

STATES OF JERSEY ORDER PAPER

Tuesday, 16th November 1999,
Wednesday 17th November 1999 and
Thursday 18th November 1999 (if necessary).

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Hospital Charges (Long-Stay Patients) (Amendment) (Jersey) Order 1999. R & O 9464.
Health and Social Services Committee

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

Matters presented under Standing Order 6A(1)(a)

Regulation of Undertakings and Development: quarterly manpower report as at 30th June 1999. R.C.41/99
Finance and Economics Committee.

Matters presented under Standing Order 6A(1)(b)

(b) Notification of Standing Order decisions

(c) Notification of acceptance of tenders

(d) Papers to be lodged "au Greffe" under Standing Order 17A(1)(a)

Budget 2000: amendment. P.184/99
Sport, Leisure and Recreation Committee.

Buildings of local interest: removal from register. P.185/99
Deputy of St. John.

(e) Notification of Papers lodged "au Greffe" under Standing Order 17A(1)(b)

(f) Papers for consideration by the States in Committee under Standing Order 38A

E. STATEMENTS AND PROPOSITIONS RELATING TO THE ARRANGEMENT OF PUBLIC BUSINESS AT THIS OR ANY SUBSEQUENT MEETING

THE STATES are asked to agree that the following matters lodged "au Greffe" will be considered at the next meeting on 30th November 1999 and 1st December 1999 -

Budget 2000.
Lodged: 9th November 1999.
Finance and Economics Committee.

Budget 2000: amendment. P.184/99
Lodged: 16th November 1999.
Sport, Leisure and Recreation Committee.

Draft Public Finances (Administration) (Amendment No. 9) (Jersey) Law 199 . P.165/99

Lodged: 26th October 1999.
Finance and Economics Committee.

Draft Hire Cars (No. 9) (Jersey) Regulations 199 . P.170/99
Lodged: 26th October 1999.
Defence Committee.

Draft Public Service Vehicles (Fees) (Amendment No. 10) (Jersey) Regulations 199 . P.171/99
Lodged: 26th October 1999.
Defence Committee.

Establishment of a Home Affairs Committee. P.174/99
Lodged: 26th October 1999.
Policy and Resources Committee.

Establishment of a Home Affairs Committee (P.174/99): amendment. P.182/99
Lodged: 9th November 1999.
Prison Board.

Establishment of a Home Affairs Committee (P.174/99): comments. P.174/99
Presented: 2nd November 1999. Com.
Establishment Committee.

Draft Defence Committee (Change of Name) (Jersey) Act 199 .P.183/99
Lodged: 9th November 1999.
Defence Committee.

The President of the Sport, Leisure and Recreation Committee will seek leave to withdraw the proposition on Fort Regent redevelopment (P.35/98 lodged "au Greffe" on 3rd March 1998) having lodged a revised report and proposition at the last meeting (P.181/99).

F. PRESENTATION OF PETITIONS

G. QUESTIONS

Deputy P.V.F. Le Claire of St. Helier will ask a question of the President of the Public Services Committee about the Island's coastal defences.

Deputy P.V.F. Le Claire of St. Helier will ask a question of the President of the Harbours and Airport Committee about the Eurocontrol agreement.

The Deputy of St. John will ask a question of the President of the Planning and Environment Committee about the discovery of dry rot in St. James Church.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Terms of Employment Officers: appointment.
Employment and Social Security Committee.
(attached)

Draft Firearms (Jersey) Law 199 . P.96/99
Lodged: 6th July 1999.
Defence Committee.

Draft Firearms (Jersey) Law 199 (P.96/99): amendments. P.140/99
Lodged: 28th September 1999.
Defence Committee.

Draft Firearms (Jersey) Law 199 (P.96/99): second amendments.P.146/99
Lodged: 28th September 1999.
Deputy of St. Martin.

Draft Firearms (Jersey) Law 199 (P.96/99): third amendments. P.147/99
Lodged: 28th September 1999.
Deputy G.C.L. Baudains of St. Clement.

