

# STATES OF JERSEY ORDER PAPER

Tuesday, 28th May 2002

**A. COMMUNICATIONS BY THE BAILIFF**

**B. TABLING OF SUBORDINATE LEGISLATION**

*(Explanatory note attached)*

Diseases of Animals (Foot and Mouth - Restrictions  
No. 5A) (Jersey) Order 2002. R & O 40/2002.  
*Agriculture and Fisheries Committee.*

**C. MATTERS RELATING TO COMMITTEE  
MEMBERSHIP**

**D. PRESENTATION OF PAPERS**

**(a) Papers for information**

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

Jersey Arts Trust: report and accounts for  
2000.  
*Education Committee.*

Jersey Arts Trust: report and accounts for  
2001.  
*Education Committee.*

Probation and After Care Service: annual  
report for 2001, business plan for 2002  
and 5 year plan.  
*Home Affairs Committee.*

Fire and Rescue Service: annual report  
2001.

*Home Affairs Committee.*

Draft Barclays Private Clients P.81/2002  
International (Jersey) Law 200- Com.  
(P.81/2002): comments.

*Finance and Economics Committee.*

Report by the Government Actuary on R.C.20/2002.  
the financial condition of the Social  
Security Fund as at 31st December 2000.

*Employment and Social Security  
Committee.*

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

#### **(b) Notification of Standing Order decisions**

15th May 2001

Decisions under delegated functions.

*Finance and Economics Committee.*

#### **(c) Notification of acceptance of tenders**

#### **(d) Papers to be lodged “au Greffe” under Standing Order 17A(1)(a)**

Machinery of Government: proposed P.70/2002.  
departmental structure and transitional Amd.  
arrangements (P.70/2002) - amendment.

*Deputy G.C.L. Baudains of St. Clement.*

Draft Police Procedures and Criminal P.89/2002.  
Evidence (Jersey) Law 200-.

*Home Affairs Committee.*

Draft Social Security (Amendment No. P.90/2002.  
15) (Jersey) Law 200-.

*Employment and Social Security  
Committee.*

Victoria Chambers, The Esplanade, P.91/2002.  
St. Helier: lease of 1st Floor office  
accommodation.

*Industries Committee.*

Field 574 and part of Field 573, Les P.92/2002.  
Falaises de Fiquet, Beauport, St. Brelade:  
exchange of land.

*Planning and Environment Committee.*

#### **(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 President of the Legislation Committee will seek leave to defer consideration of the following matters from the present meeting to a later date –

Draft Rehabilitation of Offenders P.63/2002.  
(Jersey) Law 2001 (Appointed Day)  
Act 200-  
Lodged: 30th April 2002.  
*Legislation Committee.*

Draft Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 200-. P.64/2002.  
Lodged: 30th April 2002.  
*Legislation Committee.*

THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at their next meeting on 11th June 2002 -

Housing Committee Strategic Policy Report 2002 - 2006. P.2/2002.  
Presented: 8th January 2002.  
*Housing Committee.*

Housing Committee Strategic Policy Report 2002 - 2006 (P.2/2002): amendment. P.2/2002. Amd.  
Lodged: 23rd April 2002.  
*Senator C. Stein.*

Housing Committee Strategic Policy Report 2002-2006 (P.2/2002): second amendment. P.2/2002. Amd. (2)  
Lodged: 14th May 2002 and referred to the Housing Committee.  
*Deputy J.A. Martin of St. Helier.*

Housing Committee Strategic Policy Report 2002 - 2006 (P.2/2002): comments. P.2/2002. Com.  
Presented: 5th February 2002.  
*Finance and Economics Committee.*

Draft Road Traffic (No. 53) (Jersey) Regulations 200-. P.66/2002.  
Lodged: 14th May 2002.  
*Home Affairs Committee.*

La Collette Fuel Farm, St. Helier: lease to Shell U.K. Limited and Esso Petroleum Company Limited. P.67/2002.  
Lodged: 14th May 2002.  
*Harbours and Airport Committee.*

La Collette Fuel Farm, St. Helier: lease to Shell U.K. Limited and Esso Petroleum Company Limited (P.67/2002) - comments. P.67/2002. Com.  
Presented: 21st May 2002.  
*Finance and Economics Committee.*

