ensure that this Island benefits from an aircraft registry.

[15:30]

3.5 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding formal consultation undertaken with staff in relation to whether the new hospital should be built on The Parade site: [OQ.57/2018]

Will the Minister advise what formal consultation, if any, he undertook with the staff of the General Hospital and Overdale as to whether the new hospital should be built on the existing Parade site; and if such consultation was undertaken, will he also inform Members of the results?

Senator A.K.F. Green (The Minister for Health and Social Services):

To be clear, the States Assembly determined the location for the new hospital in December 2016, that was P.110 of that year. Since then there has been ongoing engagement with staff on the design and the development of the proposal on the new location or the current location approved by the States Assembly. While no formal consultation has been undertaken with the staff of the General Hospital and Overdale as to whether to build on the existing location, the project team has met clinical teams affected by the proposal a total of 165 times. That is not 165 individuals. That is 165 team meetings in the period July 2016 to 2018. This engagement will continue. It is ongoing as we develop the design and we increase the levels of detail. This, I believe, is key to delivering the very best hospital on the preferred location.

3.5.1 Deputy M.R. Higgins:

I am surprised by the Minister saying they did not consult with the staff on the hospital, after all they are going to be working in this for the next 20 years or more than that. I just wondered if the Minister would be surprised that every member of staff that I have spoken to at the General Hospital, and it is a number, all think it is the wrong site and also believe that they should have been consulted on it. What does the Minister say to that?

Senator A.K.F. Green:

Two questions there. First of all, the Deputy started by saying he was surprised that the staff had not been consulted with on the design of the new hospital. They are being designed on the new hospital. They are the only ...

The Bailiff:

No, Minister, the question is on the location of the new hospital, not the design of it.

Senator A.K.F. Green:

I agree with that but the Deputy started on the design in the first part of his supplementary question. He then went on to the location. The location was a matter for this Assembly. The location was a matter for the project team, which included some senior clinicians. What we need to do is to make sure we build the right hospital on the right site at the right price. So staff are involved. The Deputy may well have spoken to people who do not agree with it being there. I speak to senior clinicians regularly and it is a shame that the Deputy did not attend the briefing where the clinicians were present to be able to give their view to States Members. Officers and clinicians and staff are involved but it is not a formal consultation on the location now. That has been set. That was set a long time ago. It is about what the design of the hospital will look like.

3.5.2 Senator P.F.C. Ozouf:

I wonder whether the Minister could just confirm where the current mental health facilities that are being proposed, that underline this question, are currently from? In other words, where are they taken from and where are they going to?

Senator A.K.F. Green:

Sorry, I thought the question was about the location of the General Hospital.

The Bailiff:

It is, I do not think it is about mental health at all.

Senator P.F.C. Ozouf:

I will withdraw it.

3.5.3 The Connétable of St. Clement:

I wonder if the Minister could tell us how long the hospital has been on its current site and during that time, how many complaints have there been that it is in the wrong location?

Senator A.K.F. Green:

Something like 200 years, off the top of my head. I personally have had no complaints about it being in the wrong location. But I regularly get complaints that people have difficulty accessing the hospital because they have to come out the car park and walk right round the building. Part of the design is to put that right.

3.5.4 Deputy M.R. Higgins:

Can the Minister tell us, of the 176 meetings he had with clinicians, how many clinicians is he talking about? Are we talking about meetings with the same 4 individuals or 5 individuals or what? Will he also undertake to consult more widely with the people at the chalk face?

Senator A.K.F. Green:

The staff at the hospital are no different to the rest of the public. There will be the majority with the view that the hospital should stay where it is and there will be others that have different views across the various sites. Of the 160 or so meetings that took place it was not the same clinicians. There are some lead clinicians. The senior directors of the different disciplines. But they are involving numerous members of staff in their consultations. I have attended numerous myself. I do not attend the consultations, that is for officers to do, but I have attended numerous staff briefings where all levels of staff can come in and answering questions. Yes, there are some that still feel - the Deputy knows this - it should be on the People's Park. That boat sailed a long time ago. We have got a really good site. A site selected by this Assembly. A site that the Planning Inspector said is the right

location. The location that the Minister for the Environment has said is the right location. What we need to do now is get on and deliver the hospital, like the public tell us they need.

The Bailiff:

Deputy Labey, did I overlook you with that final supplementary? Did you have a question?

Deputy R. Labey:

I did, but it might have been ruled out because I was going to ask why the mental health facility was not considered in the new hospital.

The Bailiff:

It would have been ruled out.

3.6 Senator S.C. Ferguson of the Minister for Treasury and Resources regarding the appropriateness of Search and Rescue services being provided for commercial purposes outside the sea areas for which they were intended to be available: [OQ.49/2018]

Further to the response to Written Question 1/2018, will the Minister, as shareholder representative, advise what assessment, if any, Ports of Jersey have undertaken of the appropriateness of Search and Rescue services being provided for commercial purposes outside the sea area for which they are intended to be available?

Senator A.J.H. Maclean (The Minister for Treasury and Resources):

The simple answer to the question is none. This is because I am informed there are no search and rescue services provided for commercial purposes.

3.6.1 Senator S.C. Ferguson:

Is Ports not aware that the States tug was custom-designed to provide equipment and power for salvage, life-saving, fire at sea and in the harbour - for instance, the fuel farm - pushing and shunting ships into their berths in cross-winds, and oil spillage - it has internal tanks for this - is Ports not aware of all this when they sent the tug to the west coast of Scotland to put down buoys in a contract with the R.N.L.I. (Royal National Lifeboat Institution)?

Senator A.J.H. Maclean:

Of course Ports are very familiar with the capabilities of the Duke of Normandy, the States tug. I might add, so is the good Senator because I know she attended upon the Ports and spoke to the Harbourmaster at some length about the search and rescue capabilities of the assets available. But quite simply, search and rescue capabilities number around about 70. Jersey Coastguard has the job and the role of coordinating those assets. Some are dedicated assets, not the one in particular that the Senator has referred to, and others can be called upon as and when required. As far as generating revenues are concerned, the Duke of Normandy does undertake commercial work, not as I have already said, in the search and rescue area but it does undertake some commercial work in other locations after it has been risk assessed to see if it is needed on the station at a particular point in time. That is absolutely appropriate to offset some of the £800,000 or so running costs that are incurred by the Duke of Normandy each year.

3.6.2 Senator S.C. Ferguson:

I am informed by the fire service that the tug was custom-designed and if we have a fire at sea or if the fuel farm goes up, what use is the tug to us if it is up on the west coast of Scotland putting buoys down for the R.N.L.I.? Can we have an assurance that a vital part of our search and rescue service will not in future be spending extended periods of time in the Hebrides on charter to the R.N.L.I.?

Senator A.J.H. Maclean:

It does strike me that the Senator does not appear to like the R.N.L.I. I would suggest that, as I have already stated, there are something like 70 assets available for search and rescue capabilities around the Jersey territorial waters and that is absolutely appropriate. It is right that the professionals, so Jersey Coastguard, who is the coordinator, takes into consideration those assets that are required and considers when one of them is requested to do some commercial work elsewhere, wherever that may be, whether it is appropriate and safe for it to do so. That is exactly what happens. I am content that the professionals are running this service very appropriately.

3.6.3 Senator S.C. Ferguson:

That was a cheap jibe and I will protest about it because we only have one tug and if there is a fire at sea then lives are going to be lost. If we had had the tug in the Outer Hebrides or the Inner Hebrides, I am not sure which they are, when the Channiland went down we would have had a significant loss of life, and to make such jibes is cheap.

Senator A.J.H. Maclean:

There is nothing cheap about the comments I made. Quite simply, it is an assessment by professionals that the necessary capabilities are available. It is risk-assessed, as I have pointed out. There are other assets, up to 70 in total, including in neighbouring jurisdictions, whether that be Guernsey, the United Kingdom, France, and those who coordinate search and rescue capabilities take into consideration all the factors to ensure that safety is of paramount importance and does not put anybody at risk. That is appropriate.

3.7 Connétable A.S. Crowcroft of St. Helier of the Minister for the Environment regarding the feasibility of improved public access to the reclaimed land at La Collette: [OQ.54/2018]

What progress, if any, has the Minister made in examining the feasibility of improved public access to the reclaimed land at La Collette, as agreed in the Island Plan?

