

STATES OF JERSEY ORDER PAPER

Tuesday 5th July 2005

- A. COMMUNICATIONS BY THE BAILIFF
- B. TABLING OF SUBORDINATE LEGISLATION
- C. MATTERS RELATING TO COMMITTEE MEMBERSHIP
- D. PRESENTATION OF PAPERS

(a) **Papers for information**

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

Lessons learnt from the Internal Audit of the Jersey Competition Regulatory Authority – Report of the Shadow Public Accounts Committee. P.A.C.1/2005.

Deputy S.C. Ferguson of St. Brelade.

Investing in our Future: a vision for early childhood education and care for children in Jersey. R.C.54/2005.

Education, Sport and Culture Committee.

Freedom of Information: proposed legislation (P.72-2005) – comments. P.72/2005.
Com.(2)

Policy and Resources Committee.

Census 2006: provision (P.116/2005) – comments. P.116/2005.
Com.

Policy and Resources Committee.

Environment and Public Services: establishment of Ministers and Departments (P.120-2005) – amendment (P.120/2005 Amd.) – comments. P.120/2005.
Amd.Com.

Home Affairs 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)**
- (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**

In accordance with Standing Order 22(3), Deputy R.G. Le Hérisier of St. Saviour has instructed the Greffier of the States to withdraw the following matter –

Committee of Inquiry: Jersey Opera House. Lodged: 22nd March 2005.	P.67/2005.
THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at their next meeting on 19th July 2005 -	
Draft Children and Day Care (Amendment) (Jersey) Law 200-. Lodged: 19th April 2005. <i>Health and Social Services Committee.</i>	P.73/2005.
Draft Shops (Sunday Trading) (Trial Arrangements) (Jersey) Regulations 200-. Lodged: 7th June 2005. <i>Legislation Committee.</i>	P.108/2005. <i>(re-issue)</i>
Draft Companies (Amendment No. 8) (Jersey) Law 200. Lodged: 21st June 2005. <i>Economic Development Committee.</i>	P.110/2005.
Draft Restriction on Smoking (Amendment) (Jersey) Law 200-. Lodged: 21st June 2005. <i>Health and Social Services Committee.</i>	P.111/2005.
Draft Restriction on Smoking (Amendment) (Jersey) Law 200- (P.111/2005): amendments. Lodged: 28th June 2005. <i>Deputy J.L. Dorey of St. Helier.</i>	P.111/2005. Amd.
Rural Economy Strategy. Lodged: 21st June 2005. <i>Economic Development Committee.</i>	P.112/2005.
Draft Day Care of Children (Jersey) Law 2002 (Appointed Day) Act 200-. Lodged: 21st June 2005. <i>Education, Sport and Culture Committee.</i>	P.113/2005.
Waterfront Enterprise Board: renewal of ten-year working limit. Lodged: 21st June 2005. <i>Policy and Resources Committee.</i>	P.114/2005.
Draft Education (Amendment) (Jersey) Law 200-. Lodged: 21st June 2005. <i>Education, Sport and Culture Committee.</i>	P.117/2005.
Greenfields Centre, St. Saviour: approval of drawings. Lodged: 21st June 2005. <i>Education, Sport and Culture Committee.</i>	P.118/2005.
Draft Animal Welfare (Amendment) (Jersey) Law 200-. Lodged: 21st June 2005. <i>Economic Development Committee.</i>	P.121/2005.
Draft Amendment (No. 28) of the Standing Orders of the States of Jersey. Lodged: 21st June 2005.	P.122/2005.

Deputy G.P. Southern of St. Helier.

