

STATES OF JERSEY ORDER PAPER

Tuesday, 19th March 2002
and Tuesday 26th March 2002 (if necessary)

- 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)

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

(b) Notification of Standing Order decisions

(c) Notification of acceptance of tenders

6th March 2002

Foul sewer extension: La Ville Là Bas, St. Ouen.
Public Services Committee.

Airport South apron: extension.
Harbours and Airport Committee.

(d) Papers to be lodged "au Greffe" under Standing Order 17A(1)(a)

Commercial House, Commercial Street, St. Helier: lease of 3rd floor office accommodation.
Industries Committee. P.36/2002.

Jersey Heritage Trust: amendments to constitution.
Deputy G.C.L. Baudains of St. Clement. P.37/2002.

(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 STATES are asked to agree that the following matter lodged "au Greffe" be considered at their next meeting to be held on 9th April 2002 -

Belle Vue, La Route des Quennevais, P.34/2002.

St. Brelade: transfer of administration
to the Public Services Committee.
Lodged: 12th March 2002.
Planning and Environment Committee.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

The Deputy of St. Martin will ask a question of the President of the Home Affairs Committee regarding the confiscation of alcohol from young people.

Deputy P.F.C. Ozouf of St. Helier will ask a question of the President of the Health and Social Services Committee regarding hospital beds.

Senator P.V.F. Le Claire will ask questions of the President of the Legislation Committee regarding the Human Rights (Jersey) Law 200-.

The Deputy of St. John will ask questions of the President of the Agriculture and Fisheries Committee regarding waste milk.

Deputy G.P. Southern of St. Helier will ask questions of the President of the Finance and Economics Committee regarding income tax revenue.

Senator P.V.F. Le Claire will ask a question of the President of the Public Services Committee regarding La Crête Quarry, Anne Port.

The Deputy of St. John will ask a question of the President of the Committee for Postal Administration regarding postal delays.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Draft Main Roads (Classification) P.30/2002.
(No. 27) (Jersey) Act 200.
Lodged: 26th February 2002.
Public Services Committee.

Draft Parish Rate (Administration) P.206/2001.
(Jersey) Law 200 .
Lodged: 18th December 2001.
Legislation Committee.

Draft Parish Rate (Administration) P.206/2001.
(Jersey) Law 200- (P.206/2001); Amd.
amendments.
Lodged: 5th March 2002.
Connétable of St. Helier.

Draft Parish Rate (Administration)
(Jersey) Law 200 (P.206/2001);
second amendments.
Connétable of Trinity.

(Attached)

States Housing Rental Scheme: P.29/2002.
revision.
Lodged: 26th February 2002.
Deputy A. Breckon of St. Saviour.

States Housing Rental Scheme: P.29/2002.
revision (P.29/2002) - comments. Com.
Presented: 12th March 2002.
Finance and Economics Committee.

States Housing Rental Scheme: P.29/2002.
revision (P.29/2002) - report. Rpt.
Presented: 5th March 2002.
Housing Committee.

Machinery of Government: P.23/2002.
establishment of a Privileges and
Procedures Committee.
Lodged: 12th February 2002.
Policy and Resources Committee.

Machinery of Government: P.23/2002.
establishment of a Privileges and
Procedures Committee (P.23/2002) - Amd.
amendments.
Lodged: 19th February 2002.
House Committee.

Machinery of Government: P.23/2002.
establishment of a Privileges and
Procedures Committee (P.23/2002) - Com.
comments.
Presented: 26th February 2002.
Finance and Economics Committee.

Machinery of Government: P.23/2002.
establishment of a Privileges and
Procedures Committee (P.23/2002) - Com.(2)
comments.
Presented: 26th February 2002.
Human Resources Committee.

Machinery of Government: P.23/2002.
establishment of a Privileges and
Procedures Committee (P.23/2002) – Amd.Com.
amendments (P.23/2002 Amd.) -
comments
Presented: 12th March 2002.
Policy and Resources Committee.

Machinery of Government: Special P.26/2002.
Committee on the Composition and
Election of the States Assembly.
Lodged: 26th February 2002.
Policy and Resources Committee.

