

STATES OF JERSEY ORDER PAPER

Tuesday 4th February 2003

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Diseases of Animals (Bees) (Jersey) Order 2003.
Economic Development Committee.

R&O 3/2003.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

States of Jersey Law 1966, as amended: delegation of functions -
Home Affairs Committee.
Home Affairs Committee.

R.C.3/2003.

Field 790, L' Avenue de la Reine Elizabeth II, St. Peter (P.240/2002):
comments.
Harbours and Airport Committee.

P.240/2002.
Com.

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

Presented on 28th January 2003

States of Jersey Law 1966, as amended: delegation of functions - Civil
Service Administration.
Policy and Resources Committee.

R.C.2/2003.

(b) Notification of Standing Order decisions

28th January 2003

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

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

Grainville School, St. Saviour: Redevelopment Phase 2 - art, design
and technology block - approval of drawings.
Education, Sport and Culture Committee.

P.9/2003.

Simultaneous Electronic Voting: replacement for 'appel nominal'. P.10/2003.
Privileges and Procedures Committee.

Chief Executive to the Council of Ministers and Head of the Public P.11/2003.
Service: appointment.
Policy and Resources Committee.

(e) Notification of Papers lodged "au Greffe" under Standing Order 17A(1)(b)

Lodged on 28th January 2003

Income Tax: increase in small income exemption limits and P.6/2003.
allowances, and introduction of higher rate.
Deputy G.P. Southern of St. Helier.

School milk: provision for the years 2003, 2004 and 2005. P.7/2003.
Deputy G.P. Southern of St. Helier.

Draft Housing (General Provisions) (Amendment No. 18) (Jersey) P.8/2003.
Regulations 200-
Housing Committee.

(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 matters lodged "au Greffe" be considered at their next meeting on 18th February 2003 -

Draft Crime and Security (Jersey) Law 200- P.210/2002
Lodged: 12th November 2002.
Home Affairs Committee.

Field 790, L'Avenue de la Reine Elizabeth II, St. Peter. P.240/2002.
Lodged: 31st December 2002.
Deputy of St. John.

Field 790, L'Avenue de la Reine Elizabeth II, St. Peter (P.240/2002): P.240/2002.
comments. Com.
Harbours and Airport Committee.

Draft Housing (General Provisions) (Amendment No. 18) (Jersey) P.8/2003.
Regulations 200-
Housing Committee.

Grainville School, St. Saviour: Redevelopment Phase 2 - art, design P.9/2003.
and technology block - approval of drawings.
Education, Sport and Culture Committee.

Chief Executive to the Council of Ministers and Head of the Public Service: appointment.
Policy and Resources Committee.

P.11/2003.

In accordance with Standing Order 22(3), the President of the Education, Sport and Culture Committee has instructed the Greffier of the States to withdraw the proposition regarding the Education Committee Capital Programme 2004-2010 and the establishment of a Development Fund. (P.120/2001 lodged "au Greffe" on 24th July 2001, in the name of the former Education Committee).

In accordance with Standing Order 22(3), the President of the Employment and Social Security Committee has instructed the Greffier of the States to withdraw the draft Employment (Jersey) Law 200- (P.187/2002 lodged "au Greffe" on 8th October 2002), and the draft Employment (Jersey) Law 200-: amendments (P.187/2002 Amd. lodged "au Greffe" on 5th November 2002).

F. PRESENTATION OF PETITIONS

G. QUESTIONS

The Deputy of St. Martin will ask a question of the President of the Legislation Committee regarding the status of the draft Legal Practitioners (Jersey) Law 200-, and related legislation.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Finance and Economics Committee regarding the increase in fees under the Data Protection (General Provisions) (Amendment No. 3) (Jersey) Order 2003.

The Deputy of St. John will ask a question of the President of the Policy and Resources Committee regarding the employment settlement terms of the former Chief Executive, Policy and Resources Department.

