

STATES OF JERSEY ORDER PAPER

Tuesday 13th March 2007

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Tour de Bretagne (Jersey) Order 2007. R&O 38/2007.
Minister for Transport and Technical Services.

Misuse of Drugs (Addicts) (Amendment No. 5) (Jersey) Order 2007 R&O 39/2007.
Minister for Health and Social Services.

C. DOCUMENTS PRESENTED OR LAID

Environmental Taxes: public consultation discussion paper. R.15/2007.
Presented: 28th February 2007.
Minister for Planning and Environment.

Code of Conduct for elected members: Senator S. Syvret. R.16/2007.
Presented: 2nd March 2007.
Privileges and Procedures Committee.

Land Transactions under Standing Order 168(3) – R.17/2007.
(a) Beau Sejour, Mont Millais, St. Helier, JE2 4RA– lease;
(b) Flat 1, Claremont, Bagatelle Road, St. Saviour, JE2 7TX– lease.
Presented: 5th March 2007.
Minister for Treasury and Resources.

Fur products: petition (P.72/2006, as amended) – report to the States. R.18/2007.
Presented: 7th March 2007.
Council of Ministers.

Composition and Election of the States – summary of responses to consultation. R.19/2007.
Presented: 7th March 2007.
Privileges and Procedures Committee.

Survey on Electoral Reform in Jersey, 2007. R.20/2007.
Presented: 7th March 2007.
Privileges and Procedures Committee.

States of Jersey Complaints Board: report 2006. R.21/2007.
Presented: 12th March 2007.
Privileges and Procedures Committee.

Jersey Telecom – privatisation S.R.5/2007.
Presented: 6th March 2007.
Economic Affairs Scrutiny Panel.

The GP Co-Operative Out-of-Hours Service. S.R.6/2007.
Presented: 8th March 2007.
Education and Home Affairs Scrutiny Panel.

Public Accounts Committee Report on the Battle of Flowers. P.A.C.2/2007.
Presented: 1st March 2007.
Public Accounts Committee.

D. NOTIFICATION OF LODGED PROPOSITIONS

Draft Customs and Excise (Amendment No. 4) (Jersey) Law 200 . P.32/2007.
Lodged: 2nd March 2007.
Minister for Home Affairs.

Tevielka, La Rue de la Haye du Puits, Grouville: proposed deed of arrangement. P.33/2007.
Lodged: 5th March 2007.
Minister for Treasury and Resources.

Annual Business Plan 2007: Property Plan. P.34/2007.
Lodged: 5th March 2007.
Chief Minister.

Draft Financial Services Commission (Amendment No. 4) (Jersey) Law 200 . P.35/2007.
Lodged: 6th March 2007.
Minister for Economic Development.

Le Squez Redevelopment Phase 1b: redefinition of boundaries. P.36/2007.
Lodged: 6th March 2007.
Minister for Housing.

Draft Goods and Services Tax (Jersey) Law 200- . P.37/2007.
Lodged: 6th March 2007.
Minister for Treasury and Resources

Draft Sea Fisheries (Les Minquiers) (Jersey) Regulations 200-. P.38/2007.
Lodged: 9th March 2007.
Minister for Economic Development.

Draft Sea Fisheries (Trawling, Netting and Dredging) (Amendment No. 2) (Jersey) P.39/2007.
Regulations 200-.
Lodged: 9th March 2007.
Minister for Economic Development.

E. WITHDRAWAL OF LODGED PROPOSITIONS

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

(a) – **Written Questions**
(attached)

1. The Chief Minister will table an answer to a question asked by Deputy D.W. Mezbourian of

- St. Lawrence regarding staff suspensions as a result of disciplinary infractions up to the end of 2006.
2. The Chief Minister will table an answer to a question asked by Deputy D.W. Mezbourian of St. Lawrence concerning 'j' category employees during the period 2000 to 2006.
 3. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding the potential for compensation to be paid by the new operator of the amphibious service to Elizabeth Castle in view of the proposed closure of the Castle until 1st June 2007.
 4. The Chairman of the Environment Scrutiny Panel will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement in relation to waste disposal issues.
 5. The Minister for Housing will table an answer to a question asked by Deputy G.P. Southern of St. Helier in connexion with the concrete degradation at Convent Court.
 6. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the payment of benefits and Long Term Incapacity Allowance.
 7. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier concerning teachers' pay awards.