Deputy S.G. Luce of St. Martin (The Minister for the Environment):

I believe the Connétable is probably referring to previous comments I have made on this subject and to the provisions and enhancement of the open space section within the Island Plan that he has just mentioned. That states that I will work with other stakeholders to achieve the maximum degree of public access that can be achieved without unacceptable risk. Members will know that La Collette is managed by D.f.I. (Department for Infrastructure) and that the site is an active waste site. Long term, it is envisaged to open up as much of this area for public access but in its current form the site does not easily lend itself to that public access. However, D.f.I. have planted temporary greenery on the waste cells and have landscaped and planted permanent vegetation on the finished area adjacent to the Energy from Waste plant. This planting improves the view of La Collette headland from its neighbours to the east. D.f.I. is still intent on allowing access, where it is possible, and public access as recently as only last week been opened from the footpath from Havre des Pas promenade to the southerly edge of the Energy from Waste site. It is envisaged that that path will be extended when the waste cells to the south are full, capped and landscaped.

3.7.1 The Connétable of St. Helier:

I am delighted to hear that there is some improved access, albeit only agreed a week ago. Certainly I was not aware of that. Perhaps it is a result of this question being asked, I do not know. But is the Minister aware that the agreement by his predecessor to work with stakeholders, to achieve the maximum degree of public access that can be achieved without public risk, was agreed by this

Assembly unanimously nearly 7 years ago? Does he not feel that this is awfully slow progress in a Parish which is taking such a lot of urban development; should this feasibility work have been done a little bit sooner?

The Deputy of St. Martin:

I do agree with that. In my time on the Scrutiny Panel, well over 3, 4 years ago now, I visited the site and it was then that I identified that there was fantastic opportunity on that east facing side of La Collette for public access. It is a great disappointment that we have not moved faster with this. But I can say to the Constable, as he will know, we had accumulated a very large amount of asbestos waste in containers, quite close to the eastern edge. It is only very recently that asbestos has finally been put in the safest place, which is underground in a damp environment where it cannot get into the atmosphere. Now that site is cleared and we are very much hopeful that we will be able to extend that footpath further. But I take the Constable's point on board and I very much hope, in the new session of the Assembly, that we will be able to progress that even faster.

3.7.2 Deputy J.A. Martin:

It is encouraging, like my Constable, to hear that these small pockets are being opened up down La Collette.

[15:45]

But is it not true, I would like to ask the Minister, that while we have the fuel farm down at La Collette, it is always going to be much more risky than there is about letting the public in. I have seen reports, so who is now telling the truth, or is the Minister sure that the fuel farm is not preventing a lot more access down there? If it is, can he just say it is please?

The Deputy of St. Martin:

If fuel farm was an issue, the footpath the D.f.I. opened last week would not have been opened; of that I am quite sure. I am sure Deputy Martin will be able to understand that footpath is sheltered, secured from the fuel farm by a very large amount of super-fill land, which is built up on that headland, and I am sure that is one of the reasons why this footpath can be extended further and still be safe. We know that the fuel farm in its current location at La Collette does preclude a lot of things happening in that area and I am sure, if the footpath is opened, it has only been done because it is safe for pedestrians to use it.

3.7.3 Deputy R. Labey:

Did La Collette reclamation site feature in the Minister's recent review of the Waterfront?

The Deputy of St. Martin:

My review of the Waterfront does not go down quite as far as La Collette site certainly. In expanding the Waterfront Masterplan and turning it into a document more akin to the North of Town Masterplan, making the edges a bit more fuzzy and expanding it into the ports area, we have included the Norman site, the new North Quay, La Folie, but we have not gone down as far as the Waterfront. That may be akin to more the work that is being done with the Havre des Pas area, I know that sits comfortably between the 2, but certainly it must not be forgotten, it is a fantastic asset, it is an asset that has cost us an awful lot of money to build and we must make sure that we make use of the La Collette area as best we can.

3.8 Deputy G.P. Southern of St. Helier of the Minister for Housing regarding the use of direct debit payment guarantees in the tenancy agreements of Andium Homes: [OQ.51/2018]

Is it the Minister's assessment that the use of direct debit payment guarantees that rents are paid, come what may; if so, will she use the powers granted to her over matters of policy to direct Andium Homes to change its tenancy agreements to allow weekly direct debit payments to be made, where appropriate, and if not why not?

Deputy A.E. Pryke of Trinity (The Minister for Housing):

My response to the Deputy's written question deals with this matter in full, but to reiterate I and Andium Homes are not aware of any problems regarding the requirement for tenants to make rental payments on a monthly basis. The requirement is not new, it existed under the former Housing Department, and it is also applied by the other housing trusts. This being said, if some tenants are experiencing problems with monthly rental payments and there would be an advantage for them to make weekly direct payments, then Andium Homes would of course work with a tenant to look at this option. I am confident that Andium Homes and the housing trusts adopt good tenancy management practices. Nonetheless, my officers will be writing to them to seek reassurance about rent payments and to make sure that no tenant is put at a disadvantage.

3.8.1 Deputy G.P. Southern:

Unfortunately it seems to me that the Minister has been woefully misadvised because, in one case in particular, where the persons do not have £1,000 in their bank account to pay the rent by direct debit monthly in advance, they have asked to pay weekly because that they can do and have been refused. So Andium Homes, I am afraid, does not have flexible or useful guidelines to operate with its tenants, but is refusing blank to bend the rule that it is paid by direct debit a month in advance, which may be £1,000 plus.

The Deputy of Trinity:

As I said, I was not aware of other issues, and if the Deputy wants to send me an email about it I will look into it.

3.8.2 Deputy G.P. Southern:

The Minister has said she will write to Andium Homes to request I think that they adopt suitable rules around rents. Will she use the powers that she has as Minister to direct Andium Homes to allow direct debits one week in advance instead?

The Deputy of Trinity:

I did say I would be writing to seek reassurance about rent payments and to make sure that no tenant is put at a disadvantage. Regarding writing to Andium and making a direction, I have no powers over Andium Homes, the only power is by the Minister for Treasury and Resources who can exercise his power as guarantee of the company. We had this discussion with the Social Housing Regulation.

3.8.3 Deputy G.P. Southern:

Final supplementary, if I may? It seems to me the Minister for Housing has said she has very little - no powers - to guide Andium Homes in terms of its policy for housing, what are often poorest, the poorest people and most vulnerable people in our society. What has happened then to social housing?

The Deputy of Trinity:

Social housing is good, we know that Andium and other housing trusts are doing good, but that was the whole emphasis of the importance of social housing regulations. I said at the time, and I say it now, I can write to Andium and I will happily take up the Deputy's case to look at that incident and take it from there.

3.9 Deputy J.M. Maçon of the Minister for Education regarding the hourly rate paid from the Nursery Education Fund: [OQ.48/2018]

Will the Minister explain why there has been no inflation-based uplift in the hourly rate paid from the Nursery Education Fund in the last 4 years; and will he further explain whether the lack of uplift in recent years is consistent with any agreement reached with private nurseries when the fund was established?

The Deputy of Trinity:

The other Assistant Minister is going to answer this question.

The Connétable of St. Brelade (The Assistant Minister for Education - rapporteur):

I thank the Deputy for the question, however, despite this being a query about nursery years and in a week we launch the new Children's Plan, unfortunately there is no mention at all of children. I am sure the Deputy would agree that children should be at the centre of all our conversations on these matters. In regards to the question, the hourly rate for the N.E.F. (Nursery Education Fund) has been £5.50 since September 2014, prior to which there were inflation increases. There has been no increase primarily because the N.E.F. has gone over-budget during this period and the Education Department has had to absorb the overspend. Since 2014 the department has been under pressure to make savings as part of the M.T.F.P. (Medium-Term Financial Plan), as have many other departments. The N.E.F. has been protected from these cuts, which have been made in other parts of the service. Just to be clear, there is no commitment in the N.E.F. agreement to raise the rate by inflation, although it was the broad intention when the scheme was originally launched.

3.9.1 Deputy J.M. Maçon:

Neither does the question talk about parents or families but I would like to think that they were vitally important in this debate as well, so just because something is omitted does not mean it is unimportant. In that case, can I ask, if the N.E.F. has been going over-budget and if we know that J.E.Y.A. (Jersey Early Years Association), for example, have made their concerns repeatedly to the Education Department, can the Assistant Minister explain what representations have been made to the Treasury Department in order to combat what are clearly overspends on quite a pushed budget?

The Connétable of St. Brelade:

It is clear that the department has had to absorb this cost within the department. We have had discussions with Treasury but that is not, I am afraid, where the money is going to come from; it has to come from within the department. As the Deputy may be aware, or may not be aware, not only has the budget been exceeded by around about £500,000 to £600,000 last year, if inflation had been added it would have added another £200,000 to that last year. So it is clearly becoming unsustainable and I think we do have to realise that there is a review taking place at the current time with the Early Years Childhood Partnership and I think until we finally have that review complete this is very much going to be a transition period until we can finally get that review complete and have a new N.E.F. or a new sustainable N.E.F. in place.