Inn on the Park site, St. Helier: future use.
Lodged: 7th September 1999.
Deputy T.J. Le Main of St. Helier.

P.126/99

Inn on the Park site, St. Helier: future use (P.126/99) - amendment. P.157/99
Lodged: 12th October 1999.
Deputy T.A. Le Sueur of St. Helier.

Inn on the Park site: future use (P.126/99) - comments. Presented: 12th October 1999. <i>Planning and Environment Committee.</i>	P.126/99 Com.
Cupressus Leylandii Trees. Lodged: 7th September 1999. <i>Deputy T.J. Le Main of St. Helier.</i>	P.123/99
Cupressus Leylandii Trees (P.129/99): report. Presented: 2nd November 1999 <i>Planning and Environment Committee.</i>	P.123/99 Rpt.
Draft Road Traffic (No.51) (Jersey) Regulations 199 . Lodged: 14th September 1999. <i>Defence Committee.</i>	P.127/99
Draft Road Traffic (No. 51) (Jersey) Regulations 199 (P.127/99): amendments. Lodged: 26th October 1999. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.173/99
Draft Road Traffic (No. 51) (Jersey) Regulations 199 (P.127/99): amendments (P.173/99)- report. P.173/99 Presented: 2nd November 1999. <i>Defence Committee.</i>	Rpt.
Draft Criminal Justice (Standard Scale of Fines) (Jersey) Regulations 199 . Lodged: 14th September 1999. <i>Legislation Committee.</i>	P.129/99
Draft European Communities Legislation (Implementation) (Amendment) (Jersey) Law 199 . P.163/99 Lodged: 19th October 1999. <i>Policy and Resources Committee.</i>	
Establishment of a Statistics User Group. Lodged: 28th September 1999. <i>Policy and Resources Committee.</i>	P.142/99
Establishment of a Statistics Users Group (P.142/99): amendment. Lodged: 26th October 1999. <i>Policy and Resources Committee.</i>	P.169/99
Draft Invalid Care Allowance (Jersey) Regulations 199 . Lodged: 26th October 1999. <i>Employment and Social Security Committee.</i>	P.172/99
Draft Harbours (Amendment No. 30) (Jersey) Regulations 199 . Lodged: 19th October 1999. <i>Harbours and Airport Committee.</i>	P.159/99
Draft Boats and Surf-Riding (Control) (Amendment No. 19) (Jersey) Regulations 199 . Lodged: 19th October 1999. <i>Harbours and Airport Committee.</i>	P.160/99
Draft Amendment (No. 22) to the Tariff of Harbour and Light Dues. Lodged: 19th October 1999. <i>Harbours and Airport Committee.</i>	P.161/99
Draft Gambling (Licensing Provisions) (Amendment No. 11) (Jersey) Regulations 199 . Lodged: 26th October 1999.	P.164/99

Gambling Control Committee.

Jersey Financial Services Commission: appointment of Commissioners. P.166/99
Lodged: 26th October 1999.

Finance and Economics Committee.
(debate in camera).

Industries Committee: terms of reference and transfer of functions. P.176/99
Lodged: 26th October 1999.

Policy and Resources Committee.

Industries Committee: terms of reference and transfer of functions (P.176/99) : amendment.
Senator J.A. Le Maistre.
(attached)

Draft Amendment (No. 19) of the Standing Orders of the States of Jersey. P.179/99
Lodged: 2nd November 1999.
House Committee.

Crime and Community Safety Strategy: 1999 to 2009. P.167/99
Lodged: 26th October 1999.
Defence Committee.

Substance Misuse Strategy: 1999 to 2004. P.168/99
Lodged: 26th October 1999.
Health and Social Services Committee.

Population policy. P.175/99
Lodged: 26th October 1999.
Policy and Resources Committee.

Population policy (P.175/99): amendments. P.178/99
Lodged: 2nd November 1999.
Deputy J.T. Johns of St. Helier.