(b) – **Oral Questions** (90 minutes)
(attached)

1. Deputy R.G. Le Hérissier will ask the following question of the Chairman of the Privileges and Procedures Committee -

“What lessons have been learnt from the outcome of recent investigations into the letter written by Senator Syvret?”

2. Deputy D.W. Mezbourian of St. Lawrence will ask the following question of the Chief Minister –

“Will the Chief Minister advise members what records are kept, if any, of the number of additional people taking up residence in the Island, be that spouse/partner and/or children, consequential to the States employing 'j' category staff?”

3. Deputy R.G. Le Hérissier will ask the following question of the Minister for Health and Social Services –

“When will the Ministerial response to the Scrutiny Report entitled ‘Overdale - the closure of Leoville and McKinstry wards’ be available?”

4. Deputy J.A. Martin of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Has the Minister had time to study the Scrutiny Report SR5/2007 Jersey Telecom: Privatisation and will he now state which of the five recommendations he agrees with, and which he will act upon?”

5. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Economic Development –

“Would the Minister advise members of the tendering and selection process adopted for the £250,000 contract for the new Jersey Tourism website and indicate whether this sum covers

ongoing site maintenance?

6. Senator B.E. Shenton will ask the following question of the Minister for Planning and Environment –

“Would the Minister advise members whether he will be reviewing the free parking offered to staff within his Department, given his commitment to environmental taxes and user pays policies?”

7. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Would the Minister advise members whether he considers the EU’s Savings Directive to be an effective means of producing revenue and reducing tax evasion?”

8. Senator B.E. Shenton will ask the following question of the Minister for Economic Development –

“Does the Minister consider it appropriate for him to act as regulator, licensor, and financier in respect of airline licences and would he notify members of the amount of subsidy paid to BMI in respect of the Heathrow route, and explain how this payment will be shown in his Department’s entry in the States Accounts?”

9. Deputy S.S.P.A. Power of St. Brelade will ask the following question of the Minister for Education, Sport and Culture –

“Would the Minister inform the States whether the proposed Hydra Terra amphibious vehicles for use on the service to Elizabeth Castle will be able to operate safely in an open sea state and would he advise whether the Jersey Heritage Trust has retained a naval architect or marine consultant to assess the stability, survivability and suitability of the proposed vehicles?”

10. Deputy J.A. Martin of St. Helier will ask the following question of the Chairman of Privileges and Procedures Committee–

“Is the Chairman satisfied that the findings of the recent MORI poll accurately reflect the views of Islanders, when 50% of those contacted stated that they ‘knew nothing or not very much’ about electoral reform in Jersey and only one third were sure that they had received the leaflet on which the questions were based?”

11. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Transport and Technical Services -

“Would the Minister advise members of the timescale involved in safely shutting down, from normal running, the types of incinerators being considered as a replacement for Bellozanne, and whether such timescale would involve any damage to the plant?”

12. Deputy S.S.P.A. Power of St. Brelade will ask the following question of the Minister for Education, Sport and Culture –

“Would the Minister inform the States whether the contract period for the new operator of the proposed Amphibious Vehicles at Elizabeth Castle was extended from 5 to 10 years, and, if so, whether this was notified to all tender parties and announced publicly?”

13. Deputy K.C. Lewis of St. Saviour will ask the following question of the Minister for Health and Social Services–

“Would the Minister advise members why it is not intended to advise patients of the results of

blood samples taken from them for testing for H.I.V. and Hepatitis C?”

(c) – **Questions to Ministers without notice** (30 minutes) -

1st question period – Minister for Economic Development

2nd question period – Chief Minister

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Chairman of the Privileges and Procedures Committee will make a statement about the work of the Machinery of Government Review Sub-Committee.

L. PUBLIC BUSINESS

Draft F.B. Playing Fields (Sports Hall) (Jersey) Law 200-. P.9/2007.
Lodged: 22nd January 2007.
Minister for Education, Sport and Culture.

Draft Shops (Sunday Trading) (No. 9) (Jersey) Regulations 200. P.10/2007.
Lodged: 26th January 2007.
Minister for Economic Development.

Draft Police Procedures and Criminal Evidence (Jersey) Law 2003 (Appointed P.17/2007.
Day) (No. 4) Act 200.
Lodged: 2nd February 2007.
Minister for Home Affairs.