3.9.2 Connétable J. Gallichan of St. Mary:

Does the Minister realise that, because of the situation we find ourselves in now, when the education providers are not able to sign up to the draft partnership agreement for the administration of the N.E.F.? Does the Minister appreciate that long-term certainty is vital in this situation, not only for parents so they can look after their children's interests, but also of course for the business modelling of the providers themselves? We run the risk, if this is not addressed as a matter of urgency, of finding ourselves with perhaps a vacuum in early years childcare?

The Connétable of St. Brelade:

I could not agree with the Constable more, there is a need to have some certainty for parents and families, as the Deputy has said, but also for the providers themselves. As I said, I think this is very much a transition period, we are talking with providers, it is not too late, as has been suggested, to come to agreement for this year, but this is a very short period of time in which we need to find a sustainable long-term future. I would just ask the providers and parents just to be patient for a very short period while we can sort this out and have a long-term solution that I think everybody can sign up to and agree. Recommendations have been put forward within the report. They have not been fully agreed yet and it is still in a state of review, so I would just ask that just for this year we can work through this and I would ask the providers to work with us through this period until we can find a long-term solution that we can all sign up to.

3.9.3 The Connétable of St. Mary:

Of course I understand the Minister's predicament, as it were, but we put so much into improving services for our youngsters and those services have an increased cost, which we cannot expect all the providers to simply absorb.

The Connétable of St. Brelade:

For the department to find more money for the N.E.F. this particular year, irrespective of the long-term solution, it would undoubtedly mean that the department would have to make cuts somewhere else or lose services somewhere else. That is not something that any of us want to see. It gets back to the question of do we go back to Treasury for more money to find that? That is something we need to maybe discuss with Treasury, but it has been made clear to us that to date we have to absorb that within the department. The amount of overspend is quite large and I think would even be more if you added inflation to it, but it is clear from the message we are getting here today that we probably need to have a discussion again with Treasury. But to date it is something that the department has had to absorb.

3.9.4 Senator S.C. Ferguson:

I find this a little perplexing, given the fact the department has saved a considerable amount of money arising from the donation of upgraded and superior computers to all the primary schools and 500 new computers to Highlands, all donated free of charge, does the Minister not consider that it is a little strange that they are short of money for the Nursery Education Fund? Would he care to comment on that?

The Connétable of St. Brelade:

I cannot quite see what the Senator is suggesting is connected with Nursery Education Funding. There are pressures on all budgets and there are certainly pressures on the Education Department's budgets. Money is tight and we need to make sure it is spent in the best possible way. But clearly, if we are going to find any more money this year for Nursery Education Funding it has to come from somewhere, and I am afraid it is going to have to come from services where I do not want to see cuts and that includes things like the Youth Service, for example, who do a fantastic job in looking after young people. So I think there are difficult choices to make and again I get back to the point, this is a transitional period, we know it is not right and we certainly know it is not sustainable, but we need a short period to be able to find a way forward. Again, I would just ask the providers to work with us.

3.9.5 Senator S.C. Ferguson:

My point is that if you are getting given vital equipment for the primary schools and Highlands, you must have saved some money somewhere, because I understand that there was a proposal that they were going spend £1.5 million on new computers for one of the schools and, if they have had free

computers, then there is £1.5 million that is sitting in your back pocket? Would the Minister care to comment?

[16:00]

The Connétable of St. Brelade:

It is very difficult to comment on something I have no background information on. To my knowledge, I do not think that money is available. I do not know where that message has come from or where that information has come from, but I am happy to look into it. But I do not think the department saved that sort of money by having computers provided to it. I will ask the Minister and ask the officers for further information. I cannot do any more than that.

3.9.6 The Deputy of St. John:

I find the answers so far wholly unsatisfactory. There has been a review of early years, the report was done last year, and this came about from the Minister deciding at M.T.F.P. stage, without having any long-term vision for nursery education, that he would cut his budget to hand over to the Minister for Treasury and Resources. I would like the Assistant Minister to fight for the Nursery Education Funding at the Council of Ministers to determine that, even though the Social Security childcare component has been able to be uplifted, that this vital partnership that we hold with the private sector in caring for our children in nursery education should be maintained and supported going forward.

The Connétable of St. Brelade:

I do not think I ever said I would not fight for it. Anybody who knows the work I have done within Youth Service and other areas knows I am very passionate about young people and making sure they get the right start in life. But we need to get the right solution for this and I am afraid, as much as there was a review carried out, the conclusions of that review are not complete. Until they are and we have sat down with the providers to decide what the right future is and how funding should be met in future, as much as I will fight for it we need to work together and at the moment we are not in a position where I can say how that will pan out. But I have said we will talk to Treasury again but it is going to be difficult, all departments are struggling for funding, I know that the Deputy behind me is not going to be particularly happy with that answer, but that is all I can give her at present.

3.9.7 Deputy J.A.N. Le Fondré of St. Lawrence:

Yes, I am concerned on 2 accounts: one the Assistant Minister has said there was never any commitment to raise the N.E.F. by inflation when P.113/2008, which is the Council of Ministers' own amendment that brought this thing in, categorically states: "The Nursery Education fee would be increased in line with inflation." So how do we get this disconnect between what the States approved, what the Council of Ministers brought forward, and what his department have done? Second question is: can the Assistant Minister, because the impression I get is 5 years of no increases in N.E.F. at all, so therefore there might be ever so slightly an air of scepticism from the private sector, is there going to be any resolution? Can the Assistant Minister confirm here and now his full and unequivocal support for the existing relationship we have with the private sector providers? They feel they are being squeezed out by Government.

The Connétable of St. Brelade:

Yes, on the final point quite simply. I think on the first point I take his point. I have P.113/2008 with me and it clearly says in that that the Nursery Education fees will be increased in line with inflation. They were from 2009 to 2015. I was not at the department at the time, but at that time the decision was made that, due to the cuts that had to be made through the M.T.F.P., that the rise in inflation were not sustainable within the department. The decision was made then not to increase them. I am sure that the providers were not happy with that in 2015 as they are not happy with it now, but I

cannot do anything than to say, if we were to have increased it in line with inflation, it would have put even more pressure on the department than there currently is and undoubtedly services that we would not like to see cut would have been cut. I say that on top of the fact the department has done its very best to try to make savings in backroom staff where the public would not see the pressures on funding, but the fact is we are at a stage where the department cannot absorb any more raised revenue or any more extensive cost rises and anything we do now is going to mean services being put at risk.

3.9.8 Deputy J.M. Maçon:

Given that this Council of Ministers has put the care of early years right at the top of its agenda; that has been one of its main aims in its plans from the Strategic Review, the Assistant Minister has confirmed that there was an understanding that inflationary rates would go up, I think we can therefore understand how, despite the Assistant Minister calling for patience from the private providers, it is probably something that, after 4 years, is not something that is going to stick anymore. Therefore will the Assistant Minister take this issue to the Council of Ministers table, because if Education cannot fund it then funding needs to come from somewhere else and, given the undertaking from this Government to give that investment in early years, does the Assistant Minister not think it right that this issue needs to be referred back up the chain and resolved? If not, why not?

The Connétable of St. Brelade:

I will speak to my fellow Assistant Minister across the Chamber and we will endeavour to speak to the Treasury Department to see what is available. I cannot promise anything, as I have already said, the decision has been left with the department to resolve. Clearly, if we try to resolve it, it is going to mean putting pressures on services. All I can say is yes, we will consult with Treasury and see what we can do in regards to make the situation better for the providers.

3.10 Deputy G.P. Southern of the Chief Minister regarding the arrangements for payment of compensation arising from the finding of the Independent Jersey care Inquiry to victims of abuse: [OQ.52/2018]

Will the Chief Minister inform Members what arrangements, if any, exist for the payment to victims of abuse of compensation arising from the findings of the Independent Jersey Care Inquiry following the election in May of this year and, in particular, will he advise whether such payments will depend on the current post-holder being still Chief Minister?

Senator I.J. Gorst (The Chief Minister):

There will be no changes to the arrangements relating to the existing compensation scheme prior to May this year. In the event further late claims are received, Council will consider those claims as per previous arrangements. I have however commissioned a review of matters relating to alleged unlawful detention and solitary confinement and a review relating to alleged abuse suffered in foster care. Those reviews will not be finalised for consideration until the early summer.