Machinery of Government: Special
Committee on the Composition and
Election of the States Assembly
(P.26/2002): amendment.
Senator J.A. Le Maistre.
(Attached)

Machinery of Government: Special Committee on the Composition and Election of the States Assembly (P.26/2002) - comments. Presented: 26th February 2002. <i>Human Resources Committee.</i>	P.26/2002. Com.
Machinery of Government: Special Committee on the Composition and Election of the States Assembly (P.26/2002) - comments. Presented: 12th March 2002. <i>Finance and Economics Committee.</i>	P.26/2002. Com.(2)
Draft Proceeds of Crime (Designated Countries and Territories) (Amendment) (Jersey) Regulations 200- Lodged: 26th February 2002. <i>Finance and Economics Committee.</i>	P.27/2002.
Draft Drug Trafficking Offences (Designated Countries and Territories) (Amendment No. 2) (Jersey) Regulations 200- Lodged: 26th February 2002. <i>Finance and Economics Committee.</i>	P.28/2002.

C.M. NEWCOMBE

Greffier of the States

14th March 2002

**NOTIFICATION OF ACCEPTANCE OF TENDERS UNDER RULE 5 OF THE PUBLIC FINANCES
(GENERAL) (JERSEY) RULES 1967, AS AMENDED -
FINANCE AND ECONOMICS COMMITTEE**

6th March 2002

- (a) The Public Services Committee has accepted the lowest tender in respect of a foul water drainage extension to serve La Ville La Bas, St. Ouen, namely that submitted by Jayen (Jersey) Limited in the sum of £363,240.90.

The other tenders received were as follows -

<u>Contractor:</u>	<u>Amount:</u>
P. Trant (Jersey) Limited	£374,369.05
M.J. Gleeson (Jersey) Limited	£374,424.99
Brenwall Limited	£387,932.00

- (b) The Harbours and Airport Committee has accepted a negotiated tender in respect of the contract for the South Apron extension works at Jersey Airport namely that submitted by P. Trant Limited for the sum of £813,046.

QUESTION PAPER

(See Item G)

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

“Will the President advise members whether the Committee is considering the introduction of legislation, similar to that in the United Kingdom, which will permit alcohol found in possession of young people in a public place to be confiscated?”

Deputy P.F.C. Ozouf of St. Helier will ask the following question of the President of the Health and Social Services Committee -

“Would the President inform the Assembly -

- (a) how many beds at the General Hospital are currently 'bed blocked' by patients who could be more appropriately cared for in longer-term care homes (expressed as a total figure and as a proportion of total available beds) ?
- (b) how does this figure differ from those experienced in the recent years?
- (c) what was the estimated number of such occupancy and how does the actual current figure differ from the estimates?
- (d) what are the knock-on financial and non-financial implications of this bed-blocking for non-urgent procedures and Committee finances generally?
- (e) what is the reason for the problem and what action does the Committee intend to do about it?”

Senator Paul Vincent Francis Le Claire will ask the following questions of the President of the Legislation Committee -

- “1. On 8th February 2000, the States approved the draft Human Rights (Jersey) Law (P.197/99) which received Royal Sanction on 17th May 2000. During the debate it was stated the Law would come into force early in 2002. Would the President give the reasons why the Law has not come into force yet and advise members when the Law will come into force?
2. Prior to presenting the Human Rights (Jersey) Law, did the Committee give consideration to inviting the States to make a representation to the United Kingdom government to request, on the Island’s behalf, a derogation from any of the articles of the Convention having regard to problems of residence, work and education due to the small size of the Island?

If the answer is yes, would you kindly supply members with details?

If no representation was made, is it possible to make a representation at this stage, and if so, how might this be taken forward?”

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

“Will the President advise the Assembly of -

- (a) the volume of milk waste sent to Bellozanne by the Jersey Milk Marketing Board between 7th March 2001 and 7th March 2002, and of the milk waste, what percentage was organic milk?
- (b) the amount of aid paid to the dairy industry over the same period, direct and indirect?”

Deputy G.P. Southern of St. Helier will ask the following question of the President of the Finance and Economics Committee -

“In his reply to a supplementary question on Tax Revenue on 26th February 2002 from Senator Syvret, the President referred to revenue generated by closing of legal loopholes by which tax can be avoided as being insignificant.

In the Fiscal Review Working Group: Second Report (R.C.37/99) it is stated at Para 2.2.3. -

‘In the Professional Service and Finance Sectors companies are in fierce competition for staff. They compete by offering non-cash rewards such as:

- Cheap loans
- Rent-free accommodation
- Company cars

.... This competition increases because it is, by its nature, self-perpetuating.’

- (a) Will the President give up-to-date estimates of what tax income would be generated from taxation of these three

benefits in kind?

