



STATES OF JERSEY ORDER PAPER

Tuesday 2nd July 2013
CONSOLIDATED

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Medicines (Prescription Only) (Amendment No. 8) (Jersey) Order 2013. R&O.82/2013.
Minister for Health and Social Services.

Community Provisions (Restrictive Measures – Iran) (Amendment No. 4) (Jersey) Order 2013. R&O.83/2013.
Deputy Chief Minister, for and on behalf of Chief Minister.

Control of Housing and Work (Fees) (Jersey) Order 2013. R&O.84/2013.
Chief Minister.

Control of Housing and Work (Exemptions) (Jersey) Order 2013. R&O.85/2013.
Chief Minister.

Public Finances (Transitional Arrangements) (Amendment No. 2) (Jersey) Order 2013. R&O.86/2013.
Minister for Treasury and Resources.

Control of Housing and Work (Guidance on Temporary Absence and Significant Ownership) (Jersey) Order 2013. R&O.87/2013.
Chief Minister.

Community Provisions (Restrictive Measures – Guinea-Bissau) (Amendment No. 2) (Jersey) Order 2013. R&O.88/2013.
Chief Minister.

Social Security (Collection of Contributions) (Jersey) Order 2013. R&O.89/2013.
Minister for Social Security.

Social Security (Contributions) (Amendment No. 14) (Jersey) Order 2013. R&O.90/2013.
Minister for Social Security.

Social Security (Contributions) (Amendment No. 15) (Jersey) Order 2013. R&O.91/2013.
Minister for Social Security.

* Employment Agencies (Registration and Code of Conduct) (Amendment) (Jersey) Order 2013. R&O.92/2013.
Minister for Social Security.

C. DOCUMENTS PRESENTED OR LAID

Draft States of Jersey (Transfer of Functions No. 6) (Economic Development and Treasury and Resources to Chief Minister) (Jersey) Regulations 201- (P.75.2013): P.75/2013.
comments. Com.
Presented: 20th June 2013.
Chairmen's Committee.



Criminal Injuries Compensation Board: Report and Accounts for 2012. Presented: 21st June 2013. <i>Minister for Home Affairs.</i>	R.65/2013.
Jersey Fire and Rescue Service: Annual Review 2012. Presented: 21st June 2013. <i>Minister for Home Affairs.</i>	R.66/2013.
States of Jersey Complaints Board: findings – complaint against a decision of the Minister for Transport and Technical Services. Presented: 24th June 2013. <i>Privileges and Procedures Committee.</i>	R.67/2013.
European Convention on Human Rights (ECHR): Protocol 15. Presented: 26th June 2013. <i>Chief Minister.</i>	R.68/2013.
Control of Housing and Work (Jersey) Law 2012: Guidance – control provisions. Presented: 26th June 2013. <i>Chief Minister.</i>	R.69/2013.
Control of Housing and Work (Jersey) Law 2012: Guidance – temporary absence. Presented: 26th June 2013. <i>Chief Minister.</i>	R.70/2013.
Jersey Tourism: A Year in Review 2012. Presented: 27th June 2013. <i>Minister for Economic Development.</i>	R.71/2013.
States of Jersey Law 2005: delegation of functions – Chief Minister – Control of Housing and Work (Jersey) Law 2012. Presented: 27th June 2013. <i>Chief Minister.</i>	R.72/2013.
* Jersey Consumer Council: Annual Report 2012. Presented: 28th June 2013. <i>Minister for Economic Development.</i>	R.73/2013.
* Jersey Telecom Group Ltd.: Annual Report and Financial Statements at 31st December 2012. Presented: 2nd July 2013. <i>Minister for Treasury and Resources.</i>	R.74/2013.
* Jersey New Waterworks Company Ltd.: annual report and financial statements 2012. Presented: 2nd July 2013. <i>Minister for Treasury and Resources.</i>	R.75/2013.
* Jersey Post International: Annual Report and Accounts 2012. Presented: 2nd July 2013. <i>Minister for Treasury and Resources.</i>	R.76/2013.
Minister for External Relations (S.R.9/2013) – response of the Council of Ministers. Presented: 27th June 2013. <i>Council of Ministers.</i>	S.R.9/2013. Res.



