



STATES OF JERSEY ORDER PAPER

Tuesday 15th May 2012

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Community Provisions (Restrictive Measures – Iran) (Amendment) (Jersey) Order 2012. R&O.62/2012.
Chief Minister.

C. DOCUMENTS PRESENTED OR LAID

Code of Practice on Public Access to Official Information: Annual Report for 2011. R.58/2012
Presented: 4th May 2012.
Privileges and Procedures Committee.

Health and Social Services Review: Public consultation on the Health and Social Services Green Paper. R.59/2012.
Presented: 10th May 2012.
Minister for Health and Social Services.

States of Jersey Law 2005: delegation of functions – Chairman of the Legislation Advisory Panel – Law Drafting instructions. R.60/2012.
Presented: 11th May 2012.
Chief Minister.

D. NOTIFICATION OF LODGED PROPOSITIONS

E. WITHDRAWAL OF LODGED PROPOSITIONS

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the proposers of the following proposition lodged 'au Greffe' has informed the Greffier of the States that it is to be withdrawn –

Jersey Heritage Trust: amendments to Constitution. P.31/2012.
Lodged: 27th March 2012.
Minister for Education, Sport and Culture.

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

G. MATTERS OF PRIVILEGE

H. PETITIONS



I. QUESTIONS

(a) – Written Questions

(attached)

1. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the replacement and cost of square manhole covers.
2. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding Jersey Telecom's fibre optic expansion.
3. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the use of 'zero hours' staff.
4. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding ash from La Collette.
5. The Minister for Transport and Technical Services will table an answer to a question asked by the Connétable of St. John regarding the resurfacing of the Airport Road.
6. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the contributions system.
7. The Chief Minister will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding renewable energy.
8. The Minister for Economic Development will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the funding of Tourism development.
9. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the use of 'zero hours' staff by States departments.
10. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding tax revenues from zero rated companies.
11. The Chief Minister will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the modernisation of the public sector.

(b) – Oral Questions

(120 minutes)

1. The Connétable of St. Martin will ask the following question of the Chief Minister –

“Will the Chief Minister detail the reasons for the considerable differences in the salary ranges being advertised for public sector positions, with some recent examples indicating a £30,000 difference between the minimum and maximum salary available, another with a £21,000 range and another at over £10,000 difference?”
2. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Planning and Environment –

“Will the Minister explain whether or not the Planning Department conducted a Human Rights Audit of the Laws, Regulations, Orders, Guidance Notes and Procedures before the introduction of the Human Rights (Jersey) Law 2000; detail on what dates these documents and procedures have been reviewed since then and advise whether he will publish the policy in force as of 26th November 2010, and, if not, why not?”



3. The Connétable of St. John will ask the following question of the Chief Minister –
“Would the Minister detail the retirement package which the Consultant for Obstetrics and Gynaecology received when he retired in March 2012?”
4. Deputy S. Pitman of St. Helier will ask the following question of the Chief Minister -
“Could the Chief Minister confirm whether any compensation paid to the victims of historical child abuse will come directly from an insurance fund rather than from the public purse?”
5. Deputy G.P. Southern of St Helier will ask the following question of the Minister for Health and Social Services –
“Will the Minister inform members how the figures for elective surgery compare for the first quarter of 2012 and the first quarter 2008 in respect of the number of operations performed, the number on the waiting list and waiting times and explain any marked differences these reveal?”
6. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Chief Minister –
“Could the Chief Minister advise whether the Council of Ministers intends to re-introduce the States Loan Scheme as a matter of urgency in order to assist home buyers if banks are less inclined to loan?”
7. Deputy T.M. Pitman of St. Helier will ask the following question of H.M. Attorney General –
“Given the small size of Jersey’s community what checks and balances, if any, are in place within our justice system to ensure that no conflicts of interest arise or that a fair hearing is compromised due to those sitting in judgement having close past links through either practice or friendship?”
8. Senator S.C. Ferguson will ask the following question of the Minister for Social Security –
“Why is it that if a pensioner is employed then there is no necessity to pay the employee’s social security but the employer’s social security contribution still has to be paid and how does the employer benefit from this arrangement?”
9. Deputy M. Tadier of St. Brelade will ask the following question of the Chief Minister –
“Will the Chief Minister inform Members whether Jersey will be participating in the Queen Elizabeth II Fields Challenge, which aims to protect outdoor recreational spaces in communities all across the UK as a permanent living legacy to mark her Majesty’s Diamond Jubilee; and, if so, when will the public be able to nominate and vote on playing fields in line with the Field Challenge criteria?”
10. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Social Security –
“Does the Minister accept that there is widespread use of zero-hours contracts by employers in attempts to either avoid their legal obligations to employees regarding sickness and holiday pay and notice periods, or to evade head office or Regulation of Undertakings’ headcount quotas, and if so, what action does he propose to improve employee protection and, if not, will he investigate the practice and report his findings to the States?”