Draft Act amending further the Act of the States dated the 4th day of December 1990, establishing a Scheme to provide compensation for victims of crimes of violence. P.76/2002.  
Lodged: 14th May 2002.  
*Home Affairs Committee.*

Draft Community Provisions Dual-Use Items (Export Control) (Jersey) Regulations 200-. P.86/2002.  
Lodged: 21st May 2002.  
*Finance and Economics Committee.*

Draft Community Provisions (Control of Exports of Dual-Use Items and Technology) (Application) (Jersey) Regulations 200-. P.87/2002.  
Lodged: 21st May 2002.  
*Finance and Economics Committee.*

Victoria Chambers, The Esplanade, St. Helier: lease of 1st Floor office accommodation. P.91/2002.  
*Industries Committee.*

## **F. PRESENTATION OF PETITIONS**

## **G. QUESTIONS**

Senator P.V.F. Le Claire will ask a question of the President of the Employment and Social Security Committee regarding the referral of cases to the Jersey Advisory and Conciliation Service.

The Deputy of St. John will ask questions of the President of the Agriculture and Fisheries Committee regarding the closure of the glasshouse units at the Howard Davis Farm.

The Deputy of St. Martin will ask a question of the President of the Home Affairs Committee regarding the cost of a firearms certificate.

Senator S. Syvret will ask a question of the President of the Finance and Economics Committee regarding public access to the decision conference process.

Deputy C.J. Scott Warren of St. Saviour will ask a question of the President of the Education Committee regarding pupils' parking.

The Deputy of St. John will ask a question of the President of the Employment and Social Security Committee on the survey on household income in Jersey in 2002.

Senator S. Syvret will ask questions of the President of the Policy and Resources Committee regarding the population policy.

**H. MATTERS OF PRIVILEGE**

**I. PERSONAL STATEMENTS**

## **J. COMMITTEE STATEMENTS**

The President of the Education Committee will make a statement regarding finance issues raised in the Jersey Arts Trust reports and accounts for 2000 and 2001.

## **K. PUBLIC BUSINESS**

Machinery of Government: establishment of an Appointments Commission. P.52/2002.  
Lodged: 17th April 2002.  
*Policy and Resources Committee.*

Machinery of Government: establishment of an Appointments Commission (P.52/2002) - comments. P.52/2002. Com.  
Presented: 7th May 2002.  
*Human Resources Committee.*

Machinery of Government: establishment of an Appointments Commission (P.52/2002) - comments. P.52/2002. Com. (2)  
Presented: 21st May 2002.  
*Finance and Economics Committee.*

Draft Housing (Amendment No. 10) (Jersey) Law 200-. P.54/2002.  
Lodged: 23rd April 2002.  
*Housing Committee.*

Draft Public Elections (Jersey) Law 2002 (Appointed Day) Act 200-. P.59/2002.  
Lodged: 23rd April 2002.  
*Legislation Committee.*

Draft Public Elections (Jersey) Regulations 200-. P.60/2002.  
Lodged: 23rd April 2002.  
*Legislation Committee.*

### **Subject to E –**

Draft Rehabilitation of Offenders (Jersey) Law 2001 (Appointed Day) Act 200-. P.63/2002.  
Lodged: 30th April 2002.  
*Legislation Committee.*

Draft Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 200-. P.64/2002.  
Lodged: 30th April 2002.  
*Legislation Committee.*

Manual Workers' Joint Council: Employers' Side membership. P.65/2002.  
Lodged: 30th April 2002.  
*Human Resources Committee.*

Draft Harbours (Administration) P.71/2002.