3.10.1 Deputy G.P. Southern:

Is the Chief Minister aware that one of the legal advisers to victims is making the following statements, it is not verbatim, but to this effect: “Mr. Gorst is the one who has agreed to pay out compensation. If he is not elected you may not get compensation. What you need to do, you and your friends from Les Chenes and your family need to go out and vote for Mr. Gorst.” Does the Chief Minister find that sort of statement acceptable?

Senator I.J. Gorst:

I have had a telephone conversation with one Islander who reported to me a conversation along those lines. I did not have a verbatim report. We are about to enter an election. Members will make all sorts of arguments about why one should vote for one particular candidate above another, it is not an argument I personally would make, but if the Deputy has a concern perhaps he should take it up with the lawyer concerned.

3.10.2 Deputy G.P. Southern:

I certainly will and while I am speaking to him can I transmit the Chief Minister's regret that anyone, legal adviser or not, should be making those sorts of statements?

Senator I.J. Gorst:

Look at the evidence over the last 10 months. I have absolutely committed myself to delivering on the recommendations of the Care Inquiry. I think that making the changes that the Care Inquiry and other inquiries... the Comptroller and Auditor General has written report after report about changes to Government that need to take place. Clothier and that committee said changes needed to take place. This election is going to be about those individuals who are going to commit themselves to delivering those changes. As I said in my opening response, I have requested that this extra work is undertaken so that the next Council of Ministers can make decisions about future compensation schemes. If people are saying that is a reason they should vote for me then I support that reason.

3.10.3 Deputy G.P. Southern:

No, the statement was: "If you wish to see your compensation you will vote for Mr. Gorst." Does the Chief Minister not condemn that sort of statement from a legal adviser talking to victims of abuse?

Senator I.J. Gorst:

As I have said, I have had one conversation with a member of the public and that was not a verbatim report. Surely, if the Deputy is concerned, then he will take the matter up rightly with the lawyer involved to understand exactly the terms that were used.

3.10.4 Deputy M.R. Higgins:

The question I have for the Chief Minister is: can he explain if there are any delays in paying current compensation, let alone after May, because I am aware of one claimant who has had to wait a considerable period of time. What is the timescale for paying out on compensation claims? Just so the Chief Minister is clear, people have applied for compensation, they still have not got it after an inordinate delay. Is this Chief Minister aware of why there is a delay on paying these claims, which should be straightforward; it was another victim of Haut de la Garenne?

Senator I.J. Gorst:

Perhaps the Deputy is touching on an issue where it is not clear. The current scheme is as outlined to this Assembly and claims have been considered under it. I am not, from recollection, aware of such an outstanding claim that would meet the terms of the current scheme. Of course I am aware that there are claims, which I have commissioned a review of, that do not meet the terms of the current scheme. The Council of Ministers have previously given a commitment that they would consider foster claims after the Care Inquiry was published and there have been further claims, as I have said, relating to alleged unlawful detention and solitary confinement and it is a review of those claims that I have commissioned extra work on. That work will have to be considered by the next Council of Ministers.

3.10.5 Deputy G.P. Southern:

Can the Minister then assure this Assembly that, whatever the outcome of the election in May, these further cases, which are looking at unlawful confinement and other situations, will be paid by the Chief Minister come what may, whoever the Chief Minister is after May?

Senator I.J. Gorst:

Of course the Deputy knows, that why he is miffed about the conversation that the lawyer has had, that it will have to be a decision by the next Chief Minister and the next Council of Ministers and, if necessary, the next Assembly, if extra money has to be put aside. That work will be presented to the Chief Minister for onward consideration, as I say, by the Council of Ministers and, if necessary, the States Assembly, to allocate funding. So I cannot give a commitment about what the action of the next Chief Minister, the next Council of Ministers, or the next Assembly, will be. The Deputy absolutely knows that.

3.11 Deputy M.R. Higgins of the Minister for Home Affairs regarding the creation of an independent Police Complaints Authority: [OQ.58/2018]

Will the Minister agree to take the necessary steps that would see the Jersey Police Complaints Authority evolve into an independent police complaints authority, with its own investigating officers and which would not be reliant on the Professional Standards Department of the States of Jersey Police undertaking investigations?

Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):

As the Deputy is aware, work is currently being progressed to update the Police Complaints and Discipline (Jersey) Law 1999 and related legislation. A key objective of this work is to update Jersey's legislative framework to match current good practice in associated legislative frameworks elsewhere in the British Isles.

[16:15]

This will make the process clearer and easier to understand, thereby hopefully improving the service to the complainant. It is anticipated that the changes proposed will enhance the provisions around the use of external police forces to investigate complaints and enable the provision of the authority at appropriate legal investigatory or other expertise needed to fulfil its functions. I would remind Members however that even though the Independent Office for Police Conduct in the U.K. (United Kingdom) has such investigatory powers for use in most serious incidents, the majority of the complaints continue to be investigated by local forces and overseen by the I.O.P.C. (Independent Office for Police Conduct).

3.11.1 Deputy M.R. Higgins:

The question was, is she willing to evolve into an independent police complaints authority with their own investigating officers rather than professional standards? The Minister did not answer the question.

The Deputy of St. Peter:

I think I have answered the question by offering a comparison of what is good practice elsewhere and explaining that we are currently, as the Deputy is aware, working on provisions that will improve the service that the Police Complaints Authority, which is an independent body already, constituted of volunteers to whom we are very grateful, they give up their time to conduct what is an important role in terms of serving the public.

3.11.2 The Deputy of St. John:

Could the Minister advise whether she sees any current problems with the Complaints Authority and what improvements she sees that could be made to ensure that the public have trust in the role of the police going forward?

The Deputy of St. Peter:

Yes, I think really what we have done since the Constable of St. Lawrence and myself have been at Home Affairs is ask officers to look at what is good practice elsewhere in terms of accessibility to this process and making it simpler for a complainant to find the relevant forms and make their complaints and pass them on. There is currently oversight from an independent body, who we have, the J.P.C.A. (Jersey Police Complaints Authority), but there is always room for improvement and that is exactly what we are aiming to do.

3.11.3 Senator S.C. Ferguson:

But can the Minister say that it is totally satisfactory for the Police Complaints Authority to immediately refer a complaint to the Professional Standards Department, which is part of the police force? Then they give a result to the complaints authority who inform the public. The public I think thinks that the Police Complaints Authority is independent with its own investigations. I mean I have seen a reply to a complaint saying that there are no grounds for complaint signed by the person, the complainee I suppose you call them. Is the current system really satisfactory from the point of view of the complainant who would like an independent review?

The Deputy of St. Peter:

Every police force in the British Isles has a professional standards department, which deals with complaints. In Jersey their work is currently independently overseen by the Jersey Police Complaints Authority. So, irrespective of the future role or powers of the J.P.C.A., a constructive working relationship with the States of Jersey Police Professional Standards Department is always going to be important. The body of the J.P.C.A. are there to offer their oversight but the investigatory powers are there within the Professional Standards Department. So I refer back to my previous and initial answer, which referred to what happens in other places, how that works, and so the opportunity to go out to other investigatory bodies would be something that happens further down the line, depending on the severity of the complaint.

3.11.4 Senator S.C. Ferguson:

But can the Minister not see that, as far as the public are concerned, to find out that the complaint is being investigated not independently but within the police force, can she not understand that the public find this unsatisfactory and difficult to understand?

The Deputy of St. Peter:

I do understand the point that the Senator makes and I can only reiterate that it is a question of using the resource and the skills that we have in the appropriate places, and it is an acceptable practice in other places to use the skills that a professional standards department would have to do the investigatory work. But the important point is the oversight and the oversight is provided by an independent group of people who volunteer their time generally and we are grateful to them and that is the process. There are further processes available depending on the severity of the complaint but I am content that at the moment this is a practice that works well.

3.11.5 Deputy M.R. Higgins:

I am just going to read a little extract from the Police Complaints Authority Report for 2017. It states: "The role of the authority is to oversee, monitor and supervise, the investigation by the Professional Standards Department of the States of Jersey Police of complaints made against the States of Jersey Police and Honorary Police Officers. The Authority does not carry out the investigations and its

members are not trained investigators.” This is the key part: “The role of the Authority is to ensure that the investigations it supervises are carried out by the investigating officers in a thorough and impartial manner.” Recently, the Police Complaints Authority were approached by someone who had a complaint, they referred the matter to the States of Jersey Police, and the complainant was told that they will be contacted by an investigating officer to go through the evidence as the Police Complaints Authority would not be sending the evidence across when the investigating officer contacted them to provide all the evidence. That person was never contacted by an investigating officer and the Police Complaints Authority signed-off the investigation as being thorough and satisfactory. It just beggars belief if you have the Authority signing off shoddy workmanship, no investigation, and yet the Minister is saying everything is fine. That is not the only complaint I have received about the Police Complaints Authority. What does the Minister have to say? Does she think it is acceptable for the Authority to sign-off an investigation where the investigating officer did not even speak to the complainant?