D. NOTIFICATION OF LODGED PROPOSITIONS

Jersey Appointments Commission: re-appointment of member. P.79/2013.
Lodged: 25th June 2013.
Chief Minister.

Draft Adoption (Amendment No. 6) (Jersey) Law 201-. P.80/2013.
Lodged: 25th June 2013.
Chief Minister.

British Nationality Act (H.M. Armed Forces Exemption) Bill: extension to Jersey. P.81/2013.
Lodged: 25th June 2013.
Chief Minister.

Committee of Inquiry: costs for local businesses. P.82/2013.
Lodged: 27th June 2013.
Senator A. Breckon.

Commissioners of Appeal for Taxes Office: re-appointment of members. P.83/2013.
Lodged: 28th June 2013.
Minister for Treasury and Resources.

* Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) P.84/2013.
(Amendment) (Jersey) Law 201-.
Lodged: 2nd July 2013.
Chief Minister.

E. WITHDRAWAL OF LODGED PROPOSITIONS

In accordance with Standing Order 34(1), the proposer of the following proposition lodged 'au Greffe' has informed the Greffier of the States that it is to be withdrawn –

Committee of Inquiry: costs for local businesses. P.31/2013.
Lodged: 25th February 2013.
Senator A. Breckon.

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

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

1. The Minister for Health and Social Services will table an answer to a question asked by the Connétable of St. Lawrence regarding the introduction of an 'end of life' strategy.
2. The Minister for Health and Social Services will table an answer to a question asked by Deputy J.A. Maçon of St. Saviour regarding costs in respect of diabetic foot care and screening for diabetes.



3. The Minister for Planning and Environment will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the number of staff administering the Water Resources (Jersey) Law 2007.
4. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding waiting lists for scans.
5. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding net immigration in 2012.
6. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding tax issues discussed with the U.K. Prime Minister.
7. The Chief Minister will table an answer to a question asked by Deputy S. Pitman of St. Helier regarding the cost of a recent meal with U.K. politicians.
8. H.M. Attorney General will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the total cost of a recent Court case involving former Senator S. Syvret.
9. The Minister for Home Affairs will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding information leaked to a U.K. journalist during a live investigation.
10. H.M. Attorney General will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding individuals named in a 2009 Court case but not prosecuted.
11. The Minister for Home Affairs will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding confidential records accessed by Senator P.M. Bailhache.
12. The Minister for Home Affairs will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding complaints against the Chief and Deputy Chief of the States of Jersey Police.
13. The Minister for Home Affairs will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the rehabilitation of offenders.
14. The Minister for Treasury and Resources will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding GST on fuel and other goods where duty is already paid.
15. The Minister for Health and Social Services will table an answer to a question asked by the Connétable of St. Lawrence regarding hospitals in the U.K. with agreements to treat Jersey patients.

(b) – Oral Questions

(120 minutes)

1. Deputy J.M. Maçon of St. Saviour will ask the following question of the Chief Minister –

“Would the Chief Minister explain why, despite various undertakings, the new population policy has not been placed before the Assembly for debate before the summer recess?”
2. Deputy G.P. Southern of St. Helier will ask the following question of the Chief Minister –

“What short term changes, if any, will there be in the way Jersey conducts its business as an offshore finance centre as a consequence of agreements reached between the Chief Minister and the UK Prime Minister prior to the recent G8 meeting?”