Minimum Wage Level. P.23/2007.
Lodged: 12th February 2007.
Deputy G.P. Southern of St. Helier.

Minimum Wage: Youth Rate. P.25/2007.
Lodged: 13th February 2007.
Deputy G.P. Southern of St. Helier.

Draft Employment (Minimum Wage) (Amendment No. 2) (Jersey) Regulations P.14/2007.
200-.
Lodged: 30th January 2007.
Minister for Social Security.

Former Jersey College for Girls: proposed sale. P.30/2007.
Lodged: 27th February 2007.
Deputy R.C. Duhamel of St. Saviour.

The States will sit in Committee to discuss the following report –

Composition and election of the States Assembly: options for change. R.97/2006.
Presented: 11th December 2006.
Privileges and Procedures Committee.

M. ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

27th March 2007

Composition and Election of the States Assembly: proposed reform. Lodged: 3rd November 2006. <i>Senator B.E. Shenton.</i>	P.145/2006.
Composition and Election of the States Assembly: proposed reform (P.145/2006): amendments. Lodged: 28th December 2006. <i>Deputy G.P. Southern of St. Helier.</i>	P.145/2006. Amd.
Draft Road Traffic (No. 57) (Jersey) Regulations 200-. Lodged: 1st December 2006. <i>Minister for Transport and Technical Services.</i>	P.161/2006.
Draft Road Traffic (No. 57) (Jersey) Regulations 200 (P.161/2006): amendment. Lodged: 23rd January 2007. <i>Minister for Transport and Technical Services.</i>	P.161/2006. Amd.
Public Elections: reduction in voting age to 16. Lodged: 5th December 2006. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.166/2006.
Electoral Reform. Lodged: 11th January 2007. <i>Deputy G.P. Southern of St. Helier.</i>	P.4/2007.
Draft Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 3) (Jersey) Regulations 200-. Lodged: 2nd February 2007. <i>Minister for Economic Development.</i>	P.15/2007.
Draft Prison (Amendment No. 6) (Jersey) Law 200-. Lodged: 5th February 2007. <i>Minister for Home Affairs.</i>	P.18/2007.
Draft Regulation of Investigatory Powers (Amendment) (Jersey) Law 200-. Lodged: 6th February 2007. <i>Minister for Home Affairs.</i>	P.19/2007.
Draft Centeniers (Terms of Office) (Jersey) Law 200-. Lodged: 6th February 2007. <i>Comité des Connétables.</i>	P.20/2007.
Draft Règlements (200-) sur le tarif des honoraires des Jurés-Justiciers. Lodged: 8th February 2007.	P.21/2007.

Chief Minister.

Draft Employment (Amendment No. 3) (Jersey) Law 200-. P.24/2007.
Lodged: 13th February 2007.
Minister for Social Security.

17th April 2007

Draft Telecommunications (Public Pensions) (Jersey) Regulations 200-. P.27/2007.
Lodged: 20th February 2007.
Minister for Treasury and Resources.

JT Group Limited (“Jersey Telecom”): proposed sale. P.28/2007.
Lodged: 20th February 2007.
Minister for Treasury and Resources.

Draft Housing (General Provisions) (Amendment No. 25) (Jersey) Regulations P.31/2007.
200-.
Lodged: 27th February 2007.
Minister for Housing.

Draft Customs and Excise (Amendment No. 4) (Jersey) Law 200-. P.32/2007.
Lodged: 2nd March 2007.
Minister for Home Affairs.

Tevielka, La Rue de la Haye du Puits, Grouville: proposed deed of arrangement. P.33/2007.
Lodged: 5th March 2007.
Minister for Treasury and Resources.

Annual Business Plan 2007: Property Plan. P.34/2007.
Lodged: 5th March 2007.
Chief Minister.

Draft Financial Services Commission (Amendment No. 4) (Jersey) Law 200-. P.35/2007
Lodged: 6th March 2007.
Minister for Economic Development.

Le Squez Redevelopment Phase 1b: redefinition of boundaries. P.36/2007.
Lodged: 6th March 2007.
Minister for Housing.

Draft Goods and Services Tax (Jersey) Law 200-. P.37/2007
Lodged: 6th March 2007.
Minister for Treasury and Resources.

