

STATES OF JERSEY ORDER PAPER

Tuesday 14th February 2006

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Sea Fisheries (Fees) (Jersey) Order 2006. R&O 15/2006.
Minister for Planning and Environment.

Motor Traffic (Cabs – Fares and Charges) (Jersey) Order 2006. R&O 16/2006.
Minister for Home Affairs.

Road Racing (Hill Climbs and Sprint) (No. 2) (Jersey) Order 2006. R&O 17/2006.
Minister for Home Affairs.

C. DOCUMENTS PRESENTED OR LAID

Jersey Television Licence Scheme. R.12/2006.
Presented: 8th February 2006.
Minister for Social Security.

Land Transactions under Standing Order 168(3) – R.13/2006.
(a) Grève de Lecq Café Site No. 2: surrender and renewal of lease;
(b) Les Landes Race Track, St. Ouen: surrender and renewal of
lease.
Presented: 10th February 2006.
Minister for Treasury and Resources.

Code of Conduct for Ministers. R.14/2006.
Presented: 10th February 2006.
Council of Ministers.

Draft Administrative Decisions (Review) (Amendment No. 2) P.195/2005.
(Jersey) Law 200- (P.195/2005): amendment (P.195/2005 Amd.)–
comments. Amd.Com.
Presented: 10th February 2006.
Privileges and Procedures Committee.

Draft Employment Relations (Amendment) (Jersey) Law 200- P.5/2006. Com.
(P.5/2006): comments.
Presented: 8th February 2006.
Minister for Social Security.

D. NOTIFICATION OF LODGED PROPOSITIONS

Agent of the Impôts: appointment. P.10/2006.
Lodged: 1st February 2006.
Minister for Home Affairs.

Draft Water Pollution (Amendment No. 2) (Jersey) Law 200. P.11/2006.
Lodged: 2nd February 2006.
Minister for Planning and Environment.

Law Revision Board: appointment of members.
Lodged: 9th February 2006.
Minister for Treasury and Resources.

P.12/2006.

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the proposer of the following proposition lodged "au Greffe" has informed the Greffier of the States that it is to be withdrawn –

Criminal Justice Policy.
Lodged: 20th September 2005.
Minister for Home Affairs, (formerly the Home Affairs Committee).

P.201/2005.

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

(a) – Written Questions (attached)

The Minister for Planning and Environment will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding interim policies to improve design, local relevance and space around new buildings.

The Chief Minister will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement long term suspension of employees from office.

The Minister for Home Affairs will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the investigation of traffic accidents involving fatalities.

The Chief Minister will table an answer to a question asked by Deputy D.W. Mezbourian of St. Lawrence regarding employee suspensions arising from disciplinary infractions.

The Minister for Economic Development will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding advertising by Jersey Tourism through the jersey.com website.

The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the taxation of new non-financial companies.

The Minister for Social Security will table answers to questions asked by Deputy G.P. Southern of St. Helier regarding matters relating to Health Insurance Exemption (HIE) income allowances.

The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Town Park site.

The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Jersey's position on its Gross Replacement Rate (GRR).

The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding matters relating to the production of certain statistics.

The Minister for Economic Development will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the rise in the number of RUDL licences issued.

The Minister for Home Affairs will table an answer to a question asked by Deputy J.B. Fox of St. Helier regarding the disbanded Police Motor Cycle Unit.

(b) – Oral Questions

The Deputy of St. Martin will ask the following question of the Minister for Home Affairs–

“How many dogs are used by the States Police and the Customs Department, what is the cost of caring for the dogs and what arrangements are in place to look after the dogs when their handlers are sick or on leave?”

Deputy R.G. Le Hérisier of St. Saviour will ask the following question of the Minister for Social Security –

“Does the Social Security Department possess sufficient IT systems to enable it to handle the introduction of the Low Income Support Scheme?”

Senator B.E. Shenton will ask the following question of the Minister for Treasury and Resources –

“Would the Minister explain the procedures utilised in the selection process for Directors of Jersey Post and inform members of both the numbers of hours per week commitment that is anticipated for this position and details of the proposed remuneration?”

Deputy R.G. Le Hérisier of St. Saviour will ask the following question of the Chief Minister –

“Why has the Law Society of Jersey Law not yet been brought into force?”

The Connétable of Grouville will ask the following question of the Minister for Planning and Environment –

“How many applications, if any, have been submitted by Cable and Wireless for mobile telephone masts, were any of these received without the written consent of the owner of the property, have any of these applications been considered or has any indication been given by the Department to the applicant about their prospects, and have any discussions taken place with other Ministers regarding these applications?”

Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Social Security –

“In answer to questions on 17th January 2006, regarding the minimum wage, the Minister listed several agencies or mechanisms to assist those on benefit to obtain employment. Will the Minister inform members how many persons were placed by these agencies in 2004 and 2005?”

Deputy A. Breckon of St. Saviour will ask the following question of the Minister for Housing –

“Would the Minister provide members with the evidence that supports his recent announcement that rents have been lowered and numbers of hardship cases reduced as a result of the actions of developers?”

Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Treasury and Resources –

“In answer to questions on 17th January 2006, the Minister stated that there was the *“possibility of a challenge under Human Rights Legislation”* if a system was introduced whereby all new entrants to ITIS remained on a current year tax paying basis, and that *“no formal legal advice had been obtained”*. Would the Minister advise whether such advice to clarify the matter will be sought?”

The Connétable of St. Helier will ask the following question of the Minister for Education, Sport and Culture –

“Would the Minister advise who is responsible for allocating the free nursery places provided at some of the Island’s primary schools and what criteria, if any, are used for the allocation?”

Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Planning and Environment –

“With reference to the recently published plans for Conway Street, would the Minister advise whether any groups have been canvassed for their comments and, if so, which groups, and further explain whether he considers the limited public consultation period to be sufficient?”

Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Transport and Technical Services –

“In relation to Snow Hill permit parking, how many spaces were reserved prior to 2005 and who used them, how many States member spaces were originally allocated, what were these reduced to, and how many are now provided, and how many members requested spaces after the November 2005 election?”

**(c) – Questions to Ministers without notice -
(rota attached)**

1st question period – Minister for Transport and Technical Services.

2nd question period – Chief Minister.

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Minister for Home Affairs will make a statement regarding the withdrawal of the Criminal Justice Policy, (P.201/2005 lodged “au Greffe” on 20th September 2005).

L. PUBLIC BUSINESS

Draft Magistrate’s Court and Petty Debts Court (Location) (Jersey) Act 200 -. P.7/2006.
Lodged: 31st January 2006.
Chief Minister.

Draft Administrative Decisions (Review) (Amendment No. 2) (Jersey) Law 200 -. P.195/2005.
Lodged: 13th September 2005.
Privileges and Procedures Committee.

Draft Administrative Decisions (Review) (Amendment No. 2) (Jersey) Law 200- (P.195/2005): amendment. P.195/2005.
Lodged: 20th January 2006. Amd.
Deputy of St. Martin.

Draft Administrative Decisions (Review) (Amendment No. 2) (Jersey) Law 200- (P.195/2005): amendment (P.195/2005 Amd.)– P.195/2005.
comments. Amd.Com.
Presented: 10th February 2006.
Privileges and Procedures Committee.

Private hospital development: Scrutiny Review. P.221/2005.
Lodged: 6th October 2005.
Deputy P.V.F. Le Claire of St. Helier, (formerly in the name of Senator P.V.F. Le Claire).

Draft Employment (Minimum Wage) (Amendment) (Jersey) Regulations 200-. P.282/2005.
Lodged: 29th December 2005.
Minister for Social Security.

Public Employees Contributory Retirement Scheme Committee of Management: membership. P.6/2006.
Lodged: 31st January 2006.
Chief Minister.

M. ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

28th February 2006

- Cigarette lighter refill canisters: sale to minors. P.218/2005.
Lodged: 5th October 2005.
Deputy G.P. Southern of St. Helier.
- Draft Public Elections (Jersey) Law 2002 (Appointed Day) (No. 2) P.1/2006
Act 200-.
Lodged: 13th January 2006.
Privileges and Procedures Committee.
- Draft Public Elections (Amendment) (Jersey) Regulations 200-. P.2/2006.
Lodged: 13th January 2006.
Privileges and Procedures Committee.
- Agent of the Impôts: appointment. P.10/2006.
Lodged: 1st February 2006.
Minister for Home Affairs.
- Law Revision Board: appointment of members. P.12/2006.
Lodged: 9th February 2006.
Minister for Treasury and Resources.