Deputy R.G. Le Hérisier of St. Saviour will ask questions of the President of the Policy and Resources Committee regarding the former post of Chief Executive, Policy and Resources Department, in relation to that of Chief Executive to the Council of Ministers and Head of the Civil Service.

The Deputy of St. John will ask a question of the President of the Economic Development Committee regarding mulch containing woodchip.

The Deputy of St. Ouen will ask a question of the President of the Policy and Resources Committee regarding the procedures for the establishment of bodies with autonomy to spend States funds.

The Deputy of St. John will ask a question of the Vice-Chairman of the Comité des Connétables regarding arrangements for hustings meetings for the forthcoming Senatorial election.

Deputy P.N. Troy of St. Brelade will ask questions of the President of the Policy and Resources Committee regarding the tax liability of essentially employed public sector employees for incorrectly declared rental subsidies.

Deputy G.C.L. Baudains of St. Clement will ask questions of the President of the Environment and Public Services Committee regarding the Jersey Heritage Trust's plans for Mont Orgueil Castle.

The Deputy of St. John will ask a question of the President of the Policy and Resources Committee regarding the 2002 house price survey.

Deputy G.P. Southern of St. Helier will ask a question of the President of the Housing Committee regarding that Committee's policy of raising 'fair rents'.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of the Employment and Social Security Committee will make a statement regarding the draft Employment (Jersey) Law 200-.

K. PUBLIC BUSINESS

War against Iraq. P.12/2003.
Deputy G.P. Southern of St. Helier.
(attached)

Draft Customs and Excise (Amendment) (Jersey) Law 200-. P.230/2002.
Lodged: 26th November 2002.
Home Affairs Committee.

Welfare grants and family responsibilities for the next of kin. P.236/2002.
Lodged: 10th December 2002.
Employment and Social Security Committee.

Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 3) P.237/2002.
(Jersey) Regulations 200-.
Lodged: 10th December 2002.
Economic Development Committee.
(Lodged in the name of the former Agriculture and Fisheries Committee).

Draft Plant Health (Jersey) Law 200-. P.1/2003.
Lodged: 14th January 2003.
Economic Development Committee.

Draft Plant Health (Jersey) Law 200- (P.1/2003): amendment. P.1/2003.
Lodged: 21st January 2003. Amd.
Economic Development Committee.

Bailiff's Consultative Panel - membership. P.2/2003.
Lodged: 21st January 2003.
Senator J.A. Le Maistre

M.N. DE LA HAYE
Greffier of the States

30th January 2003.

Explanatory Note regarding subordinate legislation tabled at this meeting.

R & O 3/2003.

This Order will permit the importation of Queen bees and the semen of drone bees in accordance with a licence that may be issued by the Committee.

The Order was made on 22nd January 2003, and came into force 7 days after it was made.

**NOTIFICATION OF STANDING ORDER DECISIONS -
FINANCE AND ECONOMICS COMMITTEE
(delegated functions)**

28th January 2003

- (a) as recommended by the former Public Services Committee (now the Environment and Public Services Committee), the purchase from Solest Holdings Limited of an area of land (measuring 1,089 square feet) at Nos. 34/36 New Street and Nos. 1, 3, 5, 7 and 9 Union Street, St. Helier (adjoining the property known as Salisbury House), required for road widening purposes, for a consideration of £1,089 plus an additional sum of compensation of £1,500, with the Committee being responsible for the vendor's reasonable legal fees, together with surveyor's fees of £500, arising from this transaction;
- (b) as recommended by the former Public Services Committee (now the Environment and Public Services Committee), the entering into of a Deed of Arrangement with Raleigh House Limited, owner of No. 11 La Rue Grellier, bordering La Rue des Pres, St. Saviour, in order to recognise that an encroachment onto public property existed and to ratify the boundary, as follows -
 - (i) the curved granite wall on the western side of No. 11 La Rue Grellier towards the main road known as "La Rue des Pres", which had partly encroached onto public land, would as it currently existed form the western boundary of No. 11 La Rue Grellier towards the main road owned by the public. The said wall would belong in its entirety (but without off-set) to Raleigh House Limited; and
 - (ii) Raleigh House Limited would be responsible for meeting a fee of £1,000 in respect of the legal fees and expenses incurred by the public in relation to this transaction;
- (c) as recommended by the Health and Social Services Committee, the renewal of the lease from Mrs. Christine Fiott, née Hamon, of the three-bedroom (j) Category detached house known as "Le Hurel", La Rue de Cambrai, Trinity for a period of two years from 21st January 2003 at an annual rent of £21,431, for occupation by a Consultant in Diabetes and Endocrinology, on the basis that each party would be responsible for its own legal costs arising from the transaction, with no deposits to be paid.