3. Deputy T.M. Pitman of St. Helier will ask the following question of the Chief Minister –
“What was the total cost of the dinner at the Atlantic Hotel on Sunday 23rd June 2013 when the Chief Minister and selected Members of the Council of Minister met the representatives of the UK Justice Select Committee; and why was this venue used?”
4. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Social Security –
“Will the Minister confirm whether those earning over £152,232 will be insulated from the proposed 1% increase in Social Security/Income Tax contributions to fund long-term care and, if so, will he explain the reason for this decision?”
5. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Economic Development –
“Would the Minister advise what arrangements, if any, are in place for local fishing vessels to be registered whenever those qualified and delegated to undertake this task (as indicated in R.12/2011) are on leave or otherwise unavailable?”
6. Deputy S. Pitman of St. Helier will ask the following question of the Minister for Social Security –
“What is the Department’s policy when it is discovered that a mistake has been made and an income support recipient has been overpaid?”
7. Deputy R.G. Le Hérisier of St. Saviour will ask the following question of the Minister for Treasury and Resources –
“To what extent are the monopoly infrastructure services provided by JT cross subsidised by other cost centres within the JT Group?”
8. Deputy M.R. Higgins of St. Helier will ask the following question of H.M. Attorney General –
“Will H.M. Attorney General explain whether the Law Officers and Jersey qualified lawyers within his department are subject to the same professional standards and disciplinary procedures of the Law Society of Jersey which are applied to Jersey Advocates or solicitors in private practice and, if not, why not?”
9. Deputy T.A. Vallois of St. Saviour will ask the following question of the Minister for Economic Development –
“Could the Minister advise why there has been a delay in publishing a skills strategy, as agreed within Strategic Aim 4 of the economic growth and diversification strategy approved by the States Assembly last year and how much of the allocated £0.75 million has been expended?”
10. Deputy T.M. Pitman of St. Helier will ask the following question of the Minister for Economic Development –
“Would the Minister confirm whether the Harbours Department has effectively handed over control of outlying port management to groups of private individuals who use their vessels simply for pleasure, such as associations, resulting in exclusion of others and in certain instances leaving members of the public who actually rely on fishing as their livelihood without access to fresh water to hose their boats and gear?”



11. Deputy S. Pitman of St. Helier will ask the following question of the Minister for Social Security –

“Following the adoption of the Income Support (Amendment No.8) (Jersey) Regulations 2012 by the Assembly on 17th July 2012, would the Minister advise how many former Income Support recipients have had this benefit stopped?”

12. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Economic Development –

“Would the Minister advise whether the benefit to tourism generated by the Festival of Motoring has been calculated and state what assistance, both financial and practical, the Economic Development Department gives to this event?”

13. Deputy M.R. Higgins of St. Helier will ask the following question of H.M. Attorney General –

“Will H.M. Attorney General advise Members of the rules relating to a prosecutor’s duty to disclose or have disclosed to defendants in criminal cases, all information relevant to a case and confirm whether such disclosure rules have been adhered to since the beginning of 2010 in respect of enforcement actions under the Planning and Building Law (Jersey) 2002 and, if not, why not?”

14. Deputy G.P. Southern of St. Helier will ask the following question of the Chief Minister –

“What measures, if any, will the Chief Minister propose to control immigration and population numbers before the population exceeds 100,000, and if none, why?”

15. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Treasury and Resources –

“Will the Minister explain whether the proposed 1% increase to pay for the long term care of the elderly represents a departure from the 20% maximum Income Tax rate?”

(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 Comité des Connétables will make a statement regarding the Island-wide rate for 2013.

L. PUBLIC BUSINESS

Ratification of the Convention between Jersey and the Grand Duchy of Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital.

Lodged: 21st May 2013.

Chief Minister.

P.58/2013.



Draft Taxation (Double Taxation) (Amendment No. 2) (Jersey) Regulations 201-. P.59/2013.
Lodged: 21st May 2013.
Chief Minister.

Draft Amendment (No. 21) of the Standing Orders of the States of Jersey. P.65/2013.
Lodged: 3rd June 2013.
Privileges and Procedures Committee.

Island Plan Review. P.71/2013.
Lodged: 4th June 2013.
Deputy J.H. Young of St. Brelade.

M. ARRANGEMENT OF PUBLIC BUSINESS

16th July 2013

Draft Succession to the Crown (Jersey) Law 201-. P.57/2013.
Lodged: 8th May 2013.
Chief Minister.

* Historic buildings in Pitt Street and Dumaresq Street: request to Minister for P.60/2013.
Planning and Environment.
Lodged: 29th May 2013.
Connétable of St. Helier.