Population policy (P.175/99): second amendments.
Deputy P.V.F. Le Claire of St. Helier.
(attached).

C.M. NEWCOMBE

Deputy Greffier of the States

11th November 1999

**Explanatory Note regarding subordinate legislation
tabled at this Meeting**

(See Item B)

R & O 9464

The purpose of this Order is to increase the weekly and daily charges for long stay accommodation for persons over the age of 65 to £237.90 and £34.00 respectively.

The Order was made on 11th November 1999 and comes into force on 1st December 1999.

PROPOSITION

TERMS OF EMPLOYMENT OFFICERS: APPOINTMENT

THE STATES are asked to decide whether they are of opinion -

in accordance with Regulations 6(1) of the Terms of Employment (Jersey) Regulations 1998, to appoint for a period of three years commencing on 30th November 1999 -

- (a) Advocate Julian Clive Gollop as Terms of Employment Officer;
- (b) Advocate Simon Jonathan Young as Deputy Terms of Employment Officer.

EMPLOYMENT AND SOCIAL SECURITY COMMITTEE

Report

The requirement for the appointment of a Terms of Employment Officer arises following the resignation of the current post holder, Advocate John Wheeler, on his appointment as Master of the Royal Court.

Regulation 6(1) of the Terms of Employment (Jersey) Regulations 1998, requires that -

There shall be appointed by the States, from among the advocates and solicitors of the Royal Court to hold office during such period as the States may direct, an officer to be known as "the Terms of Employment Officer", to carry out the functions set out in this Regulation and an officer, to be known as "the Deputy Terms of Employment Officer", to act in the event of the unavailability of the first named officer.

These officers are empowered to determine questions arising from the failure by an employer to issue statements of employment or by an employer issuing statements that fail to meet the requirements of the Regulations. To assist them in their deliberations the officers may require the giving of evidence on oath and are empowered to administer that oath.

The Committee is pleased to propose the following for appointment -

1. Advocate Julian Clive Gollop of Crills,
Terms of Employment Officer.
(Advocate Gollop is currently Deputy Terms of Employment Officer)
2. Advocate Simon Jonathan Young of Bedell and Cristin,
Deputy Terms of Employment Officer.

These appointments to take place with effect from Advocate Wheeler's resignation on 30th November 1999.

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INDUSTRIES COMMITTEE: TERMS OF REFERENCE AND TRANSFER OF FUNCTIONS (P.176/99): AMENDMENT

After paragraph (b) insert the following paragraph -

- (c) to agree that the manpower requirements of the Industries Committee should be contained within the overall workforce of the public sector and that, in the event of additional posts being required which cannot be met by compensatory savings within the public sector, the matter would be referred to the States for prior approval;

and re-number subsequent paragraphs accordingly.

SENATOR J.A. LE MAISTRE

Report

Neither the Report nor the Proposition adopted by the States on 28th July 1999 referred in detail to the staffing implications of the establishment of the Industries Committee.

The comments of the Establishment Committee supporting the formation of the Industries Committee stated that it “should improve the efficiency and effectiveness of the States administration”. It further states that it will “ensure that the appropriate manpower is provided within States policy on manpower and the principles of the regulation of Undertakings and Development Law”.

There is widespread concern that the formation of the Committee and at least seven Boards will inevitably lead to a large bureaucracy with few savings elsewhere. At a time when pressure is being applied to the private sector to control job growth, I believe that the States should be leading by example and additional posts in the public service should only be approved in essential areas such as Health, education etc. where the States have an obligation to meet the needs of the community.

The States must approach growth with the same discipline as is being sought from the private sector. It is for this reason that I am bringing forward this amendment which does not preclude the creation of additional posts but requires the Committee to seek the approval of the States if such growth cannot be met through savings in other areas.