11. Deputy T.M. Pitman of St. Helier will ask the following question of the Minister for Education, Sport and Culture –

“Will the Minister clarify why, given the criticism contained within the Sharp Report of the former Principal, Vice-Principal and a third teacher at Victoria College regarding their failure to act appropriately in relation to allegations of child abuse at the school, all three were allowed to resign, rather than being sacked?”

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

“Will the Chief Minister advise what research, if any, has been undertaken into the possible economic consequences of implementing carbon trading and similar exercises and will he assure members that he will resist pressures from the European Union and United Kingdom for Jersey to become involved in such schemes?”

13. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Economic Development –

“Will the Minister advise whether his Department has any information regarding how many recorded instances there have been of Personal Protection Insurance (PPI) being mis-sold in Jersey in the past 5 years; how many complaints, if any, have been received by his Department, the Jersey Financial Services Commission and Trading Standards and whether any prosecutions/penalties have arisen as a result of the ‘mis-selling’ of PPI’s?”

14. The Connétable of St. John will ask the following question of the Minister for Treasury and Resources –

“Are expressions of interest to tender for building contracts, such as the refurbishment of the high rise flats at La Collette, advertised in the Jersey Evening Post/media or only through government portals and, if the latter, how is it determined who can tender from within the local building industry and who makes this decision?”

15. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Planning and Environment –

“How confident is the Minister that he and his Department are acting in conformity with the European Convention on Human Rights in their dealings with the public in relation to the processing of planning applications?”

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

1st question period – Minister for Home Affairs

2nd question period – Chief Minister

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

Senator S.C. Ferguson, Chairman of the Corporate Services Scrutiny Panel, will make a statement, in accordance with Standing Order 79(4), regarding the scrutiny of the proposition entitled ‘Tourism Development Fund: assistance to the private sector’ (P.26/2012).



L. PUBLIC BUSINESS

- Draft States of Jersey Police Force Law 201-. P.182/2011.
Lodged: 16th November 2011.
Minister for Home Affairs.
- Draft States of Jersey Police Force Law 201- (P.182/2011): amendment. P.182/2011.
Lodged: 20th April 2012. Amd.
Minister for Home Affairs.
- Draft Connétables (Miscellaneous Provisions) (Jersey) Law 201-. P.36/2012.
Lodged: 3rd April 2012.
Comité des Connétables.
- Draft Harbours (Inshore Safety) (Jersey) Regulations 201-. P.24/2012.
Lodged: 9th March 2012.
Minister for Economic Development.
- Draft Harbours (Inshore Safety) (Jersey) Regulations 201- (P.24/2012): P.24/2012.
amendment. Amd.
Lodged: 4th April 2012.
Minister for Economic Development.
- Ratification of the Agreement for the Exchange of Information relating to Tax P.33/2012.
Matters between the Government of Jersey and the Government of the Hong Kong
Special Administrative Region of the People's Republic of China.
Lodged: 30th March 2012.
Chief Minister.
- Ratification of the Agreement for the Exchange of Information relating to Tax P.34/2012.
Matters between the Government of Jersey and the Government of the Italian
Republic.
Lodged: 30th March 2012.
Chief Minister.
- Ratification of the Agreement for the Exchange of Information relating to Tax P.35/2012.
Matters between the Government of Jersey and the Government of the State of
Qatar.
Lodged: 30th March 2012.
Chief Minister.
- Electoral Commission: appointment of members. P.39/2012.
Lodged: 12th April 2012.
Privileges and Procedures Committee.