Warren Farm, Noirmont, St. Brelade. Lodged: 22nd June 2005. <i>Deputy S.C. Ferguson of St. Brelade.</i>	P.125/2005.
Restriction on smoking in enclosed workplaces. Lodged: 22nd June 2005. <i>Health and Social Services Committee.</i>	P.126/2005.
Draft Island Planning (Amendment No. 9) (Jersey) Law 200. Lodged: 22nd June 2005. <i>Environment and Public Services Committee.</i>	P.127/2005.
Draft Planning and Building (Amendment No. 3) (Jersey) Law 200. Lodged: 22nd June 2005. <i>Environment and Public Services Committee.</i>	P.128/2005.
Draft Matrimonial Causes (Amendment No. 11) (Jersey) Law 2003 (Appointed Day) Act 200-. Lodged: 28th June 2005. <i>Legislation Committee.</i>	P.129/2005.
Draft Criminal Justice (Evidence of Children) (Jersey) Law 2002 (Appointed Day) Act 200-. Lodged: 28th June 2005. <i>Legislation Committee.</i>	P.130/2005.
Draft States of Jersey (Period for Ordinary Election) (Jersey) Regulations 200-. Lodged: 28th June 2005. <i>Privileges and Procedures Committee.</i>	P.131/2005.
Draft States of Jersey Law 2005 (Appointed Day) (No. 1) Act 200. Lodged: 28th June 2005. <i>Privileges and Procedures Committee.</i>	P.132/2005.
Draft Public Finances (Amendment) (Jersey) Law 200-. Lodged: 28th June 2005. <i>Finance and Economics Committee.</i>	P.133/2005.
Draft Plant Health (Jersey) Law 2003 (Appointed Day) Act 200-. Lodged: 28th June 2005. <i>Environment and Public Services Committee.</i>	P.134/2005.
Draft Social Security (Amendment No. 18) (Jersey) Law 200. Lodged: 28th June 2005. <i>Employment and Social Security Committee.</i>	P.135/2005.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

(a) Written Questions

H.M. Attorney General will table an answer to a question asked by Deputy J-A. Bridge of St. Helier regarding the issuing of legal advice and resources in the Law Officers' Department.

The President of the Employment and Social Security Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding LTIA assessments.

The President of the Employment and Social Security Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding LTIA and HIE.

The President of the Education, Sport and Culture Committee will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the Youth Service budget.

The President of the Privileges and Procedures Committee will table an answer to a question asked by Senator P.F. Routier regarding the scrutiny process.

The President of the Health and Social Services Committee will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding 'bed management'.

The President of the Environment and Public Services Committee will table answers to a questions asked by the Deputy of St. Martin regarding matters relating to the draft Animal Welfare (Jersey) Law 200-.

(b) Oral Questions

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Island Plan 2002: changes to Built-up Area boundary, (*as amended up to 28th June 2005.*) P.77/2005.

Lodged: 19th April 2005.

Environment and Public Services Committee.

Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – P.77/2005.
amendments. Amd.

Lodged: 3rd May 2005.

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

Draft Child Abduction and Custody (Jersey) Law 200-. P.105/2005.

Lodged: 7th June 2005.

Legislation Committee.

Draft Criminal Law (Child Abduction) (Jersey) Law 200-. P.106/2005.

Lodged: 7th June 2005.

Legislation Committee.

Draft Child Custody (Jurisdiction) (Jersey) Law 200-. P.107/2005.

Lodged: 7th June 2005.

Legislation Committee.