(Amendment No. 6) (Jersey) Law 200.  
Lodged: 7th May 2002.  
*Harbours and Airport Committee.*

Draft Gambling (Betting) (Amendment  
No. 13) (Jersey) Regulations 200. P.72/2002.  
Lodged: 7th May 2002.  
*Gambling Control Committee.*

Draft Gambling (Licensing Provisions)  
(Amendment No. 13) (Jersey) P.73/2002.  
Regulations 200-.  
Lodged: 7th May 2002.  
*Gambling Control Committee.*

Draft Gambling (Pool Betting)  
(Amendment No. 2) (Jersey) Regulations P.74/2002.  
200-.  
Lodged: 7th May 2002.  
*Gambling Control Committee.*

Draft Medicines (Amendment) (Jersey) Law 200-. Lodged: 7th May 2002. <i>Health and Social Services Committee.</i>	P.77/2002.
“Narkunda” and “Chantemerle”, West Hill, St. Helier: transfer of administration. Lodged: 14th May 2002. <i>Public Services Committee.</i>	P.78/2002
Agent of the Impôts: appointment. Lodged: 14th May 2002. <i>Finance and Economics Committee.</i> <i>(Consideration in camera)</i>	P.79/2002.
Draft Barclays Private Clients International (Jersey) Law 200-. Lodged: 14th May 2002. <i>Deputy of St. Mary.</i>	P.81/2002.
Draft Barclays Private Clients International (Jersey) Law 200- (P.81/2002): comments. Presented: 28th May 2002. <i>Finance and Economics Committee.</i>	P.81/2002 Com.

**C.M. NEWCOMBE**

**Greffier of the States**

23rd May 2002

**Explanatory Note regarding subordinate legislation tabled at this meeting.**

**R & O 40/2002**

The purpose of this Order is to abolish all foot-and-mouth disease restrictions in respect of Argentina. No foot and mouth disease restrictions now remain in force.

The Order was made on 20th May 2002 and came into force on 21st May 2002.

**NOTIFICATION OF STANDING ORDER DECISIONS -  
FINANCE AND ECONOMICS COMMITTEE  
(delegated functions)**

15th May 2002

- (a) as recommended by the Tourism Committee, the lease from the Crown in respect of the Island Foreshore, for a term of 99 years deemed to have commenced from 1st January 2000, at an initial annual rent of £4,500, with rent reviews every ten years, upwards only, based on a factor of 2.5 per cent a year or the equivalent increase in the prevailing level of the Jersey Retail Price Index, whichever was the lower. The lease was to contain a clause which prevented the Crown from offering the foreshore or any part thereof for sale or from accepting an offer to purchase the foreshore or any part thereof without the previous consent of the States of Jersey. Each party would be responsible for its own legal costs arising from this transaction;
  
- (b) as recommended by the Health and Social Services Committee, the lease from Mr. Jock Campbell Russell and Mrs. Susan Joy Russell, née Wilford, of the two-bedroom 'j' category property known as No. 3 Oakdale Cottage, La Rue des Buttes, St. John, for a period of three years from 1st May 2002 at an annual rent of £14,250, payable monthly in advance, with annual rent reviews in line with the Jersey Retail Price Index, on the basis that each party would be responsible for the payment of its own legal costs arising from this transaction, with no deposits to be paid.

## QUESTION PAPER

(See Item G)

Senator P.V.F. Le Claire will ask the following question of the President of the Employment and Social Security Committee -

“Would the President inform members -

- (a) how many Jersey employers have been reported to the Jersey Advisory and Conciliation Service (JACS) for failing to provide their employees with contracts and agreements in accordance with the Terms of Employment (Jersey) Regulations 2001?
- (b) how many of these cases have been referred to the Terms of Employment Officer for action, how many has this officer referred to the police with a recommendation for prosecution, and how many prosecutions have there been?
- (c) if the answer to the last question is ‘none’ why his Department has not referred to the Attorney General for consideration of prosecution any cases of continuing failure by employers to comply with the Regulations.”

The Deputy of St. John will ask the following questions of the President of the Agriculture and Fisheries Committee -

- “1. In connexion with the closure of the glasshouse units at the Howard Davis Farm, will the President advise members -
  - (a) whether savings have been made since the closure, and if the answer is in the affirmative, in what area have these savings been used?
  - (b) whether it is the Committee’s intention to keep the glasshouses closed in future and if so, will the units be demolished or leased to the industry?
  - (c) how many jobs within the Department have been lost because of the closure, or have the personnel been re-trained for other duties?
- 2. Several years ago the Committee of the day installed a power plant at the Howard Davis Centre as a stand alone unit in the event of power failure. Will the President advise members of the cost of installing that power plant, the number of times it has been used in an emergency, and whether it is the Committee’s intention to try and recoup some of its investment by selling this equipment?”