M. ARRANGEMENT OF PUBLIC BUSINESS

29th May 2012

- Open ballot for Ministers and Chairmen. P.188/2011.
Lodged: 5th December 2011.
Deputy T.M. Pitman of St. Helier.
- Open ballot for Ministers and Chairmen (P.188/2011): comments. P.188/2011.
Presented: 6th January 2012. Com.
Privileges and Procedures Committee.



Draft Income Tax (Amendment No. 41) (Jersey) Law 201-. Lodged: 4th April 2012. <i>Minister for Treasury and Resources.</i>	P.38/2012.
Social Housing Schemes: funding. Lodged: 17th April 2012. <i>Minister for Treasury and Resources.</i>	P.40/2012.
Draft Money Laundering and Weapons Development (Directions) (Amendment) (Jersey) Law 201-. Lodged: 17th April 2012. <i>Chief Minister.</i>	P.41/2012.
Draft Collective Investment Funds (Amendment and Validation) (Jersey) Law 201-. Lodged: 17th April 2012. <i>Minister for Economic Development.</i>	P.42/2012.
Draft Amendment (No. 19) of the Standing Orders of the States of Jersey. Lodged: 19th April 2012. <i>Minister for Treasury and Resources.</i>	P.43/2012.
Jersey Employment Tribunal: appointment of Chairman and Deputy Chairman. Lodged: 1st May 2012. <i>Minister for Social Security.</i>	P.45/2012.
<i>Ex gratia</i> payment: Mr. D. Turner. Lodged: 1st May 2012. <i>Deputy M.R. Higgins of St. Helier.</i>	P.46/2012.
<u>12th June 2012</u>	
Standing Orders: Answers to Questions. Lodged: 26th March 2012. <i>Deputy G.P. Southern of St. Helier.</i>	P.30/2012.
Standing Orders: Answers to Questions (P.30/2012) – comments. Presented: 27th April 2012. <i>Privileges and Procedures Committee.</i>	P.30/2012. Com.
States Members' Remuneration Review Body: revised Terms of Reference. Lodged: 27th April 2012. <i>Privileges and Procedures Committee.</i>	P.44/2012.

A.H. HARRIS
Deputy Greffier of the States

10th May 2012

Note –

In accordance with the meeting dates fixed for 2012 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 16th and Thursday 17th May 2012.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.62/2012.

This Order updates the definition of Council Regulation No. 267/2012 in the Community Provisions (Restrictive Measures – Iran) (Jersey) Order 2012 in order to take account in Jersey of a change in the list of persons and entities in Annex IX to that Council Regulation. That Annex lists persons and entities whose funds and economic assets are frozen.

Council Implementing Regulation (EU) No. 350/2012 of 23 April 2012 implementing Regulation (EU) No. 267/2012 concerning restrictive measures against Iran (OJ No. L 110/17 of 24.04.2012) amends that Annex by deleting the name of one person and the names of two entities.

The Order was made on 10th May 2012 and came into force on 11th May 2012.



WRITTEN QUESTIONS

(See Item I(a))

1. The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“Would the Minister advise how many square man-hole drain covers have been replaced with round ones in the last three years, why they have been changed, and at what cost?”

2. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“With regard to the Jersey Telecom (JT) fibre optic expansion, would the Minister, as the representative of the shareholder, advise Members –

- (a) whether this new infrastructure will result in higher prices and, if not, how it is intended JT will recoup its outlay;
- (b) whether those JT customers who were offered a free trial will face an increase of £60 a month for their broadband;
- (c) why the recent offer of new jobs was handled by outside consultants and at what cost;
- (d) how many additional people have been employed as a result of the expansion?”

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

“Will the Minister explain the discrepancy between the response to written question 6833 (2 staff on zero-hours contract as at 31/03/12) and that given by the department to me on 30th April 2012 (“27 staff employed through temporary agencies (who) would normally use zero hour contracts to employ temporary staff”)?

How does his statement that ‘genuine zero hours contracts are necessary and appropriate’ apply to his department’s use of zero-hours contracts and is this “casual or irregular work” where no number of hours or times of work is specified?

How frequently will Income Support be reviewed to ensure that the benefit is adjusted in line with actual earnings in respect of those working zero-hours?