1st May 2007

Draft Sea Fisheries (Les Minquiers) (Jersey) Regulations 200-. P.38/2007.
Lodged: 9th March 2007.
Minister for Economic Development.

Draft Sea Fisheries (Trawling, Netting and Dredging) (Amendment No. 2) (Jersey) P.39/2007.
Regulations 200-.

Lodged: 9th March 2007.
Minister for Economic Development.

15th May 2007

Draft Water Resources (Jersey) Law 200- .
Lodged: 19th February 2007.
Minister for Planning and Environment.

P.26/2007.

5th June 2007

19th June 2007

Social Housing Property Plan 2007–2016.
Lodged: 16th January 2007.
Minister for Housing.

P.6/2007.

M.N. DE LA HAYE
Greffier of the States

8th March 2007

Note –

In accordance with the meeting dates fixed for 2007 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 14th March and Thursday 15th March 2007.

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.38/2007.

This Order specifies dates and times when Victoria Avenue and nearby streets and parking places may be closed to normal traffic, and used, for the purposes of the time trials that form the prologue to the annual Tour de Bretagne bicycle event.

The Order was made on 2nd March 2007 and came into force on being made.

R&O.39/2007.

This Order makes provisions in respect of the drug fentanyl.

The Order was made on 2nd March 2007 and came into force on 9th March 2007.

WRITTEN QUESTIONS

(See Item I(a))

The Chief Minister will table an answer to the following question asked by Deputy D.W. Mezbourian of St. Lawrence -

“Would the Chief Minister inform Members –

- (a) of the total number of staff, by Department, who were suspended as a result of disciplinary infractions during the year 2006 and in each case identify the employee group concerned, the nature of the alleged infraction, the period of suspension, and the means of disposal of the case?
- (b) out of the total number of staff who were suspended during the period 2000 to 2005 and who remain suspended, identify in each case the Department concerned, the employee group concerned, the nature of the alleged infraction, the period of suspension, and the means of disposal of the case?”

The Chief Minister will table an answer to the following question asked by Deputy D.W. Mezbourian of St. Lawrence –

“Would the Chief Minister inform Members of all staff, by Department, who were employed as a ‘j’ category employee during the years 2000 to 2006 (inclusive) and in each case identify the following –

- (a) job title?
- (b) the number of applications received for each rôle, identified as being from Jersey and elsewhere?
- (c) salary band?
- (d) length of contract?
- (e) in cases where the contract term has expired, whether the incumbent has been retained in the same rôle, been employed in a different rôle or left States’ employment?”

The Minister for Education, Sport and Culture will table an answer to the following question asked by Deputy S.S.P.A. Power of St. Brelade –

“Would the Minister consider whether the new operator of the amphibious service to Elizabeth Castle should pay compensation to the Jersey Heritage Trust in view of the proposed closure of Elizabeth Castle and the non-availability of the Hydra Terra amphibious vehicles from the 1st April 2007 through to the 31st May 2007?”

The Chairman of the Environment Scrutiny Panel will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“Would the Chairman, with regard to waste disposal issues, advise members whether his Panel agrees with the current Transport and Technical Services proposals, and, if not, advise members -

- (a) what the current thinking of the Panel is?
- (b) the nature of any work being undertaken by the Panel?

(c) when that work will be concluded?

Would the Chairman further advise whether the Panel has decided to brief members on alternative strategies for waste disposal, and, if so –

(i) when the decision was taken and what date was chosen on which such a briefing would be given?

(ii) whether that timescale is being met?

The Minister for Housing will table answers to the following questions asked by Deputy G.P. Southern of St. Helier –

- 1 (a) “Will the Minister release to members the content of the report on the state of concrete degradation at Convent Court and if not, will he state on what grounds he feels justified to refuse?
- (b) Following the statements made to tenants in his Department’s newsletter of the 16th February 2007, stating that refurbishment of Convent Court would cost £5 million, will the Minister reveal to Members what estimates, if any, he has been given regarding the relative costs of refurbishment versus demolition and replacement of Convent Court, along with the respective costs for Caesarea Court?
- (c) Given the Minister’s admissions on 27th February 2007 under questioning over plans for Convent Court that he was not in possession of all of the facts, will he undertake to come to the Assembly better prepared for notified questions in future?
- 2 (a) Does the Minister concur with the conclusion reached by the Public Accounts Committee (PAC) in paragraph 52 of the report PAC1/2007 on the States Property Plan that “The Committee agrees with Mr. Ogley and Mr. Le Ruez that, as a matter of principle, the proceeds of the sale of caput assets should not be used to meet revenue expenditure”?
- (b) If he does not agree, will he state his reasons and, if he does, will the Minister state why the plans outlined in P6/2007 of the Social Housing Property Plan do not follow this principle?