Solid Waste Strategy. Lodged: 10th May 2005. <i>Environment and Public Services Committee.</i>	P.95/2005.
Solid Waste Strategy (P.95/2005): amendment. Lodged: 7th June 2005. <i>Deputy M.F. Dubras of St. Lawrence.</i>	P.95/2005. Amd.
Solid Waste Strategy (P.95/2005): amendment (P.95/2005 Amd.)– comments. Presented: 28th June 2005. <i>Environment and Public Services Committee.</i>	P.95/2005. Amd.Com.
Solid Waste Strategy (P.95/2005): second amendments. Lodged: 21st June 2005. <i>Deputy J.B. Fox of St. Helier.</i>	P.95/2005. Amd.(2)
Solid Waste Strategy (P.95/2005): second amendments (P.95/2005 Amd.(2))– comments. Presented: 28th June 2005. <i>Environment and Public Services Committee.</i>	P.95/2005. Amd.(2)Com.
Solid Waste Strategy (P.95/2005): third amendments. Lodged: 21st June 2005. <i>Deputy R.C. Duhamel of St. Saviour.</i>	P.95/2005. Amd.(3)
Solid Waste Strategy (P.95/2005): third amendments (P.95/2005 Amd. (3)) – comments. Presented: 28th June 2005. <i>Environment and Public Services Committee.</i>	P.95/2005. Amd.(3)Com.
Solid Waste Strategy (P.95/2005): fourth amendment (P.95/2005 Amd. (4)) – comments. <i>Connétable of St. Ouen.</i> (attached)	P.95/2005. Amd.(4)
Freedom of Information: proposed legislation. Lodged: 19th April 2005. <i>Privileges and Procedures Committee.</i>	P.72/2005.
Freedom of Information: proposed legislation (P.72/2005) – comments. Presented: 21st June 2005. <i>Finance and Economics Committee.</i>	P.72/2005. Com.
Freedom of Information: proposed legislation (P.72-2005) – comments. Presented: 5th July 2005. <i>Policy and Resources Committee.</i>	P.72/2005. Com.(2)
Freedom of Information: proposed legislation (P.72/2005) – amendment. Lodged: 21st June 2005. <i>Privileges and Procedures Committee.</i>	P.72/2005. Amd.
La Pouquelaye School, Le Hurel, St. Helier: transfer of administration.	P.94/2005.

Lodged: 10th May 2005. <i>Education, Sport and Culture Committee.</i>	
Draft States of Jersey (Amendment No. 2) Law 200. Lodged: 24th May 2005. <i>Privileges and Procedures Committee.</i>	P.98/2005.
Draft Employment of States of Jersey Employees (Jersey) Law 200-. Lodged: 24th May 2005. <i>Presented by the Policy and Resources Committee.</i>	P.99/2005.
Draft Employment of States of Jersey Employees (Jersey) Law 200- (P.99/2005): comments. Presented: 21st June 2005. <i>Finance and Economics Committee.</i>	P.99/2005. Com.
Draft Employment of States of Jersey Employees (Jersey) Law 200- (P.99/2005): amendments. Lodged: 21st June 2005. <i>Harbours and Airport Committee.</i>	P.99/2005. Amd.
Jersey Law Commission: appointment of Commissioners. Lodged: 7th June 2005. <i>Legislation Committee.</i>	P.109/2005.
La Collette, St. Helier: modification of lease of land to Jersey Gas Company Limited. Lodged: 21st June 2005. <i>Harbours and Airport Committee.</i>	P.115/2005.
Draft Liquor (Restrictions on Consumption) (Jersey) Law 200-. Lodged: 21st June 2005. <i>Home Affairs Committee.</i>	P.119/2005.
Environment and Public Services: establishment of Ministers and Departments. Lodged: 21st June 2005. <i>Policy and Resources Committee.</i>	P.120/2005.
Environment and Public Services: establishment of Ministers and Departments (P.120/2005) – comments. Presented: 28th June 2005. <i>Environment and Public Services Committee.</i>	P.120/2005. Com.
Environment and Public Services: establishment of Ministers and Departments (P.120/2005) – amendment. Lodged: 28th June 2005 (<i>not able to be debated until 12th July 2005, at earliest</i>) <i>Environment and Public Services Committee.</i>	P.120/2005. Amd.
Environment and Public Services: establishment of Ministers and Departments (P.120-2005) – amendment (P.120/2005 Amd.) – comments. Presented: 5th July 2005. <i>Home Affairs Committee.</i>	P.120/2005. Amd.Com.

Census 2006: provision. Lodged: 21st June 2005. <i>Connétable of St. Helier.</i>	P.116/2005.
Census 2006: provision (P.116/2005) – comments. Presented: 5th July 2005. <i>Policy and Resources Committee.</i>	P.116/2005. Com.
Commission Amicale: appointment of President and Chairman. Lodged: 26th April 2005. <i>Policy and Resources Committee.</i>	P.89/2005.
Commission Amicale: appointment of President and Chairman (P.89/2005) – amendment. Lodged: 21st June 2005. <i>Senator J.A. Le Maistre.</i>	P.89/2005. Amd.
Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Law 2005 (Appointed Day) Act 200-. Lodged: 21st June 2005. <i>Home Affairs Committee.</i>	P.123/2005.
Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Regulations 200-. Lodged: 21st June 2005. <i>Home Affairs Committee.</i>	P.124/2005.