QUESTION PAPER

(See Item G)

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

“On 18th June 2002 in answer to a question as to when the Draft Legal Practitioners (Jersey) Law 200- and the two related pieces of legislation, the Law Society of Jersey 200- and the Jersey Society of Jersey Bye Laws 200- would be lodged, the then President replied ‘The Committee is anxious to see the progress of this legislation and hopes to lodge the draft laws in the early Autumn’ ”.

Would the President inform members –

- (a) why the legislation has not been lodged?
- (b) when are the draft laws likely to be lodged?”

Deputy G.C.L. Baudains of St. Clement, will ask the following question of the President of the Finance and Economics Committee

“With regard to the Data Protection (General Provisions) (Amendment No. 3) (Jersey) Order 2003 (R&O 1/2003), will the President inform members whether the increase in fee breaches the 2½ per cent anti-inflation policy?”

The Deputy of St. John will ask the following question of the President of the Policy and Resources Committee -

“Would the President give details of the actual cost of the financial settlement with the former Chief Executive of the Policy and Resources Department, the terms of which were set out in his statement of 21st January 2003?”

Deputy R.G. Le Hérisser of St. Saviour, will ask the following questions of the President of the Policy and Resources Committee -

- “1. (a) Would the President outline the material differences between the job description of the current Chief Executive position of the Policy and Resources Department and the job description of the recently advertised position of Chief Executive to the Council of Ministers and Head of the Public Service?
- (b) Would the President confirm whether or not the job description of the position occupied by the recently departed Chief Executive of the Policy and Resources Department was designed in such a manner as to provide the basis for the new position of Chief Executive as recently advertised?
- (c) Would the President confirm whether or not the performance management regime in place for chief officers was applied in the case of the recently departed Chief Executive?
- (d) Given that the former Chief Executive’s performance was described as ‘exemplary’ in the statement made by President on 21st January 2003, how then did he become ineligible for the recently advertised position?
- (e) What improvements, if any, will be made to the appointment process for senior civil servants following this episode?

2. (a) Would the President confirm that the previous Policy and Resources Committee decided to –
 - (i) create a new post that would subsume the post presently occupied by its Chief Executive Officer?
 - (ii) invite applications for that new post other than from its Chief Executive Officer?
 - (iii) install the successful candidate in the new post prior to the expiry of the present Chief Executive's contract?
- (b) Would the President state why the Committee did not time the starting of the new post to coincide with the end of the present Chief Executive's contract, thereby saving a considerable sum of public money should the current incumbent not be successful?"

The Deputy of St. John will ask the following question of the President of the Economic Development Committee

- “(a) In late December 2003 the Crabbé compost site closed for organic waste. Will the President explain whether a permanent solution has been found to the problem of organic waste disposal in the Island?
- (b) How does the Committee propose cleaning up the soil in many areas around the Island where large stock piles of mulch containing woodchip, some of them on land adjacent to Island reservoirs, are found and where leaching could have occurred over the last several months?
- (c) Has the Committee identified land where mulch with woodchip has been placed and ploughed in over recent years, and, if so, what method is to be used to clean up the land, to prevent crops from this land getting into the food chain and what compensation, if any, is to be paid to the landowners concerned?
- (d) In recent years many banks around the rifle range and gun ranges at Crabbé have been formed with mulch containing woodchip. Is it the intention of the Committee to remove these banks and, if the answer is in the affirmative, what material is to be used to replace the banks?
- (e) Will the President give members details of how many tons of mulch with woodchip has been produced since the operation at Crabbé began?”