What discussions, if any, has the Minister had with the Head of the Jersey Advisory and Conciliation Service regarding the latter’s reservations concerning “non-genuine” zero hours contracts, which enable employers to avoid holiday, overtime and sickness pay?

What costs are involved in the use of temp agencies in recruiting staff to positions within his department compared with normal recruitment and were agencies required to tender?

What additional training was involved in recruiting staff (themselves unemployed) to the sensitive area of working with the unemployed?”



4. The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“Following the report compiled by Capita Symonds in April 2011 "La Collette Energy from Waste (EfW) Residues: Technical Options and Disposal Sites", what further investigation, if any, has the Department conducted into potential treatment methods for the two forms of residue from the EfW plant, Air Pollution Control residues (APC) and bottom ash?

Will the Minister outline for members what the current practice is for the treatment of both APC and bottom ash?

In light of the possible acceptance of Guernsey’s waste, what new technologies, if any, have been investigated for the treatment of the more hazardous components, APC residues and, in particular, what assessment has been made on technical and cost grounds of the potential of Accelerated Carbon Technology for the treatment of Jersey (and Guernsey) APC residues?”

5. The Minister for Transport and Technical Services will table an answer to the following question asked by the Connétable of St. John –

“Will the Minister confirm that the road surface at the Airport was in better condition than expected and, if so, was the decision to resurface it justified, particularly when many roads across the Island are in a very poor condition?

What was the cost of the Airport road resurfacing contract?

What action, if any, has the Minister taken to persuade the Council of Ministers to provide extra funding to make a proper difference to the roads across the Island?

Did pressure from St. Brelade politicians influence the decision to resurface the Airport Road?”

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

“In the light of his predecessor’s decision to increase the Social Security contributions from the self employed by 2% on earnings above the upper limit (circa £45,000), what progress, if any, has the Minister made in developing a more flexible system for contributions to replace the simplistic two contribution classes of Class 1 (employees) and Class 2 (everyone else) which has been in place since 1974?

Will the Minister bring proposals to the Assembly to modernise the Social Security contributions system to accommodate today’s employment conditions and, if so, when?”

7. The Chief Minister will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“Given the commitment within the Council of Ministers’ Strategic Plan to position Jersey as a low carbon jurisdiction that uses resources efficiently and wisely, can the Chief Minister assure members that, with regard to energy requirements, support will not be given by the Council of Ministers to controversial schemes such as wind-farms and instead all relevant Ministers will be encouraged to give assistance where possible to schemes that harness tidal power?”



8. The Minister for Economic Development will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“With regard to the Tourism Investment Fund, what assurances, if any, can the Minister give that future payments will be restricted to investment in tourism related activities that are likely to see a measurable benefit to the economy, rather than appearing to act as a fund of last resort for diverse projects, some of which have very tenuous connections with tourism?”

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

“As the response of the Chief Minister to question 6833 of 1st May 2012 revealed that the vast majority (1,127 of 1,157) of zero-hours contracts issued by States departments were in the Education and Health departments, will he seek a breakdown of the use of these contracts from the Ministers responsible to confirm that zero-hours are only used to meet genuine needs for flexibility and are not a used in cases where a fixed-term contract with defined hours and other terms and conditions would be far more appropriate, and, if so, will he undertake to report his findings to members?”

10. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“Will the Minister assure members that he will keep his promise to bring forward in his fiscal policy for 2013, and beyond in the Medium Term Financial Plan, measures that will deal with the absence of a contribution to Jersey’s tax revenues from zero-rated companies?”

What lessons, if any, has he learned from the experience of Gibraltar in attempting to raise revenue from such companies without breaching European Union regulations?”

11. The Chief Minister will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“Given the Council of Ministers’ aim to create a better structured and more efficient public sector, would the Chief Minister describe the mechanisms by which he hopes to achieve this and give an indication of the timescale involved?”



ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

First session 2012

May 29th	Health and Social Services	Planning and Environment
June 12th	Social Security	Chief Minister
June 26th	Transport and Technical Services	Economic Development
July 10th	Treasury and Resources	Chief Minister
July 17th	Education, Sport and Culture	Health and Social Services

2nd session 2012

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