The Deputy of St. Peter:

I clearly cannot go into the details of an individual case because I do not know the circumstances or indeed the details, so it would be wrong and impossible for me to draw any conclusions on the example that we have just been given. However, I would suggest that, if a complainant were to find themselves in that situation, one would expect that they would refer themselves back to the Police Complaints Authority and ask a question about the process and what has been promised and what they deemed to have happened in their experience. Let us just reiterate here that police officers are public servants, they are here to protect the public and to work in the best interests of the public to maintain safety and to do their work in an independent and sensible fashion.

3.12 Senator S.C. Ferguson of the Minister for Home Affairs regarding the offer of an inshore boat to the Fire and Rescue Service by the Royal National Lifeboat Institution: [OQ.50/2018]

Will the Minister, or the Assistant Minister rather, advise whether the Fire and Rescue Service has been offered the donation of a new R.I.B. (Rescue Inshore Boat), or inshore boat, from the Royal National Lifeboat Institution; if so, will she explain whether the offer has been accepted and, if it has been accepted, why?

Connétable D.W. Mezbourian of St. Lawrence (Assistant Minister for Home Affairs - rapporteur):

There is an inshore rescue boat in service now that was purchased from the R.N.L.I. in 2008. That is due to be replaced within the next 12 months and the R.N.L.I. D-class lifeboat has been identified as the most suitable replacement. Although the full specification and cost has not yet been agreed, it will be funded from the existing Jersey Fire and Rescue Service equipment management budget. I can confirm to the Senator therefore that the Jersey Fire and Rescue Service has not been offered the donation of a new R.I.B. or inshore boat from the R.N.L.I.

3.12.1 Senator S.C. Ferguson:

Yes, so that the Fire and Rescue Service will be paying for this boat and how much will they be paying?

The Connétable of St. Lawrence:

I just said the final spec and cost has not yet been identified but an indicative cost of the new model IB1 boat is estimated at £40,000.

Senator S.C. Ferguson:

I thank the Assistant Minister for her answer.

3.13 Deputy S.Y. Mézec of the Minister for Housing regarding the average waiting time for Islanders on the Housing Gateway to be housed in a one-bedroom property: [OQ.56/2018]

On average, what waiting times are Islanders currently facing to be housed in a one-bedroom property when they are in the top band priority for the Housing Gateway?

The Deputy of Trinity (The Minister for Housing):

The average waiting time for applicants who require a one-bedroom property, which are registered in a highest priority bands, or the Affordable Housing Gateway band one, is approximately 4 to 6 weeks, varying accordingly to requirements of the applicant.

3.13.1 Deputy S.Y. Mézec:

Could I ask what procedures are in place if somebody in the top band priority faces an emergency where they must be rehoused immediately, and when I say “immediately” I mean perhaps with a week’s notice? Are there procedures in place for dealing with these emergency cases?

The Deputy of Trinity:

Yes, they go to the Housing Gateway and put their case forward, the reasons why they have to be top priority, and as soon as if they are top priority - and it all depends on the needs too - then as soon as a flat becomes available and they are top priority they will get allocated as soon as possible.

3.13.2 Deputy S.Y. Mézec:

In those instances, from what the Minister has just said there about finding a property if they can make the case for it, if it is the case that there simply is no property available at that time and that person has a risk of becoming homeless, what would the department do to ensure that does not happen?

The Deputy of Trinity:

It is a difficult situation because sometimes I know that Deputy Mézec had a particular incident, that some tenants have very, very particular needs and sometimes those needs cannot be met at that present moment in time. So we work hard, is someone is in that top priority band, to work hard to achieve, as soon as we can, that they are housed suitably.

3.13.3 Deputy G.P. Southern:

Is it not the case with the new system of choice-based lettings where a property comes up for availability and people are asked to bid, there is no prioritisation happening there, it does not necessarily go to the top most demanding, most urgent case, it could go to any one of 6 people who view the property under the new system and it is not allocation, it is choice-based lettings.

The Deputy of Trinity:

Choice-based lettings does work within Andium and the tenants prefer it because they have a choice of where they are going to go. But there are occasions when that person cannot use choice-based lettings, for example they are elderly or vulnerable or they do not have any internet. But the Gateway and Andium Homes most of the time, but also the housing trusts, will identify and support tenants who require additional support so people are not disadvantaged and they can access accommodation as soon as possible.

[16:30]

3.13.4 Deputy S.Y. Mézec:

Could the Minister confirm that, as far as she is concerned, there are no circumstances in which anybody who is in the top band priority would be allowed to become homeless and that her department would make some arrangement, even if that involves temporary accommodation, to make sure that somebody had a roof above their house and that they would not tolerate any prospect of becoming homeless at the end?

The Deputy of Trinity:

I would like to give that guarantee but it has a little bit of a health warning attached to it. I do not want anybody homeless and I would like to think that we can always find somewhere for that person to be because, as you said, having a roof over the head is important and we work with all tenants. But sometimes tenants do have very, very particular needs and sometimes we just do not have that accommodation available, be it on a ground floor or be they need specific mobility problems or they need a wet room rather than a bath; that is why I am encouraging trusts not to put baths in but put wet rooms in so that we can identify it. But some people have particular needs and they are very hard to house. But I hope that everybody never ever is made homeless, and we do it case by case.

4. Questions to Ministers without notice - The Minister for External Relations

The Bailiff:

That brings that part of question time to an end. We now come to Questions to Ministers without notice. The first question period is the Minister for External Relations.

4.1 Senator P.F.C. Ozouf:

I wonder if the Minister would comment on the issues concerning the Russian Federation and particularly the fact that whether or not Jersey would enact what is called a Magnitsky Provision, which the U.K. has enacted, and also whether or not there should be consideration given to the orders for unexplained assets in Jersey?

Senator P.M. Bailhache (The Minister for External Relations):

All Members may not be familiar with the Magnitsky Act of the United States. Sergei Magnitsky was a Russian accountant and lawyer who died in a Russian prison under suspicious circumstances and, as a result, the United States Government enacted a law, which imposed certain penalties on those who were believed to be involved in the death of Mr. Magnitsky. The United Kingdom Government passed a statute I think at the end of last year or possibly the beginning of this year, which incorporated similar provisions into English law. I am aware that the Attorney General is aware of these developments in the United Kingdom and certainly if it is thought to be desirable by the Law Officers to have an equivalent provision in Jersey I am sure that a recommendation will be made to Ministers and will be considered.

4.1.1 Senator P.F.C. Ozouf:

Surely the Minister does not, and Council of Ministers do not, refer just to legal advice; this is a political matter ... is it not a political matter, particularly in view of the fact that a number of, I understand, 2(e)(e)s from the country have been allowed in. Surely it is a political matter, not just a matter for the Law Officers?

Senator P.M. Bailhache:

The Senator is right of course, it is a political matter, but Ministers rely upon legal advice and we already have provisions under the Proceeds of Crime Law and under the Proceeds of Crime (Cash Seizure) Law 2008 and we will have further provisions under the Forfeiture of Assets Law, which is in the course of development, which will allow assets to be confiscated or forfeited even without

criminal proceedings and allow such assets to be seized pending investigation. They may not be sufficient, the Senator may be right, but I am quite sure that the Government will be advised by the Attorney General if that is not the case.

4.2 Deputy M.R. Higgins:

Does the Minister have a view or can he share information with the Assembly regarding the new E.U. (European Union) measures, which are going to penalise those firms and individuals who arrange for money to be placed in zero tax corporation tax centres such as Jersey? So, in other words, what impact will this measure have on Jersey in terms of the Island's zero per cent corporation tax?

Senator P.M. Bailhache:

The Chief Minister has made statements in the past about the initiative of the European Union, which is underway at present, inquiring as to whether a number of countries are uncooperative with the European Union in a tax sense. Jersey was not regarded as a result of the first set of inquiries as being an uncooperative jurisdiction. It is true that the inquiries of the European Union are continuing and the Chief Minister gave an undertaking that any legitimate concerns of the European Union in relation to what is called the substance requirement in relation to zero tax companies would lead to legislative action if that was necessary.

4.3 Deputy R. Labey:

I would like to return to our recent exchange on the Petty Debts Court, if I may, with the Minister. His position last time we spoke about this was that the mediation process was ...

The Bailiff:

Good try, Deputy, but if it is about the Petty Debts Court that is a matter for the Legislative Advisory Panel and the Minister for External Relations is not concerned with that.