M.N. DE LA HAYE
Greffier of the States

30th June 2005.

Note –

Members are kindly reminded to bring with them their copy of the report to accompany the Solid Waste Strategy proposition (P.95/2005).

Members may also find it helpful to bring their copy of the Shadow Scrutiny Report entitled ‘Draft Waste Management Strategy’ dated April 2005 (S.R.4/2005), together with a response of the Environment and Public Services Committee dated 31st May 2005 (S.R.4/2005 Res.)

Note –

In accordance with a decision of the States on 16th November 2004, this meeting will continue, if necessary, on Wednesday 6th and Tuesday 12th July 2005.

WRITTEN QUESTION PAPER

(See Item G)

H.M. Attorney General will table an answer to a question asked by Deputy J-A. Bridge of St. Helier –

Given that nearly one year ago on 6th July 2004, the President of the Home Affairs Committee responded to a question on the lack of implementation of the Young Offenders' Institution Rules and the Prison Rules, in the following terms –

“Implementation of the Young Offenders' Institution Rules and Prison Rules has been delayed pending the receipt of advice from H.M. Attorney General on the question of whether to appoint an Adjudicator to replace the Prison Board of Visitors to adjudicate on matters concerning the discipline of prisoners, in particular where the loss of remission is concerned. Once this issue has been resolved, the Rules can be brought into effect.”,

and given that the President subsequently responded to a similar question posed on 1st March 2005, in the following terms –

“The Home Affairs Committee has yet to receive the advice requested of the Attorney General. There has, therefore, been a further delay in the bringing into effect of these Rules.”,

Would the Attorney General inform members –

- (a) whether he has since furnished the Home Affairs Committee with his advice on the Prison Rules, and, if not, when he proposes to do so?
- (b) whether the current Rules are Human Rights compliant?
- (c) whether the staffing resources in his department are sufficient to meet the demands made for legal advice by Committees, and, if not, whether this has had any impact in the implementation of policy as Committees wait for advice?
- (d) to what extent the availability of staffing resources in the Law Officers' Department impacts on legal advice provided to Committees, and what steps, if any, have been taken to address this?

The President of the Employment and Social Security Committee will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

In answer to my question on 15th March 2005, regarding LTIA, the President stated that the Committee was *‘not aware of difficulties in assessment’* for LTIA carried out by the Medical Board. Is the Committee satisfied that the Medical Board system works well and equally for all those assessed for percentage awards for incapacity due to mental illness, and why is there no psychiatric expertise employed on such Boards?

The President of the Employment and Social Security Committee will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

In questions on 24th May 2005 on LTIA and HIE the President referred to the *‘infinite combinations of illness’* rendering research into additional medical costs *‘of little value’* and stated that a review of incapacity benefit would take place after a full year. Will HIE be available in future to those on over 75% incapacity on LTIA and, if so, what has caused this change of policy?”

The President of the Education, Sport and Culture Committee will table an answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour –

What proportion of the Youth Service budget is allocated to supervisory and management costs and what are the actual costs of these two functions?

The President of the Privileges and Procedures Committee will table an answer to the following question asked by Senator P.F. Routier –

Would the President confirm whether the Committee is satisfied that there are sufficient guidelines in place to enable the scrutiny process to operate objectively on a basis of a ‘critical friend’, and, if not, would he confirm whether such guidelines will be put in place prior to the move to ministerial government including guidance on the appointment and suitability of advisors asking questions as opposed to the elected Scrutiny Panel?

The President of the Health and Social Services Committee will table an answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour –

How many staff are employed to manage ‘bed management’, and what is the overall cost of this function?

The President of the Environment and Public Services Committee will table answers to the following questions asked by the Deputy of St. Martin –

1. Will the President inform members of the number of allegations of cruelty, if any, reported to the States Veterinary Officer for each year since January 2001 in respect of the following groups of animals –
 - (a) cats;
 - (b) dogs;
 - (c) cattle;
 - (d) horses; and,
 - (e) all other animals?