14th March 2006

- Employment legislation: petition. P.214/2005.
Lodged: 4th October 2005.
Deputy G.P. Southern of St. Helier.
- Employment legislation: petition (P.214/2005) – comments. P.214/2005.
Presented: 11th January 2006. Com.
Minister for Social Security.
- Composting facilities. P.258/2005.
Lodged: 1st November 2005.
Deputy P.V.F. Le Claire of St. Helier, (formerly in the name of Senator P.V.F. Le Claire), and referred to the Ministers for Health and Social Services, Planning and Environment, and Transport and Technical Services, (formerly the Health and Social Services and the Environment and Public Services Committees).
- Composting facilities (P.258/2005): comments. P.258/2005.
Presented: 19th December 2005. Com.
Comité des Connétables.
- Draft Taxation (United States of America) (Jersey) Regulations 200-. P.264/2005.
Lodged: 8th November 2005.
Chief Minister, (formerly the Policy and Resources Committee).
- Draft Employment Relations (Amendment) (Jersey) Law 200-. P.5/2006.
Lodged: 30th January 2006.
Deputy G.P. Southern of St. Helier.

Draft Employment Relations (Amendment) (Jersey) Law 200- (P.5/2006): comments. P.5/2006. Com.
Presented: 8th February 2006.
Minister for Social Security.

Draft Postal Services (Transfer) (Jersey) Regulations 200-. P.9/2006.
Lodged: 31st January 2006.
Minister for Treasury and Resources.

Draft Postal Services (Jersey) Law 2004 (Appointed Day) (No. 2) Act 200-. P.8/2006.
Lodged: 31st January 2006.
Minister for Economic Development.

28th March 2006

Draft Sexual Offences (Jersey) Law 200-. P.196/2005.
Lodged: 13th September 2005.
*Minister for Home Affairs, (formerly the Home Affairs Committee).
(debate suspended on 18.01.06 and remained such on 31.01.06 as item referred to Scrutiny under S.O. 79(i)).*

Draft Employment (Amendment No. 2) (Jersey) Law 200-. P.270/2005.
Lodged: 15th November 2005.
Deputy G.P. Southern of St. Helier.

Draft Employment (Amendment No. 2) (Jersey) Law 200- (P.270/2005): P.270/2005.
comments. Com.
Presented: 17th January 2006.
Minister for Social Security.

Draft Water Pollution (Amendment No. 2) (Jersey) Law 200-. P.11/2006.
Lodged: 2nd February 2006.
Minister for Planning and Environment.

4th April 2006

Draft Water Resources (Jersey) Law 200-. P.206/2005.
Lodged: 27th September 2005.
Minister for Planning and Environment, (formerly the Environment and Public Services Committee).

Draft Water Resources (Jersey) Law 200- (P.206/2005): comments. P.206/2005.
Presented: 1st November 2005. Com.
Minister for Economic Development, (formerly the Economic Development Committee).

Draft Water Resources (Jersey) Law 200- (P.206/2005): amendment. P.206/2005.
Lodged: 25th October 2005. Amd.
Deputy R.C. Duhamel of St. Saviour.

Draft Water Resources (Jersey) Law 200- (P.206/2005): amendments P.206/2005.
(P.206/2005 Amd.)– comments. Amd.Com.
Presented: 22nd November 2005.
Minister for Planning and Environment, (formerly the Environment and Public Services Committee).

Draft Water Resources (Jersey) Law 200- (P.206/2005): second P.206/2005.
amendments. Amd.(2)
Lodged: 1st November 2005.
Deputy P.N. Troy of St. Brelade.

Draft Water Resources (Jersey) Law 200- (P.206/2005): second amendments (P.206/2005 Amd.(2))– comments. P.206/2005.
Presented: 29th November 2005. Amd.(2) Com.
Minister for Planning and Environment, (formerly the Environment and Public Services Committee).

25th April 2006

16th May 2006

Milk Subsidy for Delivery to Special Classes. P.145/2005.
Lodged: 5th July 2005.
Deputy G.P. Southern of St. Helier, and referred to the Ministers for Economic Development and Social Security, (formerly the Economic Development and the Employment and Social Security Committees).

23rd May 2006

6th June 2006

Senators and Deputies: terms of office. P.227/2004.
Lodged: 14th December 2004.
Deputy A. Breckon.
(debate commenced and States adopted move to next item of public business on 1st Feb 2005)

Senators and Deputies: terms of office (P.227/2004) – comments. P.227/2004.
Presented: 18th January 2005. Com.
Presented by the Minister for Treasury and Resources, (formerly the Finance and Economics Committee).

Housing Trading Organisation: establishment. P.211/2005
Lodged: 27th September 2005.
Minister for Housing, (formerly the Housing Committee).