Deputy R. Labey:

Well it is just that on the recent proposition on the Petty Debts Court it was the Minister for External Relations who ...

The Bailiff:

As chairman of the Legislative Advisory Panel.

Deputy R. Labey:

Sorry, can I not ask him a question as chairman of the Legislative Advisory Panel?

The Bailiff:

Currently as Minister for External Relations he is very ignorant about the Legislative Advisory Panel. [Laughter]

Deputy R. Labey:

I am sure that is not true and that certainly was not my accusation.

The Bailiff:

I say that in the political sense and not in any other sense.

4.4 The Connétable of St. Helier:

Will the Minister join me in welcoming the appointment for the first time of an honorary consul to support the Romanian community in Jersey? [Approbation]

Senator P.M. Bailhache:

I thank the Constable of St. Helier for that question and am delighted to join with him in welcoming the appointment by the Government of Romania of an honorary consul for the first time. As many Members will know, it comes during the course of a visit by the Ambassador of Romania to the Island and I am sure that this appointment will add very much to the feelings of value, which I hope that the Romanian community has in Jersey and enable that community to express its views through the honorary consul to the Government in appropriate matters.

4.5 Deputy S.Y. Mézec:

This question follows on from that asked by Senator Ozouf and I know that the Minister is not responsible for the 2(1)(e) scheme in Jersey but I think it is relevant because Jersey's foreign policy is aligned with the U.K. and of course the U.K. has recently expelled Russian diplomats and has sanctions against Russia. Even before the appalling attack in Salisbury recently there was deep concern about the relations that many Russian oligarchs have with the regime in Russia. I want to ask the Minister, from an external relations point of view, what considerations does he think Jersey needs to take into account when dealing with some of these people when they attempt to come to Jersey?

Senator P.M. Bailhache:

Like all civilised people, I deplore the attacks upon the 2 Russians with nerve agents by unidentified individuals in Salisbury and the Government of Jersey stands right behind the United Kingdom Government in the actions, which have been taken against the Russian Federation. So far as the admission of Russian nationals to the Island is concerned under 2(1)(e) of the relevant law, one must bear in mind that all such applicants are subject to very stringent inquiries by a number of different authorities in the Island before a decision is taken by the relevant Minister to admit that person to the Island as a so-called wealthy immigrant. I think it is fair to say that the recent developments involving certain very rich individuals resident in the United Kingdom will lead to even more stringent approaches by the relevant authorities in Jersey when such applications are made under Article 2(1)(e).

4.5.1 Deputy S.Y. Mézec:

Would the Minister consider from a foreign policy perspective that an individual's relationship with the Russian Government would be a serious consideration in whether they should be allowed to come to Jersey on the 2(1)(e) scheme and would he consider that, where it is clear that some of these individuals may have close links with that regime, that would be grounds for refusing an application to come to Jersey?

Senator P.M. Bailhache:

I think that all relevant considerations, and the Deputy has mentioned one of them, would be taken into account in making such a decision.

4.6 Deputy K.C. Lewis:

A slightly different tack: Brexit. I am aware the Minister is in communication with other Crown Dependencies regarding Brexit but is the Minister in contact with any of the 14 British Overseas Territories to ascertain if there is any common ground?

Senator P.M. Bailhache:

The principal engagement by officials in Jersey is with the equivalent officials in other Crown Dependencies as a result of such discussions of course with officials in the United Kingdom Government. I think it is fair to say that some consultation takes place with officials in Overseas Territories but it is not extensive.

4.7 Deputy A.D. Lewis:

During the course of the life of this Assembly, a number of tax information exchange agreements have been agreed with a number of different nations. Some have also involved double taxation agreements. Are there likely to be any more forthcoming in the foreseeable future, as I am sure these benefit many countries that we deal with, and of course not only that but our own citizens as well?

Senator P.M. Bailhache:

There are a number of double taxation agreements, which are in the course of negotiation at the present time. I hope that it will be possible to bring at least some of those to the Assembly for ratification in due course. It is certainly the Government's policy to expand so far as possible the range of double taxation agreements, which it has with other countries, because this is very much in the interests of the financial services industry.

4.7.1 Deputy A.D. Lewis:

Could the Minister explain or state exactly how many tax information agreements we currently have?

Senator P.M. Bailhache:

I should have that figure at the tip of my tongue but I hope the Deputy will forgive me if it is not absolutely precise, but it is in the region of 14 or 15.

4.8 Senator P.F.C. Ozouf:

The Minister said he was no longer, or there was not any ongoing dialogue with Overseas Territories, and while the Crown Dependencies are very different to that of the Overseas Territories, would he explain why, because there used to be... we received a delegation from an Overseas Territory with their Premier being here, we used to deal with and have a real ongoing dialogue with a number of Overseas Territories. Why is that no longer happening and why does it not matter that we talk to them?

Senator P.M. Bailhache:

I do not think I said there was no longer any ongoing dialogue with representatives of Overseas Territories; I said that the principal exchanges were with officials of other Crown Dependencies and that exchanges with the representatives of O.T.s (Overseas Territories) were not so frequent. I think the reason for that is that the position of the Crown Dependencies is different, as the Senator will well appreciate, from those of Overseas Territories but I do know that the Law Officers recently attended a meeting with law officers of such overseas territories and occasionally, as I say, there are ministerial exchanges with Ministers of other key overseas territories.

[16:45]

The Bailiff:

Any further questions, which is probably just as well because my extra talking has taken us past 16:47. So we have come to an end of that period of question time.

5. Questions to Ministers without notice - The Chief Minister

5.1 Deputy M.R. Higgins:

At the previous session of the Assembly I raised a question of corruption within the Island and I asked questions of the Attorney General and the Chief Minister. The Chief Minister acknowledged he was aware of the one case that I am pursuing, which involves ... by corruption, I am talking about perjury, perversion of the course of justice and misconduct of public office. Could I ask the Chief

Minister how many other people have approached him regarding the very same issues and what he advised them to do?

Senator I.J. Gorst (The Chief Minister):

I think I answered that question at the last State sitting and my answer has not changed.

5.1.1 Deputy M.R. Higgins:

I would like the Chief Minister to explain how many others, not the one I that I am talking about, that he has been dealing with recently, but the other complaints that have been made. I think the public have a right to know how many people have complained.

Senator I.J. Gorst:

That is the question I answered.

5.2 Deputy J.M. Maçon:

The Chief Minister would have heard the exchange that we had over the Nursery Education Fund, given that the Chief Minister has put early years as one of his champion aspects of this Government. Will he be raising the matter of the Nursery Education Fund round with the Council of Ministers as soon as possible and if not why not?

Senator I.J. Gorst:

I am pleased that a number of Members are today raising an issue of the coordination of Government and Government working as one and Government being able to move budgets to priority areas because tomorrow or the day after they are going to have the ability to put their voting finger where their concerns are. I think the conversation around uprating for these particular areas is an important one. It has not been recently brought to the Council of Ministers but I have got no doubt that I am sure the 2 Assistant Ministers, perhaps reading between the lines, were suggesting that they would leave this Assembly and do so and I welcome that.

5.3 The Connétable of St. Helier:

Is the Chief Minister satisfied with the achievements of the future of the St. Helier Project during his term and if he is the next Chief Minister and if improving St. Helier remains a strategic policy objective of the States will he ensure that long awaited road safety projects like Midvale Road improvements will not be allowed to drop down the ministerial priority lists?

Senator I.J. Gorst:

I am not sure if all these questions have been planted but they all seem to be aligning to this very same issue of coordination right across government and making sure that there is the ability to provide sufficient resource but it not just across government, it is also about arm's length bodies, like the States of Jersey Development Company, and the creation of accountable officer function there so that all of these bodies can work together to deliver on one government policy, like Andium. We had a question earlier where a Member was criticising the Minister for Housing for her ability or not to instruct Andium. That is what the principal accounting officer function and then delegated accountable officer function for arm's length bodies is all about. It is about bringing greater accountability to this Assembly.

5.3.1 The Connétable of St. Helier:

May I have a supplementary because the Chief Minister did not answer my question at all? In fact I would suggest that Andium and Jersey Development Company have done far more to deliver a future St. Helier Project than the body of Ministers set up by this Government. Surely making pledges, whether it is in the Island Plan or the Strategic Plan to do things, you cannot come back, whether it

is 4 years or 7 years later, and blame a lack of coordination for a failure for delivery. Will the Chief Minister undertake, if improving St. Helier is still a key objective, to make sure the projects are done on the ground and that funding is provided?