Of the total number above, how many prosecutions, if any, followed the allegations and how many were successful?

2. Following the States approval of P.126/2003 on 20th April 2004, (Draft Animal Welfare (Jersey) Law 200-) which requires owners of premises boarding cats, dogs or grooming animals for reward to be licensed, will the President inform members of the number of licences required in respect of –
 - (a) kennels;
 - (b) catteries; and,
 - (c) groomers?
3. Since January 2001, how many of the establishments listed in question 2 above have been subject to allegations of cruelty, if any, how many resulted in prosecutions, how many were successful and how many establishments had to cease operating?
4. Would the President inform members of the actual fees that will be imposed for licences for the following –
 - (a) catteries;
 - (b) kennels; and,
 - (c) groomers?

5. In P.126/2003 Amd.Com.(2), the Economic Development Committee stated that ‘*the new Law was*

intended to focus on those areas where there had been complaints made by members of the public where issues of animal cruelty arose. It could not see any benefit in including business sectors where there is no evidence of a problem with animal welfare. Livery stables and riding schools are a good example where animal practice is satisfactory and to include these businesses in the licensing scheme would incur additional bureaucracy and cost for business and produce no benefit'. Would the President inform members of the number of livery stables and the number of riding schools operating in Jersey, how many of these establishments have been subjected to allegations of cruelty, if any, how many prosecutions followed, how many were successful and how many had to cease operating?

6. In P.126/2003 it is stated that *'There are no immediate financial or manpower implications arising from the adoption of the draft Law by the States, by phasing licensing of establishments over a maximum of 24 months the required manpower can be met from the existing resources and any costs associated with the introduction of a licensing scheme will be recovered from licence fees.'* Would the President inform members whether the resources referred to by the Committee, which it claimed to have at its disposal in April 2004, are still available, and if not, the reasons why?
7. If it was known that there would be financial and manpower implications, why were the resources referred to in question 6 above not transferred to the Environment and Public Services Committee, particularly if that Committee does not have any suitably qualified or experienced staff to carry out general investigations?
8. Will the Committee review the need to retain Article 3 of the Animal Welfare (Jersey) Law in the light of evidence concerning any instances of cruelty being carried out by groomers, or in kennels or catteries due to be licensed, in view of the manpower and financial implications required to implement the Article?
9. In connection with the Animal Welfare (Jersey) Law 200-, will the President inform members whether the Welfare Codes referred to in Part 5 of that Law have been submitted to the Animal Welfare Advisory Panel for consideration and approval, and, if so, when a response was received, when the Codes were approved and whether they are available to the general public?

SOLID WASTE STRATEGY (P.95/2005): FOURTH AMENDMENTS

At the end of paragraph (a)(iii) add the words –

“but that kerbside collections should only be introduced if the ‘bring bank’ system is not successful in increasing recycling”.

CONNÉTABLE OF ST. OUEN

REPORT

The Connétables fully support the principle of recycling. The success of recent newspaper ‘bring bank’ collection points introduced by the Environment and Public Services Committee shows that the public are also supportive of recycling.

However, the Environment and Public Services Committee considers that its recycling target can only be met if there is a kerbside collection. The Connétables do not share this view and believe that, if sites are conveniently located, an increasing amount of waste will be recycled as the public become accustomed to the ‘bring bank’ method of disposal.

The ‘bring bank’ system of disposal is an accepted way of life in many other countries including France. At recent Parish events with our twinned regions the culture of recycling has been evident, with guests automatically looking for the appropriate collection point for refuse. To achieve such a change in behaviour locally will require greater promotion and education together with ‘bring bank’ collection points being conveniently located around the Island.

The Comité would also point out that there is currently no kerbside collection of glass in the Parish of St. Helier and glass collection is successfully achieved entirely through a ‘bring bank’ system.

These examples serve to support the view that recycling targets could be achieved through ‘bring bank’ systems together with enhancing public awareness and education of the benefits of recycling.

P.95/2005. Amd.(4)