The Minister for Social Security will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

- 1 (a) “Does the Minister consider that the statement signed by General Practitioners on medical certificates “that in my opinion his/her incapacity is valid until...[a specified date]” indicates that the patient is incapable of work on that date and , if so, does he agree that by treating this date as the date on which the claimant can return to work, the department is in effect saving the payment of one day’s sickness benefit?”.
- (b) Will the Minister give consideration to either treating the dates given on sickness certificates as inclusive, or to changing the wording to clarify the payment period?
- (c) Does the Minister consider that the statement signed by General Practitioners on medical certificates “that in my opinion his/her incapacity is valid until...[a specified date]” indicates that the patient is incapable of work on that date and , if so, does he agree that by treating this date as the date on which the claimant can return to work, the department is in effect saving the payment of one day’s sickness benefit?
- (d) Will the Minister give consideration to either treating the dates given on sickness certificates as inclusive, or to changing the wording to clarify the payment period?
- 2 (a) Would the Minister inform members what “options for reducing or limiting expenditure on supplementation” mentioned in his answer of 27th February 2007 are under consideration in the ongoing review of the underlying reasons for the unforeseen rise in these costs and, in particular,

will these options include the removal of the one third division of funding between employer/employee/taxpayer or the abolition of the contributions ceiling altogether?

- (b) Does the Minister intend to report the total 2006 supplementation figure to members and will he also report the findings of the review to the States?
- 3 (a) Has the Minister yet received the report on Long Term Incapacity Allowance (LTIA) commissioned from Professor Stafford and can he yet say when he will release its findings to Members and the public?
- (b) In an answer on 19th April 2005, the Minister stated that it was possible to assess how many recipients of LTIA were in work but pointed said that an evaluation of a full year (2005) would be undertaken in order to establish meaningful trends. What meaningful trends, if any, have so far been identified in respect of -
- (i) The proportion of LTIA recipients in work?
- (ii) The proportion of recipients requiring assistance from parish welfare?
- (c) Figures revealed in parts (a) and (d) of his response on 19th April 2005, indicated that awards had been assessed on average at around 60 per cent of the maximum benefit previously awarded under previous schemes, and this amounted to £5.1 million in 2005. What sum, if any, has been factored into the funding of income support to supplement the missing 40 per cent produced by the partial awards?
- 4 (a) Following the public consultation over income support, is it the Minister's intention to withdraw benefit from recipients, especially single parents with children aged over 11 years, who are judged to be not actively seeking full-time work, as is now proposed in the UK?
- (b) Does the Minister consider that people are more likely to return to the workplace or work more hours if there are greater financial incentives, and, if so, will he seek to ensure that the framework for income support he brings to the Assembly later this year achieves this?"

The Chief Minister will table an answer to the following question asked by Deputy G.P. Southern of St. Helier—

“Will the Chief Minister inform members when the improved offer for the 2006 and 2007 pay awards was made to teachers’ representatives, whether it was authorised by the States Employment Board, and, if so, whether all members of the Board were present?”

1st Session –

	First 15 minute period Minister	Second 15 minute period Minister
27th March	Health and Social Services	Education, Sport and Culture
17th April	Planning and Environment	Chief Minister
1st May	Social Security	Housing
15th May	Treasury and Resources	Chief Minister
5th June	Home Affairs	Economic Development
19th June	Transport and Technical Services	Chief Minister
3rd July	Health and Social Services	Education, Sport and Culture
17th July	Planning and Environment	Chief Minister

2nd Session –

First 15 minute period Minister	Second 15 minute period Minister
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11th September	Social Security	Chief Minister
25th September	Housing	Treasury and Resources
9th October	Home Affairs	Chief Minister
23rd October	Economic Development	Transport & Technical Services
6th November	Health and Social Services	Chief Minister
20th November	Education, Sport and Culture	Planning and Environment
4th December	Social Security	Chief Minister