

STATES OF JERSEY ORDER PAPER

Tuesday 20th April 2004 and, if necessary, Tuesday 27th April 2004.

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Shipping (Fishing Vessels - Safety Training) (Jersey) Order 2004. R&O 24/2004.
Harbours and Airport Committee.

Shipping (Distress Signals and Prevention of Collisions) (Jersey) Order 2004. R&O 25/2004.
Harbours and Airport Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Machinery of Government: votes of no confidence in individual ministers (P.6/2004) – comments. P.6/2004. Com.(2).
Policy and Resources Committee.

Migration Policy Steering Group: consultation report. R.C.15/2004.
Policy and Resources Committee.

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

6th April 2004

Youth Custody for persons aged 12 and over (P.2/2004): comments. P.2/2004. Com. (3)
Education, Sport and Culture Committee.

13th April 2004

States Members' Remuneration: increases for 2004 – rescindment (P.11/2004) – comments. P.11/2004. Com. (2)
Finance and Economics Committee.

(b) Notification of Standing Order decisions

1st April 2004

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

1st April 2004

The former Le Coie Hotel site, St. Saviour.

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

Draft Drainage (Jersey) Law 200- (P.193/2003): amendments. P.193/2004. Amd.
Environment and Public Services Committee.

Draft Public Holidays and Bank Holidays (Jersey) Act 200-. <i>Legislation Committee.</i>	P.56/2004.
Equalisation of Welfare. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.57/2004.
Public Sector Re-organisation: Five Year Vision for the Public Sector. <i>Policy and Resources Committee.</i>	P.58/2004.
Shadow Scrutiny Panels: appointment of member. <i>Privileges and Procedures Committee.</i>	P.59/2004.
Draft Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 7) (Jersey) Regulations 200. <i>Policy and Resources Committee.</i>	P.60/2004.
Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 9) (Jersey) Regulations 200-. <i>Policy and Resources Committee.</i>	P.61/2004.
Modernisation of Jersey's Gambling Legislation. <i>Economic Development Committee.</i>	P.62/2004.
Jersey Competition Regulatory Authority: appointment of member and Chairman. <i>Economic Development Committee.</i>	P.63/2004.
Draft Shops (Sunday Trading) (No. 8) (Jersey) Regulations 200-. <i>Economic Development Committee.</i>	P.64/2004.
Draft Shipping (Jersey) Law 2002 (Appointed Day) Act 200-. <i>Harbours and Airport Committee.</i>	P.65/2004.
Draft Shipping (Amendment) (Jersey) Law 2003 (Appointed Day) Act 200-. <i>Harbours and Airport Committee.</i>	P.66/2004.

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

6th April 2004

Travelling and entertaining costs: provision of information. <i>Senator R.J. Shenton.</i>	P.51/2004.
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13th April 2004

Sale of properties. <i>Housing Committee.</i>	P.52/2004.
Draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200. <i>Finance and Economics Committee.</i>	P.53/2004.
Elizabeth Harbour Phase I Warehouse: lease to Commodore Express (Jersey) Limited. <i>Harbours and Airport Committee.</i>	P.54/2004.
Draft Christmas Bonus (Amendment No. 2) (Jersey) Law 200. <i>Employment and Social Security Committee.</i>	P.55/2004.

(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 the present meeting –

Draft Milk (Sale to Special Classes) (Jersey) Regulations 200-. P.50/2004.
Lodged: 30th March 2004.
Employment and Social Security Committee.

THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at their next meeting on 11th May 2004 –

Public Sector Housing: establishment of a management company. P.105/2003.
Lodged: 8th July 2003.
Deputy A. Breckon of St. Saviour.

Social Security Fund: a new method of funding. P.137/2003.
Lodged: 7th October 2003.
Deputy G.P. Southern of St. Helier.

Social Security Fund: a new method of funding (P.137/2003) – P.137/2003.
comments. Com.
Presented: 18th November 2003.
Employment and Social Security Committee.

Social Security Fund: a new method of funding (P.137/2003) – P.137/2003.
comments. Com.(2)
Presented: 10th February 2004.
Finance and Economics Committee.

Draft The Law Society of Jersey Law 200-. P.154/2003.
Lodged: 11th November 2003.
Legislation Committee.

States Members' Remuneration: increases for 2004 – rescindment. P.11/2004.
Lodged: 27th January 2004.
Deputy T.J. Le Main of St. Helier.

States Members' Remuneration: increases for 2004 – rescindment P.11/2004. Com.
(P.11/2004) – comments.
Presented: 30th March 2004.
Privileges and Procedures Committee.

