

STATES OF JERSEY ORDER PAPER

Tuesday 25th May 2010

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Gender Recognition (Approved Jurisdictions) (Jersey) Order 2010. R&O.42/2010.
Chief Minister.

Gender Recognition (Disclosure of Information) (Jersey) Order 2010. R&O.43/2010.
Chief Minister.

Town Criterium (Jersey) Order 2010. R&O.48/2010.
Minister for Transport and Technical Services.

C. DOCUMENTS PRESENTED OR LAID

Land Transactions under Standing Order 168(3) – public land, St. Brelade– R.55/2010.
proposed sale.
Presented: 17th May 2010.
Minister for Treasury and Resources.

States of Jersey Law 2005: delegation of functions – Transport and Technical R.56/2010.
Services – delegated authorities.
Presented: 19th May 2010.
Minister for Transport and Technical Services.

States of Jersey Law 2005: delegation of functions – Social Security – R.57/2010.
appointment of Determining Officers.
Presented: 20th May 2010.
Minister for Social Security.

Land Transactions under Standing Order 168(3) – R.58/2010.
(a) E22 Elizabeth Terminal (Office), E01 Elizabeth Terminal (Offices and
Check-In), E41 Elizabeth Terminal (Kiosk and Office), St. Helier– lease;
(b) E08 Elizabeth Terminal (Office and Check-In), St. Helier– lease;
(c) Bunker at Bouley Bay, Trinity – lease.
Presented: 21st May 2010.
Minister for Treasury and Resources.

Review of Jersey's Overseas Aid: Report on Progress (S.R.3/2010) – response R.59/2010.
of the Jersey Overseas Aid Commission. Res.
Presented: 21st May 2010.
Chairman of the Jersey Overseas Aid Commission.

D. NOTIFICATION OF LODGED PROPOSITIONS

Field 530A: re-designation as a Green Zone site. P.62/2010.
Lodged: 21st May 2010.
Deputy R.G. Le Hérisssier of St. Saviour.

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the proposer of the following proposition lodged 'au Greffe' has informed the Greffier of the States that it is to be withdrawn –

Strategy for dealing with young offenders: establishment of Working Group. P.201/2009.
Lodged: 27th November 2009.
Deputy T.M. Pitman of St. Helier.

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

Nomination of Deputy J.M. Maçon of St. Saviour as a member of the Education and Home Affairs Scrutiny Panel.

Nomination of the Connétable of St. Lawrence and Deputy D.J. De Sousa of St. Helier as members of the States Employment Board, in accordance with Article 5 of the Employment of States of Jersey Employees (Jersey) Law 2005.

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

(a) – **Written Questions**
(attached)

1. The Chairman of the Privileges and Procedures Committee will table an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding first time voters.
2. The Minister for Planning and Environment will table an answer to a question asked by Senator J.L. Perchard regarding the former Odeon Cinema site.
3. The Minister for Treasury and Resources will table an answer to a question asked by the Deputy of St. John regarding the amount spent on taxi fares by four States departments.
4. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding a review of Income Support rates.
5. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Voluntary Redundancy arrangements.
6. The Minister for Planning and Environment will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Town Park.
7. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the rental component of Income Support.
8. The Minister for Treasury and Resources will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding 1(1)(k) category residents' tax payments.
9. The Minister for Home Affairs will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding evidence relating to the Haut de la Garenne investigation.

10. The Minister for Treasury and Resources will table an answer to a question asked by the Deputy of St. Mary regarding written guidance for the Comprehensive Spending Review process.
11. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Income Support.
12. The Minister for Planning and Environment will table an answer to a question asked by the Deputy of St. Mary regarding contamination from the Talman/Gas Place car park sites.
13. The Minister for Treasury and Resources will table an answer to a question asked by the Deputy of St. Mary regarding States insurance.
14. The Minister for Planning and Environment will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding privately owned development sites in St. Helier.
15. The Minister for Home Affairs will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the existence of the 'Metropolitan Police Interim Report'.

(b) – Oral Questions

(120 minutes)

1. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Planning and Environment –

“Will the Minister inform Members what impact, if any, his decision not to build on the Millennium Town Park site has on the North of Town Master Plan and advise when he intends to bring forward an amended plan for debate?”
2. Deputy P.V.F. Le Claire of St. Helier will ask the following question of the Minister for Planning and Environment –

“What advice, if any has the Minister sought and what preparations, if any, has the Minister made in relation to the potential impact on Jersey and the Channel Islands should oil from the recent BP oil spill off the coast of Louisiana reach us via tidal currents?”
3. The Deputy of St. John will ask the following question of the Minister for Planning and Environment –

“Is the Minister satisfied that the necessary checks are in place to ensure that area payments to the agricultural industry are not subject to abuse and, what action, if any, would the Minister be able to take towards those who administer this funding and any persons or company found to be taking money under false pretences?”
4. Deputy S. Pitman of St. Helier will ask the following question of the Chief Minister–

“Given that the terms and conditions of Jersey’s teachers have fallen significantly behind that of their UK counterparts, and highly damaging potential industrial action is now likely as a result, what steps, if any, will the Chief Minister, in his capacity as Chairman of the States Employment Board, be taking to reach a compromise and rectify this?”
5. Deputy S.S.P.A. Power of St. Brelade will ask the following question of the Minister for Treasury and Resources –

“Can the Minister confirm whether States Trading Departments are omitted from the

Comprehensive Spending Review and if so, explain why?”