Draft Security Interests (Amendment of Law) (Jersey) Regulations 201-. P.61/2013.
Lodged: 31st May 2013.
Minister for Economic Development.

Draft Trusts (Amendment No. 6) (Jersey) Law 201-. P.62/2013.
Lodged: 31st May 2013.
Minister for Economic Development.

Draft Social Housing (Transfer) (Jersey) Law 201-. P.63/2013.
Lodged: 31st May 2013.
Minister for Housing.

Victoria and George V Cottage Homes (Repeal of General Principles). P.44/2013.
Lodged: 28th March 2013.
Minister for Housing.

Victoria and George V Cottage Homes (Repeal of General Principles) (P.44/2013): P.44/2013.
amendment. Amd.
Lodged: 3rd May 2013.
Deputy G.P. Southern of St. Helier.

Draft States of Jersey (Amendment No. 7) Law 201-. P.64/2013.
Lodged: 3rd June 2013.
Privileges and Procedures Committee.

Draft Income Support (Amendment No. 9) (Jersey) Regulations 201-. P.66/2013.
Lodged: 4th June 2013.
Minister for Social Security.



Draft Dwelling-Houses (Rent Control) (Standard Tenancy Agreement) (Amendment) (Jersey) Regulations 201-. Lodged: 4th June 2013. <i>Minister for Housing.</i>	P.68/2013.
Draft Firearms (Amendment No. 3) (Jersey) Law 201-. Lodged: 4th June 2013. <i>Minister for Home Affairs.</i>	P.69/2013.
Referendum on States reform: outcome. Lodged: 6th June 2013. <i>Senator B.I. Le Marquand.</i>	P.74/2013.
Draft Security Interests (Jersey) Law 2012 (Appointed Day) Act 201-. Lodged: 18th June 2013. <i>Minister for Economic Development.</i>	P.77/2013.
Draft States of Jersey (Transfer of Functions No. 6) (Economic Development and Treasury and Resources to Chief Minister) (Jersey) Regulations 201-. Lodged: 6th June 2013. <i>Chief Minister.</i> <i>(Cannot be debated until 18th July 2013)</i>	P.75/2013.
Draft States of Jersey (Transfer of Functions No. 6) (Economic Development and Treasury and Resources to Chief Minister) (Jersey) Regulations 201- (P.75.2013): comments. Presented: 20th June 2013. <i>Chairmen's Committee.</i>	P.75/2013. Com.
Committee of Inquiry into Historical Abuse: appointment of Chairman. Lodged: 14th June 2013. <i>Chief Minister.</i>	P.76/2013.
Draft States of Jersey Police Force Law 2012 (Appointed Day) Act 201-. Lodged: 18th June 2013. <i>Minister for Home Affairs.</i>	P.78/2013.
<u>10th September 2013</u>	
* Chief Minister and Chairman of Comité des Connétables: monthly meetings. Lodged: 16th April 2013. <i>Deputy M. Tadier of St. Brelade.</i>	P.51/2013.
* Chief Minister and Chairman of Comité des Connétables: monthly meetings (P.51/2013) – comments. Presented: 13th May 2013. <i>Comité des Connétables.</i>	P.51/2013. Com.
* Chief Minister and Chairman of Comité des Connétables: monthly meetings (P.51/2013) – comments. Presented: 13th May 2013. <i>Council of Ministers.</i>	P.51/2013. Com.(2).
Draft States of Jersey (Minister for External Relations) (Jersey) Regulations 201-. Lodged: 4th June 2013. <i>Chief Minister.</i>	P.67/2013.