States Members' Remuneration: increases for 2004 – rescindment P.11/2004. Com.
(P.11/2004) – comments. (2)
Presented: 20th April 2004.
Finance and Economics Committee.

States Members' Remuneration: increases for 2004 – rescindment (P.11/2004) – amendment. Lodged: 24th February 2004. <i>Senator J.A. Le Maistre.</i>	P.11/2004. Amd.
States Members' Remuneration: increases for 2004 – rescindment (P.11/2004) – second amendment. Lodged: 30th March 2004. <i>Senator R.J. Shenton.</i>	P.11/2004. Amd.(2)
Channel Islands Welding, La Collette: permission for alterations to head lease. Lodged: 17th February 2004. <i>Environment and Public Services Committee.</i>	P.26/2004.
Draft Extradition (Jersey) Law 200-. Lodged: 9th March 2004. <i>Policy and Resources Committee.</i>	P.39/2004.
Machinery of Government: relationship between the Parishes and the Executive. Lodged: 9th March 2004. <i>Policy and Resources Committee.</i>	P.40/2004.
Fields 1282 and 1287, La Fredée Lane, St. Helier: extinguishment of restrictive covenants. Lodged: 30th March 2004. <i>Environment and Public Services Committee.</i>	P.48/2004.
Former School, Clearview Street, St. Helier: proposed sale. Lodged: 30th March 2004. <i>Environment and Public Services Committee.</i>	P.49/2004. (<i>re-issue</i>)
Jersey Competition Regulatory Authority: appointment of member and Chairman. <i>Economic Development Committee.</i>	P.63/2004.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

The Deputy of St. John will ask a question of the President of the Economic Development Committee regarding ormer landings.

Senator R.J. Shenton will ask questions of the President of the Finance and Economics Committee regarding the consideration of alternatives to the Sales Tax.

The Deputy of St. John will ask a question of the President of the Environment and Public Services Committee regarding the 'hoppa' bus service.

Deputy S.C. Ferguson of St. Brelade will ask questions of the President of the Education, Sport and Culture Committee regarding the 1204-2004 celebrations.

Senator P.V.F. Le Claire will ask a question of the President of the Education, Sport and Culture Committee regarding the education of children who are not nationals of an EU country.

The Deputy of St. Martin will ask questions of the President of the Home Affairs Committee regarding absence levels at H.M. Prison, La Moye.

Deputy G.C.L. Baudains of St. Clement will ask questions of the President of the Committee for Postal Administration regarding recent increases in parcel rates.

The Deputy of St. John will ask a question of the President of the Environment and Public Services Committee regarding the collection of leachate at Beauport.

The Deputy of St. John will ask questions of the President of the Economic Development Committee regarding the disposal of potato waste, and regarding the protection of smaller farm units.

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 appointment of members of the Jersey Advisory and Conciliation Service Board.

K. PUBLIC BUSINESS

Draft Animal Welfare (Jersey) Law 200-. P.126/2003.
Lodged: 19th August 2003.
Economic Development Committee.
(The preamble was adopted on 30th March 2004.)

Draft Animal Welfare (Jersey) Law 200- (P.126/2003): comments. P.126/2003.
Presented: 10th February 2004. Com.
Finance and Economics Committee.

Draft Animal Welfare (Jersey) Law 200- (P.126/2003): amendments. P.126/2003.
Lodged: 3rd February 2004. Amd.
Deputy of St. Martin.

Draft Animal Welfare (Jersey) Law 200- (P.126/2003): amendments P.126/2003.
(P.126/2003 Amd.)– comments. Amd.Com.
Presented: 2nd March 2004.
Finance and Economics Committee.

Draft Animal Welfare (Jersey) Law 200- (P.126/2003): amendments P.126/2003.
(P.126/2003 Amd.)– comments. Amd.Com.(2)
Presented: 9th March 2004.
Economic Development Committee.

Draft Shipping (Tonnage) (Jersey) Regulations 200-. P.25/2004.
Lodged: 17th February 2004.
Harbours and Airport Committee.

Jersey Financial Services Commission: appointment of P.38/2004.
Commissioners.
Lodged: 9th March 2004.
Economic Development Committee.
(in camera)

Public right of access to information, financial and other records of the P.34/2003.
States of Jersey.
Lodged: 1st April 2003.
Deputy A. Breckon of St. Saviour.

Public right of access to information, financial and other records of the P.34/2003.
States of Jersey (P.34/2003): comments. Com.
Presented: 3rd June 2003.
Employment and Social Security Committee.