6. Deputy T.M. Pitman of St. Helier will ask the following question of the Minister for Home Affairs –

“Given that the Minister has consistently advised the Assembly that he has not personally seen the ‘Metropolitan Police Interim Report’ relating to the process leading to the suspension of the Chief Officer of the States of Jersey Police, will he advise whether he has now been able to obtain a copy and confirm that the report does exist as a physical document?”

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

“Would the Minister advise whether the fragment found at Haut de la Garenne in 2008 has been positively identified at Kew Gardens; whether it is a piece of coconut shell, and if it is not, will he inform Members what it actually is and confirm that it is still in police possession?”

8. The Deputy of St. Mary will ask the following question of the Minister for Planning and Environment –

“In view of the need to seek out best value for money, can the Minister advise members what he has done to evaluate the costs and benefits of building underground parking spaces within the North of Town Masterplan, against the costs and benefits of providing spaces above ground and avoiding the need for so many spaces by measures such as reducing car commuting and creating car clubs?”

9. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Home Affairs –

“Will the Minister inform the Assembly if any disciplinary action is going to be brought against the suspended Chief Officer of the States of Jersey Police regarding Operation Blast?”

10. Deputy R.G. Le Hérisssier of St. Saviour will ask the following question of the Minister for Health and Social Services –

“Would the Minister identify whether the provision for persons under 65 requiring residential/nursing care is sufficient?”

11. Deputy S.S.P.A. Power of St. Brelade will ask the following question of the Minister for Treasury and Resources –

“Would the Minister provide a list of States Departments and their results in the normal internal audit for 2009 and explain the performance rating criteria?”

12. The Deputy of St. Martin will ask the following question of the Chief Minister–

“Will the Chief Minister inform Members why the only convenient time to arrange a briefing for States Members to discuss the review into the circumstances relating to the suspension of a hospital consultant in 2006 is immediately after today’s sitting and why copies of the report have not been made available to Members before the briefing?”

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

“Will the Minister inform members what differences, if any, there are between the definitions of incapacity in Long Term Incapacity Allowance (LTIA) and impairment contained in the

medical components of Income Support and whether it is appropriate to regard LTIA awards as income?"

14. The Deputy of St. John will ask the following question of the Minister for Social Security–

“What is the total number of employees working on the Energy from Waste Plant site; how many are playing Jersey Social Security contributions and, if any are not, in the event of an accident on site, who meets the necessary medical costs?”

15. Deputy T.M. Pitman of St. Helier will ask the following question of the Chairman of the Comité des Connétables –

“Will the Chairman advise the Assembly of the likely cost of organizing and running the forthcoming Senatorial by-election?”

16. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Social Security –

“Would the Minister advise whether individuals seeking Income Support receive any help with deposit payments for accommodation and if not, will he advise how such individuals who require assistance paying their rents are likely to have the requisite lump sum for a deposit readily available and what action, if any, he will take to address this issue?”

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

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

L. PUBLIC BUSINESS

Health and Social Services Department: Management Improvement Plan. P.31/2010.
Lodged: 17th March 2010.
Deputy R.G. Le Hérisier of St. Saviour.

Health and Social Services Department: Management Improvement Plan P.31/2010.
(P.31/2010) – comments. Com.
Presented: 10th May 2010.
Minister for Health and Social Services.

Draft Amendment (No. 13) of the Standing Orders of the States of Jersey. P.40/2010.
Lodged: 1st April 2010.
Privileges and Procedures Committee.

Draft Incorporated Limited Partnerships (Jersey) Law 201-. P.45/2010.
Lodged: 13th April 2010.
Minister for Economic Development.

Draft Separate Limited Partnerships (Jersey) Law 201-. P.46/2010.

Lodged: 13th April 2010.
Minister for Economic Development.

Jersey Financial Services Commission: appointment of Commissioner. P.58/2010.
Lodged: 11th May 2010.
Minister for Economic Development.
(debate to be held 'in camera')

Public Employees Contributory Retirement Scheme Committee of P.60/2010.
Management: membership.
Lodged: 11th May 2010.
Chief Minister.