- (b) In R.C.37/99 (paragraph 7.3.3), the Comptroller of Income Tax put forward the proposal that (following the lines of the New Zealand Fringe Benefits Tax (FBT)) the charge to tax should be made on the employer and not on the employee. This would produce the additional revenue which might be anticipated from the taxation of benefits in kind with minimal need for extra staff at the Income Tax Department. Has the Committee considered this proposal?
- (c) If the answer to (b) is in the negative, will the President undertake to raise the matter with his Committee?"

Senator Paul Vincent Francis Le Claire will ask the following question of the President of the Public Services Committee -

“With regard to refuse being held at La Crête Quarry, Anne Port, would the President advise members -

- (a) how much refuse is being held at this quarry, how long it has been there and why?
- (b) what environmental studies have been undertaken to ascertain its impact upon the environment including on any water sources?
- (c) when it is proposed that the refuse is dealt with and how?”

The Deputy of St. John will ask the following question of the President of the Committee for Postal Administration -

“Last Tuesday, 12th March I received a letter posted in Jersey the previous Thursday, 7th March 2002, and from discussions with a colleague I have learnt that this experience is not unique. Will the President explain why local mail is now taking up to five days to be delivered?”

PAGES 19 AND 20, ARTICLE 1(1) -

- (a) *before the definition “Appeal Board” insert the following definition -*

“ ‘agriculture’ includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes;”

- (b) *after paragraph (c) of the definition “land”, add -*

“but does not include land used for agriculture provided there are no buildings on the land;”

CONNÉTABLE OF TRINITY

Report

The 1946 Rates Law made provision for a 50% reduction in quarters raised on farmland. The new law now being brought forward makes no similar provision, therefore the quarters levied on farmland to both foncier and occupier will automatically double.

The fact that farmland is rated in the Island is in itself interesting as I believe it is the only place in the world where this takes place.

The rating of farmland is a relic of an earlier age when landowners were perceived to be the more wealthy members of society and in rural areas especially, the main employers.

In 1950 there were some 2132 holdings in the Island, in 1975 there were 107 and the latest figures available show 385. The huge reduction in holdings does not mean that farmers/growers have been so financially successful that they have been able to retire early, but rather the reverse. The fierce competition in the market place has led to many people giving up the struggle and only those prepared to invest heavily and expand their holdings and be extremely efficient are still involved in the industry.

I have carefully studied the returns for the Parish of Trinity and find that the financial loss to my Parish will be in the order of 5%. As my Parish is the 2nd largest in area in the Island and is a very rural Parish, I would imagine that most other Parishes would probably suffer a similar or even lower loss of revenue.

Agriculture in the Island faces a very uncertain future and this uncertainty is unlikely to improve in the short term. Supermarkets and food processing companies are able to import food from all parts of the world and take advantage of the much reduced labour and land costs prevailing in other countries to the detriment of home produced food. Only a natural or man-made disaster is ever likely to change this situation in the foreseeable future.

There is a growing public demand for organic food. To be able to satisfy the Soil Association rules, land must be weaned off fertilizers, insecticides and pesticides over a three year period. This is an expensive procedure. There is also an acknowledged lower level of production in farming without fertilizers and pesticides. The abolition of rates on farmland, although not a significant sum, would be an incentive to change to organic production.

The number of farmers/growers engaged in full time production is I believe below 100. Many are awaiting the outcome of the Committee of Agriculture's proposals to provide further help to the industry. The abolition of rates on farmland although not in itself a substantial financial saving will be a tremendous psychological boost to those people still involved in the industry.

The rating of farmland is a relic of the past and the introduction of a new rating law is an opportune time to change and abolish what I believe is an anomaly.

There are no financial or manpower consequences for the States if this amendment is adopted.

MACHINERY OF GOVERNMENT: SPECIAL COMMITTEE ON THE COMPOSITION AND ELECTION OF THE STATES ASSEMBLY (P.26/2002) – AMENDMENT

Number the proposition as paragraph (i) and after the proposition insert the following paragraph –

- ‘(ii) to agree that the Special Committee shall hold its meetings in public and shall publish all written submissions made to it.’

SENATOR J.A. LE MAISTRE

Report

In discussion with members I have gained the impression that it is the intention for the Special Committee to hold all meetings in public and to publish all written submissions. However, as a Committee of the States, unless otherwise directed it is not obliged to do so. I believe that the task is of sufficient importance that there should be a clear direction, agreed by the States that all meetings should be open and all submissions published.

An important criticism of the Review of Machinery of Government was that meetings and submissions were not in public. We have an opportunity to ensure that such criticism is not levelled at this Special Committee.

There are no additional financial or manpower implications arising from this amendment.

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