Public right of access to information, financial and other records of the States of Jersey (P.34/2003): comments. Presented: 19th August 2003. <i>Privileges and Procedures Committee.</i>	P.34/2003. Com.(2)
Public right of access to information, financial and other records of the States of Jersey (P.34/2003): comments. Presented: 14th October 2003. <i>Policy and Resources Committee.</i>	P.34/2003. Com.(3)
Public right of access to information, financial and other records of the States of Jersey (P.34/2003): comments. Presented: 10th February 2004. <i>Finance and Economics Committee.</i>	P.34/2003. Com.(4)
Youth Custody for persons aged 12 and over. Lodged: 20th January 2004. <i>Deputy of St. Martin.</i>	P.2/2004.
Youth Custody for persons aged 12 and over (P.2/2004): comments. Presented: 2nd March 2004. <i>Home Affairs Committee.</i>	P.2/2004. Com.
Youth Custody for persons aged 12 and over (P.2/2004): comments. Presented: 23rd March 2004. <i>Finance and Economics Committee.</i>	P.2/2004. Com.(2)
Draft Shipping (Local Small Ships Registration) (Jersey) Regulations 200-. Lodged: 16th March 2004. <i>Harbours and Airport Committee.</i>	P.42/2004.
Draft Shipping (Registration) (Jersey) Regulations 200-. Lodged: 23rd March 2004. <i>Harbours and Airport Committee.</i>	P.46/2004.
Residential and business parking scheme, Stopford Road area, St. Helier: fees. Lodged: 30th March 2004. <i>Deputy G.P. Southern of St. Helier.</i>	P.47/2004.

Subject to E –

Draft Milk (Sale to Special Classes) (Jersey) Regulations 200-
Lodged: 30th March 2004.
Employment and Social Security Committee.

P.50/2004.

M.N. DE LA HAYE
Greffier of the States

15th April 2004

Explanatory Note regarding subordinate legislation tabled at this meeting.

R & O 24/2004

This Order sets out the qualifications a person requires to be employed or engaged on a fishing vessel. The Order was made on 14th April 2004 and comes into force on the same day as the Shipping (Jersey) Law 2002.

R & O 25/2004.

This Order applies the U.K. Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 to Jersey to give effect to the International Regulations for Preventing Collisions at Sea 1972, as amended.

Jersey vessels wherever they may be, and other vessels in Jersey waters are required to comply with the International Regulations as so amended; and the signals of distress set out in Annex IV to the International Regulations are prescribed for use by vessels as such signals.

The Order was made on 14th April 2004 and comes into force on the same day as the Shipping (Jersey) Law 2002.

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

1st April 2004

- (a) as recommended by the Environment and Public Services Committee, the sale to Mr. Edward James Andrew Clucas and Mrs. Angela Kent Clucas, née White, of an area of land adjoining the property known as Sandpiper, Pontac, St. Clement on which an encroachment onto public land had been established, for a consideration of £10,000, on the basis that Mr. and Mrs. Clucas would be responsible for both parties' legal costs arising from the transaction;
- (b) as recommended by the Environment and Public Services Committee, the lease to Mrs. Gladys Faith Dunell, née Bayliss, and Messrs. Desmond Albert Pinel and Winston Clifford Pinel, of an area of land (measuring 465 square feet- as indicated on Drawing No. 15/335/4) adjacent to the Beaumont Pumping Station, La Route de la Haule, St. Peter, required for general access and loading/unloading purposes, for a period of nine years from 1st January 2004, with an option to renew for a further nine years, at an initial annual rent of £1,000 subject to rent review every three years in line with the Jersey Retail Price Index, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (c) as recommended by the Environment and Public Services Committee –
- (i) the purchase from the Crown of a strip of land forming the track to the south of the property known as the Cheval Roc Hotel, Bonne Nuit, St. John for the sum of £10; and
 - (ii) the entering into a Deed of Arrangement with the Parish of St. John and also the owners of the adjacent properties known as “Le Caigibi”, “The Maples”, “La Colline”, “Condora” and “White Heather” in order to ratify those matters set out in a report, dated 10th March 2004, prepared by the Director of Property Services;
- on the basis that each party would be responsible for its own legal costs and professional fees arising from the transaction; and,
- (d) as recommended by the Education, Sport and Culture Committee, the entering into of a Deed of Arrangement with APC Limited in order to clarify and confirm the boundaries of the Beach Gardens development towards the adjoining public land, in particular St. Clement Infants School, Le Rocquier Secondary School, and Fields Nos. 131 and 131a, La Rue du Pontlietaut to the south, on the basis that each party would be responsible for its own legal costs and for an equal share of those remaining costs payable in connexion with the preparation of the survey documentation totalling £660.