- Draft Loi (201-) (Amendement) sur la Voirie. P.70/2013.
Lodged: 4th June 2013.
Comité des Connétables.
- Draft Public Finances (Amendment No. 4) (Jersey) Law 201-. P.73/2013.
Lodged: 6th June 2013.
Minister for Treasury and Resources.
- Jersey Appointments Commission: re-appointment of member. P.79/2013.
Lodged: 25th June 2013.
Chief Minister.
- Draft Adoption (Amendment No. 6) (Jersey) Law 201-. P.80/2013.
Lodged: 25th June 2013.
Chief Minister.
- British Nationality Act (H.M. Armed Forces Exemption) Bill: extension to Jersey. P.81/2013.
Lodged: 25th June 2013.
Chief Minister.
- Committee of Inquiry: costs for local businesses. P.82/2013.
Lodged: 27th June 2013.
Senator A. Breckon.
- Commissioners of Appeal for Taxes Office: re-appointment of members. P.83/2013.
Lodged: 28th June 2013.
Minister for Treasury and Resources.
- * Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) P.84/2013.
(Amendment) (Jersey) Law 201-.
Lodged: 2nd July 2013.
Chief Minister.
- 24th September 2013**
- Hospital Outpatients: re-introduction of prescriptions charges. P.72/2013.
Lodged: 4th June 2013.
Minister for Health and Social Services.

A.H. HARRIS
Deputy Greffier of the States

1st July 2013

Note – An asterix * in the left-hand margin denotes either a new item added to this Order Paper since the principal Order Paper was published on 27th July 2013, or an item which has been moved.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.92/2013.

This Order amends the Employment Agencies (Registration) (Jersey) Order 1970 and the Employment Agencies (Registration) (Code of Conduct) (Jersey) Order 1970 (referred to in the Order as the Registration Order and the Code of Conduct Order respectively – see *Article 1*) to incorporate into Jersey law certain aspects of the Maritime Labour Convention, 2006 relating to the recruitment and placement of seafarers. The Convention lays down minimum standards to protect seafarers recruited by private services from (for example) being prevented from obtaining employment by excessive charges or other means, from being employed in posts for which they are not suitably qualified, or from being stranded in foreign ports owing to failure by the shipowner to make suitable provision for repatriation.

By *Article 5*, this Order also amends Article 6 of the Code of Conduct Order in response to a direct request issued to Jersey by the International Labour Organization (Direct Request (Committee of Experts on the Application of Conventions and Recommendations) – adopted 2008, published 98th session of the International Labour Organization (2009), in relation to the Migration for Employment Convention (Revised), 1949 (No. 97)), to remove restrictions on women wishing to migrate for employment using private agencies. Minor and consequential amendment is also made to Article 6 to update, for example, an obsolete reference to the “Committee”.

Article 2 of this Order amends Article 1 of the Code of Conduct Order to insert definitions of “seafarer”, “ship” and “shipowner” for the purposes of the new provisions. *Article 3* inserts provision into Article 2 of the Code of Conduct Order to prevent employment agencies from imposing charges on applicants for employment as seafarers.

Article 4 inserts a new Article 4A into the Code of Conduct Order, to impose specific additional requirements on agencies engaged in the recruitment and placement of seafarers. (*Article 9* amends the Schedule to the Registration Order to the effect that agencies engaged in the recruitment and placement of seafarers must identify themselves as such upon annual registration.) Paragraphs (2) and (3) of new Article 4A require agencies to have and maintain sufficient insurance, i.e. sufficient to compensate a seafarer for monetary loss caused by failure of the agent or the shipowner. Paragraphs (4) to (6) oblige agencies first, to ensure that the shipowner has made sufficient provision for repatriation of the seafarer where the employment terminates while the seafarer is abroad, either because the employment agreement expires, or for other reasons; and second, to obtain a written draft of the employment agreement from the shipowner and to ensure that the agreement contains certain minimum provision as to terms and conditions of employment.. Paragraphs (7) to (11) oblige agencies to give an applicant seafarer sufficient opportunity to examine and seek advice on the draft employment agreement, and to be satisfied that the applicant holds relevant qualifications for the post.

Article 6 amends Article 7 of the Code of Conduct Order to ensure that agencies must keep a separate and identifiable record of applications for employment as a seafarer. *Article 7* amends Article 12 of the Code of Conduct Order to prevent agencies from using any means (which might, for example, include blacklisting) to deter seafarers from obtaining employment. *Article 8* inserts a new Article 15A to make specific provision for the handling of complaints against agencies engaged in the recruitment and placement of seafarers.

Article 10 gives the title of this Order and makes provision for its commencement.

The Order was made on 28th June 2013 and comes into force on 5th July 2013.