The Deputy of St. Ouen will ask the following question of the President of the Policy and Resources Committee -

“Subsequent to the Review dealing with the Process involved in the production of the 2020.je Report carried out by the States Audit Commission –

Would the President advise the Assembly whether the Committee is considering the introduction of appropriate guidelines relating to the establishment of bodies such as the Jersey Information Society Commission with autonomy to spend States funds, to cover issues such as –

the governance and constitution of such bodies,

the involvement and responsibilities of States members on such bodies,

procedures for dealing with conflicts of interest, and

appropriate reporting procedures between sponsoring Committees and such bodies.”

The Deputy of St. John will ask the following question of the Vice-Chairman of the Comité des Connétables -

“Is the Vice-Chairman prepared to explain to members what new arrangements have been made for husting meetings for the forthcoming senatorial election?”

Deputy P.N. Troy of St. Brelade, will ask the following questions of the President of the Policy and Resources Committee -

- “1. Would the President –
 - (a) give details of any correspondence, meetings and discussions (inclusive of dates) between the Policy and Resources Committee, the Comptroller of Income Tax and the Finance and Economics Committee concerning the tax liability of essentially employed public sector employees for incorrectly declared rental subsidies?
 - (b) advise members of the number of employees concerned and the total cost as advised to his Committee by the Comptroller for payment of the liability for a five year period for all employees affected?
2. Can the President –
 - (a) advise whether there is any legal obligation for the States of Jersey to pay the tax liabilities of third parties (in this case employees)?
 - (b) inform members whether the Committee recommends that public funds be utilised in payment of the employee liability and, if so, would he give the reasons for this decision?
3. Would the President confirm that some employees have correctly declared their rental subsidies on tax forms submitted to the Comptroller and paid all taxes due, while others have failed to do so, and if so, is he able to offer any explanation as to why some were aware of their responsibility to pay tax on the rent subsidy and others were not, given that since 1998 every tax form states ‘If your employer pays rent due under a lease in your name, that is taxable’?
4.
 - (a) Can the President advise whether there is any legal obligation to reimburse those employees who have correctly paid tax on any rental subsidy received and advise whether the Committee recommends reimbursement for this group?
 - (b) If so, would the President advise how many employees are involved, how many years would be reimbursed, and the total cost of reimbursement?
5.
 - (a) Can the President explain why such an important matter concerning the use of public Funds has not been brought to the States Assembly for debate, particularly as it involves a decision to utilise public funds to extinguish a liability not of the States but of third parties?
 - (b) Would the President agree to prepare and present to the States a comprehensive report on this matter explaining in greater detail the background and legal position in relation to the parties concerned, and would he give an undertaking to members that no action to inform the employees concerned formally, to commit the States of Jersey to any particular action, or to implement any decision, will be taken until such time as all States members have had the opportunity to assess the report and decide what action is appropriate?”

Deputy G.C.L. Baudains of St. Clement will ask the following questions of the President of the Environment and Public Services Committee -

- “1. Will the President give an assurance that sufficient time will be allowed for proper scrutiny of the plans

to be submitted by the Jersey Heritage Trust regarding Mont Orgueil Castle?

2. Is the President able to give details of the brief under which the Paul Drury Partnership, independent advisor to the Committee, is working and state its role with regard to the Jersey Heritage Trust's plans for Mont Orgueil Castle?"

The Deputy of St. John will ask the following question of the President of the Policy and Resources Committee -

"At the end of 2002, the Statistics Unit released a survey on house prices.