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

1st April 2004

The Housing Committee has accepted the lowest tender received for the development of 96 residential units and associated facilities on the site of the former Le Coie Hotel, St. Saviour namely that submitted by A.C. Mauger and Son (Sunwin) Limited in the sum of £12,798,318 for a contract period of 100 weeks.

The other tenders received were as follows -

Tenderer:	Tender sum:	Programme time:
Camerons Limited	£13,961,986	104 weeks
Camerons Limited (Alternative 'B')	£13,663,055	104 weeks
Premier Shopfitting	£15,544,746	104 weeks.

QUESTION PAPER

(See Item G)

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

“Would the President advise members –

- (a) whether the Committee proposes to restrict the number of ormers landed, and, if so, would he explain the reasons for this and provide evidence to support the proposals together with the levels of ormer landings that will apply? and,
- (b) if records of ormer landings currently exist, and, if so, how these records have been compiled and the size of these landings over the last three years?”

Senator R.J. Shenton will ask the following questions of the President of the Finance and Economics Committee

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- “1. Would the President inform the Assembly whether the Committee considered the following alternatives to Sales Tax and, if so, state why they were rejected?
 - (a) Wealth/Net worth tax as, for example, in France and part of the United States of America;
 - (b) Capital Gains Tax as in most countries;
 - (c) Inheritance/Estate Tax as, for example, in the United Kingdom and the United States of America;
 - (d) Payroll Tax;
 - (e) Gift Tax as, for example, in the United Kingdom and United States of America;
 - (f) Permanent Establishment Tax as, for example, in the United Kingdom;
 - (g) Second property tax;
 - (h) Development Tax as, for example, in Canada;
 - (i) Increased registration charges for previously exempt companies;
 - (j) Registration charges for foreign incorporated but locally administered companies;
 - (k) Trust registration charges;
 - (l) Work permit registration;
 - (m) Graduated rates of tax.
 2. Would the President explain why the Committee considers that the preservation of the 20% rate of income tax is so important if it now only applies to local residents, with wealthy persons able to negotiate alternative rates?
 3. Would the President inform members whether the Committee has considered retaining personal tax allowances at their present rate and introducing a higher rate of 35% for those with a net income over £80,000 as a fairer alternative to the Committee’s proposals and, if not, why not?
 4. Would the President confirm that the current proposals of his Committee concerning taxation changes relate particularly to persons who are employed and do not affect those wealthy people who have planned their affairs to turn income into capital?

5. Has the Committee considered how much tax would be raised by the introduction of higher rates of tax together with a wealth/gift/inheritance/capital gains tax, together with a proposal to plug the gap for foreign owned trades, possibly with a permanent establishment tax or a payroll tax with credit, and if so, could he confirm whether these measures would be sufficient to reduce the projected deficit without doing undue harm to the majority of the population or significantly increasing the administrative burden?
6. Would the Committee agree to stop the draconian cuts in essential services which have been proposed as part of the Fundamental Spending Review process and that are causing hurt and anxiety amongst the most vulnerable in our community?"

The Deputy of St. John will ask the following question of the President of the Environment and Public Services Committee –

“Would the President inform members whether any financial settlement was awarded to Pioneer Coaches some years ago when an agreement to provide a ‘hoppa’ bus service for St. Helier was withdrawn at late notice, and, if so, the size of the settlement and from where the funds were made available?”

Deputy S.G. Ferguson of St. Brelade will ask the following questions of the President of the Education, Sport and Culture Committee –

- “1. Would the President advise members –
 - (a) whether the Committee, which is responsible for the 1204-2004 Sub-Committee, considers that the primary aim of the event is tourism or a genuine celebration of the Island’s independence?
 - (b) of the total cost of the 1204-2004 celebrations, including any expense incurred by the Jersey Heritage Trust and Jersey Arts Trust and any financial guarantees offered through Jersey Tourism, together with a breakdown of how the funds will be spent?
 - (c) of the source of this funding, and, in particular, would he provide information relating to –
 - (i) any contribution made from the budgets of Jersey Tourism, the Tourism Development Fund and the Trusts? and,
 - (ii) the provision of the sum of £150,000 relating to the holographic portrait of the Queen?
 - (d) whether the book commissioned by the Jersey Heritage Trust at a cost of £80,000, and the on-line booking system, could not have been sourced locally?
 - (e) what controls are in place for spending relating to the 1204-2004 celebrations?
 - (f) how many States’ employees, Trust employees and other contract workers are involved in working on the 1204-2004 event?
 - (g) of the cost, if any, of outsourcing undertaken? and,
 - (h) how the contribution level by local traders of 25% of their margin on 1204-2004 merchandise, which equates to 50% of their mark-up, was arrived at?
2. Has the Committee undertaken an overall cost benefit analysis of the event and received an estimate of how many additional visitors will be attracted to the Island?”