Senator I.J. Gorst:

I think the Constable was ... I am not sure if naughty is a parliamentary term. I understand what he was trying to say, and he hit it right at the end with the end of his sentence, and that was that these projects require money and money is critical for delivering them. He is right to say that Andium and S.o.J.D.C. (States of Jersey Development Company) have worked in a coordinated way to support the future of St. Helier but they have not yet, to my satisfaction, released money to deliver regeneration into St. Helier. I believe certainly that S.o.J.D.C., during the next period of office and during the next Council of Ministers, will do that and we will see money released for regeneration in St. Helier which I think is the thrust of the Constable's point and I support him.

5.4 The Connétable of St. John:

Earlier we heard from the Deputy Chief Minister who said that the Jersey Innovation Fund was a success. One of the primary objectives of the Innovation Fund was to create jobs. Could the Chief Minister inform us how many jobs have been created?

Senator I.J. Gorst:

I do not have the numbers in front of me but the Constable will be aware of a recent report in the *J.E.P. (Jersey Evening Post)* about a particular project that was supported by the Jersey Innovation Fund that was creating jobs and there has been an overwhelming success. Members in front of me have jokingly said that some people have lost their jobs because of it and I think one person ... and I think that history will show that that was unfair. When we see the fulfilment of the projects and monies repaid it is very likely that we will see one failure out of the 6 or 7 that have been supported and therefore the priority of the next Council of Ministers with innovation is going to be creating a scheme, working together with entrepreneurs, to ensure that we are appropriately funding innovation but I can go back to officials and provide the job numbers that the Constable has requested.

5.4.1 The Connétable of St. John:

Supplementary. The Chief Minister took a long time to answer a simple question with "I do not know". Currently out of the 7 loans one has been a success but the States failed to take equity in it and, therefore, we have been unable to share in the success, which was part of the idea of the Innovation Fund. The States have written off £440,000 and are currently paying approximately £230,000 a year on administering the remaining 5 loans. On the remaining 5 loans they are currently £588,000 behind on their repayments. Does the Chief Minister really consider, with those figures, that it is a success?

Senator I.J. Gorst:

It was absolutely right that Senator Ozouf asked for Grant Thornton to come and give proper oversight to the loans that had been issued and it is absolutely right that we pay the cost for that proper oversight. Hindsight would tell us we should have done that from the start. We should have paid properly for independent private sector oversight of the funding of the administration of the loans. So the decision of the board, I think with hindsight, we will see was appropriate but it was the oversight of the loans, but these were by their very nature risky loans because they were loans that could not get funding in the private sector and therefore could not meet their requirements and therefore ... I think it was Deputy Labey that spoke earlier about the seniority of those involved in the administration. So I do not think that we should now criticise for having proper independent private sector oversight which costs money. We should perhaps, if anything, as numerous reports have, admit that that should have been in place in the first instance.

5.5 Deputy G.P. Southern:

What progress, if any, has been made on the “grey list”, which I asked questions about at the beginning of the year, in terms of substance of economy activity which is giving rise to concerns in the E.U.? What progress has been made and what concrete ... when will the Minister report back to this Assembly with some concrete developments on those particular issues?

Senator I.J. Gorst:

I do not like being personal in this Assembly. I would much prefer to deal with the issues but while the Deputy insists on referring to a “grey list” that does not exist and align himself with our detractors I feel I have little choice but to point that out. Now he is shouting at me but he has chosen to ask the question in the terms that he has, not I. The Deputy knows that I gave him an update last time he asked me this question in those terms. Officials have continued to meet in Brussels. A fortnight ago they met with the Commission Services. They have met with the chair of the Code Group, or at least a representative of the chair of the Code Group, and they have met with officials at the O.E.C.D. (Organisation for Economic Co-operation and Development) in Paris and good progress is being made.

5.6 Senator P.F.C. Ozouf:

The Commonwealth Heads of Government will shortly be meeting in London for their biennial meeting. Last time the Commonwealth met in Malta Jersey was represented and took part in the business forum. Would the Chief Minister explain what arrangements are being made that Jersey will be represented and take a leading part in this most important of meetings, particularly in the area of trade?

Senator I.J. Gorst:

I thank the Senator for his question. Members may not know and I know he would not have asked it for this, but he was absolutely instrumental in ensuring that we were included in the Commonwealth Business Forum. Senator Routier has endeavoured to follow in his footsteps and last week he was in London meeting with Lord Marland, preparing the ground for the business forum and the Commonwealth Heads of Government meeting in April. Members will be only too aware that we will be in the purdah period then. There are some engagements to which the Chief Minister has been invited but it may require other Ministers or other Members of this Assembly even to represent the Chief Minister, so we will be working on that over coming weeks but it is absolutely critically important to our future economic success that we grow and build on those links that the Senator himself was so successful in starting months and years ago. I know that whoever goes and represents Jersey will do just that.

5.7 Deputy A.D. Lewis:

The Chief Minister has mentioned machinery of government reform on a number of occasions during this sitting already and there will be much discussion about this this week. However, the sticky matter of electoral reform is very much associated with the same. Would the Chief Minister advise the Assembly as to what, if he is successful at the polls, he will do in the next Assembly concerning electoral reform and would he consider the prospect of introducing a Royal Commission to settle this matter once and for all?

Senator I.J. Gorst:

I made that suggestion once before about a Royal Commission and I was royally shot down; not, of course, royally shot down but I was rounded upon by all parties and it was suggested to me that actually the Clothier Report was not far removed from what a Royal Commission or a modern day

Royal Commission would look like. This Assembly is going to have to get to grips with whether it wants to agree Clothier or not and it cannot avoid it any more.

5.7.1 Deputy A.D. Lewis:

I am sure the Chief Minister accepts the Clothier review was a very long time ago now. So does he not think we have moved on since then and this requires a quite different approach?

[17:00]

Senator I.J. Gorst:

The world has moved on but we have not and that is part of the problem.

5.8 Senator P.F.C. Ozouf:

Would the Chief Minister join me in congratulating the Jersey Policy Forum in their event last week that was a real success in terms of the starting of an independent think tank that could provide real value to Jersey policymaking and particularly welcome the fact that there is the engagement of so many young people in the forum?

Senator I.J. Gorst:

We do, in our community, sometimes, I think, struggle because we do not have think tanks doing the work that you would have elsewhere around the globe.

The Bailiff:

Ten seconds, Chief Minister.

Senator I.J. Gorst:

I think that it was a breakthrough event that the policy forum held last week involving a broad section of the community and I look forward to more of it.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

6. The Chairman of the Public Accounts Committee - statement regarding the Committee's report entitled 'Reporting of Abortive Costs' (P.A.C.2/2018)

The Bailiff:

That brings question time to an end. There is nothing under J. Under K, Statements on matters of official responsibility, there is a statement from the chairman of the Public Accounts Committee.

6.1 The Connétable of St. John (Chairman, Public Accounts Committee):

The Public Accounts Committee had intended bringing a proposition to this Assembly to introduce abortive cost reporting. This is to ensure that these costs would be reported to this Assembly and the Public Accounts Committee wants losses incurred by aborting projects to be more easily identified and reported on. This is not an attempt to find blame but merely an instrument of good practice. It will bring transparency and openness to accounting practices. It may well be that stopping a project, reporting an abortive cost draws a line under the error and allows a fresh new approach. This is preferable to throwing good money after bad and can often result in a saving in the long term. It can also alert others within the States of an error and instil a culture of learning thus preventing the same error from occurring again. The P.A.C. wrote to the Treasurer and following our initial meeting with his officers it transpired that this was an area currently being explored by the Treasury. This is part of a larger programme by Treasury to update Financial Directions. I am pleased to report there was much common ground and the findings of the Public Accounts Committee are in this accompanying

report. I hope the next Public Accounts Committee will keep an eagle eye on the progress of Financial Directions and it will be in our legacy report to ensure a satisfactory outcome for the future. I would like to thank the Treasury officers for their openness and willingness to progress this matter and our own P.A.C. officer, who has worked tirelessly on this project. The approach has negated the need for a debate in this Assembly. While I am on my feet, and as this is my last opportunity potentially, I would like to place on record my most sincere thanks to the Comptroller and Auditor General and the 2 lay members of the Public Accounts Committee, Mr. Robert Parker and Michael Robinson, all who have brought an enormous wealth of experience and knowledge to the committee and I and the committee are most grateful to them. **[Approbation]**

The Bailiff:

Are there any questions for the Connétable? No.

7. The Chairman of the Residential Property Transactions Review Panel - statement regarding the Scrutiny Report entitled 'Residential Property Transactions' (S.R.2/2018)

The Bailiff:

We come to the statement which is to be made by the chairman of the Residential Property Transactions Review Panel, Deputy of St. Mary.