20th June 2006

4th July 2006

18th July 2006

M.N. DE LA HAYE
Greffier of the States

9th February 2006

Note –

In accordance with a decision of the States on 25th October 2005, this meeting will continue, if necessary, on Wednesday 15th and Thursday 16th February 2006.

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O 15/2006

This Order increases the fee for the grant of a fishing boat licence from £75 to £81.50. The fee was last prescribed on 1st January 2004.

The Order was made on 31st January 2006, and came into force on 1st February 2006

R&O 16/2006

This Order sets the fares for controlled taxi-cabs.

The Order was made on 2nd February 2006, and came into force forthwith.

R&O 17/2006

The purpose of this Order is to allow the Jersey Old Motor Club, the promoters, to close and use the following roads in St. Helier for motor races (including practice) on the dates and between the times shown –

- (a) part of Victoria Avenue and one of the adjoining lay-bys on 2nd June 2006 between 7 p.m. and 11.30 p.m.;
- (b) part of Westmount Road, on 3rd June 2006 between 10 a.m. and 5 p.m.; and
- (c) parts of Pier Road, Mount Bingham, South Hill, Fort Regent Road and the car parks at South Hill and La Collette Gardens, on 4th June 2006 between 10 a.m. and 5 p.m.

The Order was made by the Minister for Home Affairs on 2nd February 2006, and came into force on 9th February 2006.

WRITTEN QUESTIONS

(See Item I(a))

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

“The Minister has recently announced interim policies to improve design, local relevance and space around new buildings; would he explain whether these new policies will be compromised by advice given by the Department or ‘in principle’ permissions granted by the former Committee and, if so how, and would he also explain what policies, if any, have been put in place so that the Planning Applications Panel is not bound by advice given to applicants by Departmental officers?”

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

“Would the Chief Minister –

- (a) advise whether he will be discussing the matter of long term suspension from public service and the effects this has on the individual and the employer with his fellow Ministers?
- (b) identify and explain the reasons why some suspensions are so lengthy? and,
- (c) put in place measures to ensure that lengthy suspensions are confined to complex financial or international investigations and do not happen for clearly less complicated cases?”

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

“Would the Minister inform the Assembly whether she is satisfied that police investigations of traffic accidents involving fatalities are completed expeditiously, and would she give an indication of the time within which such an investigation should usually be completed?”

The Chief Minister will table an answer to the following question asked by Deputy D.W. Mezbourian of St. Lawrence –

“Would the Chief Minister inform members of the total number of staff, by Department, who have been suspended as a result of disciplinary infractions in each of the last three years (2002 to 2005) and in each case identify the employee group concerned, the nature of the alleged infraction, the period of suspension, and the means of disposal of the case?”

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

“Would the Minister inform members whether Jersey Tourism is currently running an advertisement in national papers offering return fares to Jersey of £19.50 by sea and £51 by air and which refers readers to Jersey.com and, if so –

- (a) where on the Jersey.com website details of the promotion can be found? and,
- (b) whether these prices are available to Jersey residents wishing to travel to the UK; if the answer is in the negative, would he explain the reasons why Jersey residents can not benefit from the promotion?”

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

“In answer to a question on taxation of new companies with non-local principals asked on 11th May 2004,

the Minister, as then President of the Finance and Economics Committee, stated that the minimum tax contribution required to satisfy the economic benefit test applied by the Comptroller of Income Tax was as follows -

- £15,000 p.a. if no staff employed
- £25,000 p.a. per employee without (j) cat
- £40,000 p.a. per (j) cat employee.

He further stated that the economic test would continue to be used for non-financial companies even if the zero tax base applied, although no formal decision on the matter had been made up to that time.

Would the Minister inform members whether such a decision has now been made and, if so, what its content is and, if not, the reasons why? In particular, would he explain how such taxes will be collected on new non-financial companies with non-locally resident principals, subject to zero tax rates?"