Senator P.V.F. Le Claire will ask the following question of the President of the Education, Sport and Culture Committee –

“Would the President advise members –

- (a) how many children currently being educated in Jersey are subject to paying fees because they are

not nationals of an E.U. country and how many of them will no longer continue to be subject to such payment as a result of the recent expansion of the E.U.? and,

(b) how much annually does this equate to per child?"

The Deputy of St. Martin will ask the following questions of the President of the Home Affairs Committee –

“1. In RC.49/2003, entitled ‘Absence Levels in the Public Sector’, presented to the States by the Policy and Resources Committee on 2nd December 2003 it is stated that the level of absenteeism for the 12 month period ending on 30th June 2003 was 4.62 per cent for the Fire Service, 4.77 per cent for the Police Service and 11 per cent for the Prison Service.

Would the President explain why the Prison Service’s level of absenteeism was so much higher than the other two Services and state what steps, if any, have been taken address the issue?

2. Would the President inform members –

(a) of the total cost of overtime paid to Officers in the Prison Service for each of the years 2001, 2002 and 2003?

(b) of the highest amount paid to any individual officer in each of those three years?

(c) of the average payment paid per officer, for officers entitled to overtime, for each of those years?

3. Would the President state what percentage of the annual overtime was paid to -

(a) compensate for officers on sick leave?

(b) compensate for establishment shortages?

4. Would the President inform members whether any personnel from the Prison Service attended a Control and Constraint Conference in the U.K. in January this year and, if so, would she inform members whether any of those officers attending were on long-term sick leave at the time?

If so, would the President –

- (a) inform members of the cost of that officer's attendance?
 - (b) state whether the officer concerned has now returned to full duty?
 - (c) state what benefit the officer, the Prison Service and the taxpayer gained from the officer's attendance?
5. Would the President advise whether there is a formal policy in place concerning attendance of Prison Service personnel at conferences, courses and similar events? If so, would the President inform Members whether there are any criteria for Officers attending such events while on sick leave?
 6. Would the President inform the Assembly what measures are in place to ensure that the health of prison officers on long-term sick leave is monitored by the Prison Service to assess whether the officers are fit enough to return to work for light duties or part time work?"

Deputy G.C.L. Baudains of St. Clement will ask the following questions of the President of the Committee for Postal Administration –

- “1. Postal rates generally were increased on 6th April 2004, with the largest increases affecting parcels. Would the President outline what considerations the Committee gave to the effect these increases would have on local business and account for the fact that local letter rates are more expensive than UK internal rates?
2. Would the President explain the rationale behind the increases in parcel rates and in particular explain why -
 - (a) 50gm registered post to the UK is now £6 but only £4.70 to Australia and £3.75 from the UK to Jersey?
 - (b) there is no compensation available with recorded delivery to the UK?
 - (c) costs for compensation Special Delivery have risen in many cases by over 100 per cent, for example 500gm with £2,500 compensation to U.K. which has risen from £5.30 to £12.00?
 - (d) a 3kg parcel to the U.K. has risen from £4.25 to £11.20 (164 per cent increase) and a 1kg parcel to Ireland has risen from £4.40 to £17.50 (398 per cent increase)?"

The Deputy of St. John will ask the following question of the President of the Environment and Public Services Committee –

“Would the President inform members –

- (a) whether leachate is still being collected from Beauport and, if so, how much longer it is anticipated that this will have to continue?
- (b) of the total volume of leachate collected, and the cost of collection and disposal, in 2003?
- (c) of the total volume collected since the leachate problem was identified in the 1990's?
- (d) of the total cost, since the problem was first identified, of collection, treatment, disposal and storage of the leachate, plus the cost of any remedial works to date?"

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

- “1. Would the President explain to members whether the Committee has formulated a policy on the disposal of excess potato waste arising during this year's season, as in 2003 some was disposed of at Crabbé and some was dumped on fields. If so, could he provide details for members?

2. Would the President inform the Assembly whether the Committee has in place a policy to protect smaller farm units in the light of the emergence of one single very large business within the agriculture industry which has led to concern that a monopoly situation is being created? If so, could he provide details for members?"