M. ARRANGEMENT OF PUBLIC BUSINESS

8th June 2010

Island Plan 2002: H3 Site No. 8, Field 1248 and Channel Television Site. P.10/2010.
Lodged: 2nd February 2010.
Deputy J.A. Hilton of St. Helier.

'User Pays' Charges: issuing of animal health export and associated certificates. P.25/2010.
Lodged: 5th March 2010.
Minister for Planning and Environment.

Ratification of a Double Taxation Agreement between the States of Jersey and P.50/2010.
the Government of Malta.
Lodged: 20th April 2010.
Chief Minister.

Draft Taxation (Double Taxation) (Jersey) Regulations 201-. P.51/2010.
Lodged: 20th April 2010.
Chief Minister.

Field 633, St. Peter and procedure for Island Plan H3 sites. P.52/2010.
Lodged: 20th April 2010.
Minister for Planning and Environment.

Draft Supply of Goods and Services (Amendment) (Jersey) Regulations 201-. P.53/2010.
Lodged: 28th April 2010.
Minister for Economic Development.
(Cannot be debated before 9th June 2010)

Field 530A: re-designation as a Green Zone site. P.62/2010.
Lodged: 21st May 2010.
Deputy R.G. Le Hérissier of St. Saviour.

22nd June 2010

Property and Infrastructure Regeneration: the States of Jersey Development P.79/2009.
Company Limited (as amended). (re-issue)
Lodged: 2nd June 2009.
Council of Ministers.

Property and Infrastructure Regeneration: the States of Jersey Development P.79/2009.

Company Limited (P.79/2009) – fourth amendment. Lodged: 14th January 2010. <i>Senator J.L. Perchard.</i>	Amd.(4)
Chief Officer of the States of Jersey Police Force: appointment. Lodged: 16th March 2010. <i>Minister for Home Affairs.</i>	P.30/2010.
Chief Officer of the States of Jersey Police Force: appointment (P.30/2010) – comments. Presented: 8th April 2010. <i>Education and Home Affairs Scrutiny Panel.</i>	P.30/2010. Com.
Chief Officer of States of Jersey Police: appointment process. Lodged: 23rd March 2010. <i>Deputy of St. Martin.</i>	P.33/2010.
Chief Officer of States of Jersey Police: appointment process (P.33/2010) – amendment. Lodged: 13th April 2010. <i>Minister for Home Affairs.</i>	P.33/2010. Amd.
Draft Mental Health (Amendment No. 3) (Jersey) Law 201-. Lodged: 6th May 2010. <i>Minister for Health and Social Services.</i>	P.55/2010.
Draft States of Jersey (Period for Election) (Jersey) Regulations 201-. Lodged: 10th May 2010. <i>Privileges and Procedures Committee.</i>	P.56/2010.
North of Town Masterplan. Lodged: 11th May 2010. <i>Minister for Planning and Environment.</i>	P.57/2010.
North of Town Masterplan (P.57/2010): amendment. Lodged: 13th May 2010. <i>Connétable of St. Helier.</i>	P.57/2010. Amd.
Jersey Red Ensign: optional use for ships registered in Jersey. Lodged: 11th May 2010. <i>Minister for Economic Development.</i>	P.59/2010.
<u>6th July 2010</u>	
Island Plan 2002: Field 622, St. Ouen– rezoning. Lodged: 19th April 2010. <i>Connétable of St. Ouen.</i>	P.48/2010.
Samarès Nursery site, St. Clement: removal from draft Island Plan– petition. Lodged: 20th April 2010. <i>Connétable of St. Clement.</i>	P.49/2010.
Housing Development Fund: cost/benefit analysis. Lodged: 12th May 2010. <i>Senator A. Breckon.</i>	P.61/2010.

M.N. DE LA HAYE
Greffier of the States

20th May 2010

Note –

In accordance with the meeting dates fixed for 2010 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 26th May and Thursday 27th May 2010.

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.42/2010.

Under the Gender Recognition (Jersey) Law 2010, an adult person who has changed gender under the law of a country or territory prescribed in an Order made by the Chief Minister (an “approved jurisdiction”) may apply to the Royal Court for a gender recognition certificate, which enables the person to be legally recognized in Jersey as being of the acquired gender. This Order prescribes those countries and territories.

The Order was made on 11th May 2010 and comes into force on the same day as the Gender Recognition (Jersey) Law 2010 (21st May 2010).

R&O.43/2010.

Article 18(1) of the Gender Recognition (Jersey) Law 2010 makes it an offence for a person who, in an official capacity, has acquired information about another person’s application for a gender recognition certificate or former gender, to disclose that information.