POPULATION POLICY (P.175/99): SECOND AMENDMENTS

- a) *before the semi-colon at the end of paragraph (ii) insert the words* before the end of June 2000;
- b) *before the semi-colon at the end of paragraph (iii) insert the words* before the end of June 2000;
- c) *after sub-paragraph (iii) insert the following sub-paragraph -*
 - (iv) to charge the Policy and Resources Committee, in conjunction with any other Committee involved, to investigate the use and effectiveness of work permit schemes in other jurisdictions and the possible implementation of a work permit scheme in Jersey as an additional measure to control the population and to report back to the States with recommendations before the end of June 2000;*and renumber sub-paragraph (iv) accordingly.*

DEPUTY P.V.F. LE CLAIRE OF ST. HELIER

Report

The Policy and Resources Committee has submitted a proposal to the States to address the number one political issue for Jersey - that of over population. While it is encouraging to see steps being taken on this issue, it is unlikely that the measures as set out in P.175/99 are adequate enough to succeed as they stand. I was somewhat surprised that the States were not of the opinion that a new States Assembly, with new ideas and views, should be the one to debate this issue. Perhaps this is understandable as population has once and for all been placed on the front burner by the public who are screaming for action, as seen in the recent Senatorial elections. The States have unwittingly surged forward, with little time remaining to give it proper care and consideration, in my opinion. Three of the four actions in the proposition of the Policy and Resources Committee are only asking Committees to go away and report back to the States on investigations that have no immediate time limit to them. This is hardly good enough the population problem is no longer "tomorrow's problem" but "yesterday's" and "today's".

I am therefore submitting these amendments to P.175/99 to give a definitive time scale on two courses of action that in my view are more than reasonably achievable as the current House and future House will no doubt be up on this subject. It will also allow us to once and for all look at the option for work permits, in a constructive manner. It will allow us to enable or create legislation for them as an option if we should decide they be used in the future as part of a package of measures that will address this "haemorrhaging of the Jersey way of life as we know it". This is also important in light of recent doubts raised in relation to the possible consequences of using the Protection of Employment Opportunities (Jersey) Law 1988.

The possible alternatives as used by other Island communities and jurisdictions have in my opinion some real possibilities as part of a package of solutions. This is evident for example, in the Cayman Islands, which is a British Dependent Territory. The measures used by the Cayman Island authorities may for some reason seem "harsh" and "oppressive" but for an Island community with a wealth of jobs available and a highly desirable location to live they have seen it as "good government" to restrict not only in their Island the number of employees' dependants accompanying the worker but also many other factors that could and do, influence an increase to the overall population base of a small community. The work permit they employ is argued as necessary for exactly the opposite reason that we use for not implementing it - "too many jobs available"! It is a small group of economically active and dynamic Islands supporting 1.2 million tourists a year, they enjoy a thriving finance based economy. Details are available on the internet @<http://cayman.com.ky/jobs.htm> or by contacting the Cayman Islands Government office in London at Trevor House, 100 Brompton Road, London SW3 1EX. The same methods of attempting to control overpopulation are employed in many other jurisdictions and we should properly consider their use. The reasons for not proposing the implementation of work permits as a means of controlling the population have been made by many over the years and every year as their reports projections prove, they have been demonstrated to be wrong. In my view the States have been influenced by deliberate fear tactics which have been deployed for not using them such as -

1. Work permits are inflationary - I doubt very much that they would have led to the kind of inflation we are currently seeing in the Island. (3.4 per cent).
2. Work permits are against the European Convention of Human Rights **UNTRUE**. "The idea of work permits does not in principle, conflict with any of the Convention rights. The Convention does not confer a right of work". Advice received from Law Officers' Department in a memorandum dated 2nd August 1999 and circulated to members. (They also do not confer the right to housing or social security).
3. If we were to implement them then England would do the same for us! The Isle of Man, Guernsey, Alderney and other United Kingdom jurisdictions have work permits and none of them have been blackmailed with this threat.

It is now time to put the dialogue to rest and to implement the long overdue wishes of the people.

STATES MEMBERS LUNCHEON

No.3 Committee Room

I will require lunch at today's meeting.

Signed.....

Name.....

Please hand this slip to an usher before 10.00 a.m. today