- (a) Is the President confident that the method used to obtain the results was appropriate and accurate in view of the subsequent criticism of the survey by both the Jersey Estate Agents Association and by members of the Housing Committee?
- (b) Will the President inform members whether the Committee is taking action to ensure that any future surveys address all aspects of the concerns raised by the Jersey Estate Agents Association?"

Deputy G.P. Southern of St. Helier, will ask the following question of the President of the Housing Committee -

"In response to my question to the President of the Housing Committee on 21st January 2003, the President indicated his continuing commitment to the Committee policy of raising fair rents to within 10 per cent of levels in the private sector.

The following table shows the changes to the Housing Committee's annual income from rents and abatements for the years 1999 to 2000 along with the annual percentage increase in "fair rents" and estimates for the years 2002 and 2003. (Source: Treasury Accounts 2000 and 2001, Budget 2003)

Year	Total rental income for the year	Total rent abatement for the year	Net increase in rent less increase in abatement	Percentage increase in maximum or "fair" rent
	£,million	£,million	£,million	%
1999	24.1	12.3		
2000	26.2	13.3	1.1	5
2001	27.4	13.9	0.6	5.5
2002 (E)	28.0	13.9	0.6	7.9
2003 (E)	31.7	16.2	1.4	3.5

- (a) For each of the years 2000 to 2003, will the president inform members what proportion of the net increase is accounted for by the percentage rise in 'fair rent', and how much can be attributed to other factors?
- (b) In particular, can the president explain why the estimates for both abatement and net increase for 2002 have remained static despite a 7.9 per cent increase in fair rent last year?"

PROPOSITION

WAR AGAINST IRAQ

THE STATES are asked to decide whether they are of opinion –

to agree that it is the view of the Assembly that no military action should be taken by the governments of the United States of America and the United Kingdom against Iraq without a fresh United Nations mandate, following clear evidence of the need for war; and to request the Bailiff to transmit the view of the Assembly to Her Majesty's Government with a request that the opinion of the States be also forwarded to the government of the United States of America by Her Majesty's Government.

DEPUTY G.P. SOUTHERN OF ST. HELIER.

Report

The President of the Policy and Resources Committee has pledged that, should they contact him, he will transmit the views of the people of Jersey to the British government. He also says "There is no realistic chance of the views making a scrap of difference."

I believe that to put such responsibility onto the people of Jersey to express their opinion is to negate the proper role of the States. In bringing this proposition, I am giving Members the opportunity to express their opinion on behalf of the people of Jersey. The President of the Policy and Resources Committee may well be correct, but I prefer to share Joy Nursey's view that "it is worth the effort".

I believe also that we have a very short time in which to express our view to the respective governments. Already a quarter of the British Army is on its way to the Gulf; military action may not be too far away, but we are not there yet. Hence, I bring this proposition on a "blue".

Dr Hans Blix has reported back on behalf of the Nuclear Weapons Inspectorate to the United Nations. He has made it clear that his conclusions are of an interim nature and that the case has not been made for military action. More time is required, and despite the spin put on the report by US and UK spokespersons, France, Germany, China and Russia have all expressed their reservations about pre-emptive action.

We all accept that the world would be safer without Saddam Hussein's baleful dictatorship. But I see no contradiction between distaste for his regime and the profound doubts many have about the way in which the US, with Tony Blair's support, proposes to launch an invasion. The situation is developing rapidly into a test of confidence in the UK government. There is genuine public perception that we are being bulldozed into a war not of our choosing, and not, on the evidence presented so far, vital to our interests.

I believe it is vitally important that we, the representatives of the people of Jersey, point out our objections to unilateral action by UK troops. War, declared under such circumstances, would not only inflict great misery on the people of Iraq, already suffering the effects of economic sanctions. The Society of Friends are correct when they say that such a war "would extend violence across the region, encourage extremists and intensify religious and ethnic hatred". I believe we must do what little we can to try to prevent such an outcome.

There are no financial or manpower implications arising out of this proposition.

P.12/2003