7.1 Deputy D. Johnson of St. Mary (Chairman, Residential Property Transactions Review Panel):

This review commenced as long ago as 2016 and I would like to begin by apologising for the delay in bringing this report to the Assembly. The panel in this case is the review panel of the Chairmen's Committee and to a certain extent progress has been determined by the availability of Scrutiny officers. However, this has not affected the scope of our review in any way and I am obviously now pleased to be able to present the panel's report. As mentioned in my forward to the report, the present procedure governing property transactions was established in the 19th century and the overall objective of the review has been to assess whether the present system adequately serves the needs of the public in the present age. One principle area of concern is that in the vast majority of cases there is no binding commitment to contracts that are passed before the Royal Court leading to uncertainty as to the transaction until that stage is reached. This in turn enables parties to renegotiate up to the last minute. The panel recommends that with a view to eliminating such uncertainty greater use be made of preliminary contracts so that there is a binding agreement in place as soon as possible and prior to going to court. The present system does in fact allow for this procedure and while the panel takes note of advice that this might lead to an increase in the overall timescale of a transaction it believes that certain measures could be introduced to counter this. In this connection Members will note that our key findings include such items as early instruction of lawyers, production of a buyer's pack at the time of marketing and evidence of available funds on making an offer. Aside from these practical measures the review highlights other areas for consideration. These include the requirement that all estate agents should be members of an approved body, whose members are subject to a code of conduct. It also notes that there is currently no local ombudsman to hear complaints against agents. Further, recognising the decreasing number of conveyancers in the Island the panel recommends that consideration be given to the creation of a new qualification of licensed conveyancer with the ability of persons holding such qualification to carry out property transactions independently of law firms. On a slightly different note Members will recall that they recently approved the Consumer Protection (Unfair Practices) (Jersey) Law. In general terms this prohibits traders from engaging in unfair commercial practices in their dealing with consumers and is sufficiently wide to apply to developers and the whole range of business activities carried out by estate agents. Unfair practices covered by the legislation include providing misleading information and making misleading omissions and it is

to be hoped that this law will discourage sellers and those acting on their behalf from making claims which if later found to be extravagant might cause a transaction to fail. Once the panel concludes that changes can be made to the current system by way of improvement this does not obviate the need to undertake a comprehensive review of the present law. This is outside the scope of this particular review but one of the panel's recommendations is that consideration be given to the establishment of a land registry in Jersey. In this connection it has been noted that such a system exists in the Isle of Man where it is understood that costs of insurance were initially borne by the law society members. Finally, I thank my fellow panel members, Deputy Andrew Lewis, the Deputy of St. Ouen and the Connétable of St. Martin for their input throughout the period of this review and also the various scrutiny officers involved for their assistance. I hope that Members will find the findings and recommendations more fully set out in our report of interest. I shall be pleased to respond to any questions Members might now have.

The Bailiff:

Open for questions. Do any Members have questions for the chairman?

7.1.1 Senator P.F.C. Ozouf:

I had not read until very ... just scanning the report so I am relying upon the statement by the chairman. Firstly, has the chairman got any evidence of the length of time that it takes between making an offer and going to court in Jersey versus the U.K. because certainly my own experience is that there are lengthy delays in the U.K. system despite a lot of these things appearing to be put in place? Secondly, I declare an interest in being currently a member of the Jersey Legal Information Board and the board having discussed issues. On the issue of a land registry; does the chairman not think that there is an opportunity to create a really good e-based land registry on the basis of such ... on technologies such as exist in Estonia?

The Deputy of St. Mary:

I thank the Senator for his questions. As to the first one I am told ... we are advised by agents and lawyers that the average time for a transaction is something like 5 to 6 weeks, which they say is a much improved one on somewhere like the U.K. As to the second point, the creation of a land registry is outside the scope of our report but I still receive the trade magazine of the English Law Society, the Law Society Gazette, and it is littered with remarks about how out of the date the U.K. land registry system, which has been going for 100 years, already is so I think there is merit in what the Senator suggests.

7.1.2 Deputy A.D. Lewis:

Although a member of the panel, I just thought it might be useful if the chairman could answer this question. The issue is not the length of time of the transaction. Does the chairman agree that it is quality of the transaction and the number of transactions that perhaps do not get to go through court because of issues before it gets to the court steps? Could the chairman clarify that that is the issue that has been looked at rather than the length of time?

The Deputy of St. Mary:

Yes, I am happy to confirm that. The professionals seem to think that the policy of the present system depends on the length of time a transaction takes and I agree with the Deputy this is not the only consideration. I have in my dealings with various people drawn an analogy between the conveyancing system and the service offered by our ferry service to the U.K. There are 2 options. You can either have the fast service, which is prone to delays of one kind or another, or the overnight service which although taking longer usually goes. I think there is merit in that comparison. As to the general point, there is always a period of uncertainty between an informal agreement being made between a buyer and a purchaser. The concern of the panel is that period of uncertainty should be

reduced as far as possible and it is the case that as matters stand, however long it goes on for, that either party is able to renegotiate right up to the last minute and it is that uncertainty which we regard as the prime fault with the present system. I hope I have answered the Deputy's question.

7.1.3 Senator P.F.C. Ozouf:

Reading the report by the panel, I note that you wrote to the panel with a number of remarks which said that the issue was a matter of cost, which would be a political judgment. Would the panel chair agree that while in agreeing with your comments about the benefit of the Jersey registry in terms of its certainty we are dealing with a system which is the conveyance between 2 people of property which is ... my estimate of real estate in Jersey it is likely to be worth about £4 billion. It is normally about 80 per cent to 100 per cent of G.D.P. (gross domestic product). So there is a real issue about the value of investing in something which is ultimately at the very heart of economies and at the heart of the way the economic system works. Would he agree that the comments about investment are relevant and important but this is a massive store value which needs and must be updated and the Estonian model, which is effective and cheap, could be a real way forward?

The Deputy of St. Mary:

I thank the Senator for his question. I certainly agree that the implementation of a land registry would be an expensive project and I fully accept what the Bailiff says on that. The reason why we included in our report the reference to the Isle of Man is that this need not be a one-off project. It is a matter for a further review but I would not anticipate that it would take the whole legally qualified personnel of the Island to undertake it in one go. I anticipate that there could be a system whereby registration... if a system was set up registration could take place on the advice of the lawyer acting for the purchaser in that situation. My reference to the Isle of Man was that on their Island the Law Society and its members undertook any professional insurance cover to cover any fault there might be, in their own findings, and effectively investigate the title. If something along those lines were adopted I think that much of the saving, which the Senator may have anticipated, could be at least offset.

7.1.4 Senator P.F.C. Ozouf:

If nobody else wants to ask questions, it is a matter of significant public interest, so I will take this opportunity. Would the chairman finally agree that nothing should understate the real importance of the accuracy of contract law in Jersey as far as property transactions are concerned? The report, rightly, points out that the U.K. has moved to a transaction system but does the chairman agree that everything that is good about the Jersey system, in terms of giving accurate title to property which is certain and is not paid for by the State in terms of the State having to underwrite it should be praised and taken forward in any reforms going forward?

[17:15]

In other words, we have quite a good registry system and we should recognise it but we can modernise it.

The Deputy of St. Mary:

Again, thank you and I note the word "finally". **[Laughter]** Certainly I would not recommend any course which undermined the work that the conveyancing lawyers do at the moment and certainly I would not wish to endorse any system which adversely affected the good work which the Jersey Law Society do at present.

The Bailiff:

Are there any other questions? Does "finally" mean what we understand it to mean? Very well, no other questions for the chairman and that brings the business for today pretty much to an end although it may be convenient if Members wished to look at the question of late lodgings or the reduction of

the lodging period. I do not know if Members want to look at this now or to wait until it arises but it is really just ...

The Connétable of St. John:

Could we wait until it arises then we know how the progress is happening?

Senator P.F.C. Ozouf:

May I ask ... I lodged amendments in relation to my ombudsman proposal because they responded to the comments of the Council of Ministers late and I would like to propose my ombudsman proposition as amended, but I can only do so with leave of the Assembly to accept the late amendment? So I wonder if Members would be kind enough to agree to that. I was only able to lodge those amendments with the benefit of the communication from the Chief Minister and the Council of Ministers.

The Bailiff:

That is a matter that is coming up anyway. Perhaps somebody can decide whether it wishes to permit Senator Ozouf to present it as amended. That seems to be agreed, Senator, so the lodging period has been reduced to enable you to propose P.32 as amended.

Senator P.F.C. Ozouf:

I am grateful.

The Bailiff:

Very well. There is no further business for today and the States now stand adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:18]