The Minister for Social Security will table answers to the following questions asked by Deputy G.P. Southern of St. Helier –

1. In answer to my question No. 2715 on 31st January 2006, the Assistant Minister stated that '*the increase in any one benefit is unlikely to be the prime (or sole) cause*' of loss of HIE and that he would welcome examples of difficulties caused by the loss of HIE through the differential rates by which benefits and thresholds were uprated. Would the Minister inform members whether the department has been made aware recently of at least one case where differential uprating is the sole cause of loss of HIE?
2. Would the Minister inform members whether any loss of HIE has occurred at a level of income of £9,000 per year being a figure below the relative low-income threshold revealed in the 2002 Income Distribution Survey?
3. Can the Minister confirm that, according to his own figures, the relative 'slippage' of rates over the past 5 years has been 5.5% (28% rise in benefits and 22.5% rise in HIE threshold) and indicate whether this has produced significant numbers of persons who have been placed over HIE limits without change in circumstances?
4. In the final paragraph of part (c) of his answer, the Assistant Minister stated that the RPI is the appropriate Index for uprating since HIE is part of the '*ultimate safety net*'; can the Minister confirm whether the differential figures above indicate that HIE should not be treated solely as income support and whether medical needs should be incorporated into any new system?
5. Would the Minister provide members with anonymised data relating to HIE/non-HIE attendances by GPs referred to in his previous answer?
6. Notwithstanding the broad outline given in the Income Support system and already agreed to by the States, would the Minister provide members with details of any 'tapers' or other mechanisms which will ameliorate the 'all or nothing' effect of current income ceilings and income bars and the income levels over which it is intended such tapers will operate?

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

"Would the Minister inform members when he expects to receive the report into the extent of contamination of the Town Park site and when he will bring to the States a costed and realistic plan to bring the town park proposals forward?"

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

"With regard to the findings contained in the OECD Report entitled '*Pensions at a Glance. Public policies across OECD Countries*', published in April 2005, which contained data regarding the Gross Replacement Rate (GRR) comparing the State pension rate with average earnings and showed that the average OECD earner received on retirement 56.9% of the average wage in State pension compared with 40% in the U.K.,

would the Minister state how Jersey's position regarding its Gross Replacement Rate (GRR) currently compares with the data contained in the report and inform members whether he intends to review Jersey's position in this regard and, if not, the reasons why?"

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

“Would the Chief Minister inform members –

- (a) whether he considers that indicators such as Gross National Income (GNI) is an appropriate indicator of economic trends in a small state and, if not, whether he intends to replace it with another type of indicator?
- (b) whether up until 1995/6 there was, in existence in the office of the Economic Advisor to the States, a separate “basket of goods” designed to measure the impact of RPI on pensioners and, if so, can the Minister confirm whether this mechanism still exists, and if not, the reasons why? Does the Minister have under consideration any further methods to measure the effects of RPI on pensioners? and,
- (c) whether he intends to take similar steps under the ministerial system in Jersey to those taken by the U.K. government to further distance the Office for National Statistics (ONS) from ministerial control?”

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

“The Minister has recently suggested that the rise in licences approved by the Department indicates a recovery of the economy. Would the Minister inform members whether these figures indicate a growing desire for firms to employ immigrant workers rather than real recovery of the economy and how this compares against trends in the last five years across various sectors of employment in the Island?”

The Minister for Home Affairs will table an answer to the following question asked by Deputy J.B. Fox of St. Helier –

“Would the Minister inform members –

- (a) whether the Police Motor Cycle Unit was disbanded without prior knowledge or approval of the former Home Affairs Committee?
- (b) who authorized the sale of the Police motor cycles and, in particular, when did the Minister know of the intended sale and did the Minister agree to the sale?
- (c) whether any representations were made by Deputy J.B. Fox to the former Home Affairs Committee to retain the Police Motor Cycle Unit, and whether, as a result, a report was to be produced regarding options for the way forward? If so, why was the sale authorised if such a report was still awaited?
- (d) whether an independent authority valued the sale price of the seven motorcycles in question and, if so, which authority?
- (e) whether the sale of the motor cycles was put out to tender either locally or nationally?
- (f) whether the public was consulted on the decision to disband the Police Motor Cycle Unit?
- (g) whether, prior to the disbandment, new radios were purchased specifically for the motor cycle unit?
- (h) whether any work has been undertaken to identify the effectiveness of a Police Motor Cycle Unit in the prevention and detection of crime and safety of the public, or otherwise, by the provision of a Police Motor Cycle Unit and, if so, what did this conclude?”

**ORAL QUESTIONS WITHOUT NOTICE
ROTA**

(See Item I(c))

First 15 minute period

Housing

Social Security

Home Affairs

Economic Development

Education Sport and Culture

Transport and Technical Services

Housing

Social Security

Home Affairs

Second 15 minute period

Planning and Environment

Chief Minister

Treasury and Resources

Chief Minister

Health and Social Services

Chief Minister

Planning and Environment

Chief Minister

Treasury and Resources