The Deputy of St. Martin will ask the following question of the President of the Home Affairs Committee -

“Prior to the debate on the draft Firearms Law in November 1999 the President, in his capacity as rapporteur for the draft

law, circulated to members a document entitled '*Draft Firearms Law at a Glance*' which referred to the effect of the new law on various categories of firearms users and twice contained the statement '*Future: will have to obtain a firearms certificate from his Connétable. Cost £5.00. Length of certificate: five years*'. The President also informed a well-attended public meeting held before the debate that the cost of the new firearms certificate would '*effectively stay the same*'. Would the President advise members what substantial changes have taken place since the debate to justify the 500 per cent increase in the cost of a firearms certificate as set out in Article 2(5) of the Firearms (General Provisions) (Jersey) Order 2001?"

Senator S. Syvret will ask the following question of the President of the Finance and Economics Committee -

"The Finance and Economics Committee has arranged for a 'Decision Conference' process to take place on 12th June 2002, at which major Committee Presidents and Chief Officers will discuss the States major capital projects programme and examine the 2004 revenue expenditure process.

Would the President inform members –

- (a) whether he personally would support opening the forthcoming 'Decision Conference' discussions to the public and journalists as observers?
- (b) if, as President of the organising Committee, he would seek the agreement of the relevant Committee Presidents in respect of making the meeting open to the public and making public the associated documentation?

Should answers to the above questions be negative, will the President provide a detailed explanation of the reasons for opposing public access?"

Deputy C.J. Scott Warren of St. Saviour will ask the following question of the President of the Education Committee -

- "(a) Would the President inform the Assembly of the reason why it has been and still remains the policy of the Committee not to allow pupils to park in school car parks?
- (b) What responsibility does the Committee have to those students who do have to park away from their school as a result of the above policy, given that those students who are under 18 are, in law, minors?
- (c) Does the President accept that with the majority of secondary schools located in the Parish of St. Saviour, this policy is in fact to the detriment of the parishioners of St. Saviour?"

The Deputy of St. John will ask the following question of the President of the Employment and Social Security Committee -

On 10th May 2002 letters were sent to some households

requesting information on household income in Jersey in 2002. It states in the letter that the researcher and I quote 'will be asking for income information about all the people living at the address not just yourself so it would be useful to have a salary or wage slip and any other relevant information handy when they call'.

- (a) would the President advise members of the estimated cost of this survey?
- (b) would the President explain why this survey is necessary given that this information would be available from other sources?
- (c) would he explain why the letter was posted in the United Kingdom although it was signed by the Head of Statistics?
- (d) is the President satisfied that this survey is not an intrusion into people's affairs, and does he agree that the survey may cause great difficulties in a household where the occupiers may keep their affairs separate for any number of reasons?
- (e) would the President explain whether the Committee gave detailed consideration to these questions before the survey was sanctioned?

Senator S. Syvret will ask the following questions of the President of the Policy and Resources Committee -

- “1.(a) Will the President inform the Assembly whether the Committee examined in detail alternative policy options when considering population issues prior to the production of the Committee's draft Population Policy, and if so will he provide for the Assembly a detailed account of those options including a description of the advantages and disadvantages of each?
  - (b) if the Committee did not undertake a detailed evaluation of alternative policy responses to the issues of population, will the President inform the Assembly why, and will he undertake to investigate and evaluate such alternative policy responses and make fully public the results?
- 2.(a) A significant amount of community participation, time and good will, not to mention public resources, went into the production of 'Jersey into the Millennium: a Sustainable Future'. The Committee's draft population policy simply ignores the findings and recommendations of this community produced document. Will the President undertake that the Committee shall produce a detailed response to "Jersey into the Millennium" before seeking a debate on the Committee's draft population policy?
- (b) will the President agree to ask the Environmental Adviser to prepare for publication his independent, professional assessment of the environmental and

sustainability implications of the population policy  
proposed by the Committee?