Article 18 specifies circumstances in which such disclosure of information is not an offence. This Order specifies further circumstances in which disclosure is not an offence. These are disclosure for the purpose of obtaining legal advice; for the purpose of deciding whether to officiate at or permit a marriage or deciding whether a marriage is valid; for medical purposes; for the purposes of providing credit references (where the information concerns an order of a court or tribunal); or for the purposes of the discharge of any functions of the Viscount under any enactment.

The Order was made on 11th May 2010 and comes into force on the same day as the Gender Recognition (Jersey) Law 2010 (21st May 2010).

R&O.48/2010.

This Order allows the closure of streets in St. Helier for the holding of the Town Criterium cycle event on Sunday 30th May 2010. The Order also sets out for that event certain variations of the usual arrangements for one-way traffic in town and other ancillary provisions.

The Order was made on 15th May 2010 and came into force on being made.

WRITTEN QUESTIONS

(See Item I(a))

1. The Chairman of the Privileges and Procedures Committee will table an answer to the following question asked by Deputy J.M. Maçon of St. Saviour–

“What measures, if any, are being put in place within schools to raise awareness amongst first time voters on the voting process and the importance of being on the electoral register before the 2011 elections and, if none, why not?”

2. The Minister for Planning and Environment will table an answer to the following question asked by Senator J.L. Perchard –

“With the introduction of a grading system for the Historic Buildings Register and the lodging of the draft North of Town Master Plan, will the Minister agree to undertake a review of the historic buildings listing of the former Odeon Cinema building and will he outline the timescale for such a review?”

3. The Minister for Treasury and Resources will table an answer to the following question asked by the Deputy of St. John–

“Would the Minister advise the cost to the taxpayer of taxi and taxi cabs by the following four Departments over the last 12 months –

- (a) Chief Minister’s Department
- (b) Education, Sport and Culture
- (c) Health and Social Services
- (d) Social Security?”

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

“Will the Minister inform members how many families were in receipt of transition protection for Family Allowance when Income Support was introduced on 28th January 2008?

How many of these households have been reviewed since and how many have lost their protection because they are above the income levels set by the old Family Allowance Law?

Does the Minister consider it is appropriate in conducting such reviews of those on Income Support and receiving Transition Protection to use income levels which were last up-rated in 2001, when average earnings have risen by 49% over this period?

Can the Minister state whether the previous calculation disregarded Long Term Invalidity Allowance (LTIA) awards as income and whether in review today LTIA is now regarded? Will he explain what effect, if any, this has on households affected?”

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

“Will the Chief Minister inform members of the terms of the Voluntary Redundancy (VR) package currently in place for public sector workers?”

Will he agree to release the terms of reference for the review of terms and conditions to be conducted as part of the Comprehensive Spending Review when they are finalised, along with the name of the person appointed to conduct the review?

Will he assure members that any changes to terms and conditions, including VR will be subject to full negotiations with employee representatives and will not be imposed on public sector workers?

Will he also explain to members why he considers that “it would not be appropriate” to bring any changes to terms and conditions to the States for ratification?”

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

“Will the Minister explain to members whether he considers the provision of underground parking beneath the Town Park for up to 200 cars at a cost of around £9/10m to be good value for money?

Notwithstanding the above response will he state why he considers that the provision of underground parking on this site is essential to the North of Town Masterplan?

Will the Minister inform members where the exact site of this underground parking is; what depth of the contaminated soil is on this location; what depth of the impermeable clay layer below this is, and what depth of excavation is required for the underground car park?

Can he assure members that the costs of remediation of the site are not significantly increased by the additional excavation needed for the underground car park?

Will the Minister further assure members that the excavation of an underground car park will not require a new Environmental or Health Impact Assessment, or otherwise cause any delay in the completion of the Park?

Will the Minister further assure members that the cost of provision of the underground car park will not be taken from the £10m already allocated to the creation of the Park?”

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

“Will the Minister inform members how many persons aged under 25 are claiming the rental component of Income Support?

Will the Minister explain under what circumstances under 25’s are eligible for this component?

Will he further inform members how the current rules for eligibility are working in terms of alleviating hardship amongst under 25’s in Jersey's expensive rental market?”

8. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier–

“Will the Minister advise whether he views the low degree of taxation (as outlined in response to my question on 23rd March 2010) amongst current 1(1)(k) residents – several of whom are paying between £5,000 and £10,000 tax; and a further ten paying less than £5,000 tax – in comparison with many lower and middle earners as acceptable within the present, highly challenging economic climate, and what measures, if any, he is currently examining to tackle this within the agreed Strategic Plan commitment to creating a fairer, more equal society in Jersey?”

9. The Minister for Home Affairs will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier–

“Following my questions on 11th May 2010, when the Minister informed the Assembly that he did not know whether or not the former senior investigating officer of the Historic Abuse Inquiry had invited a number of the Haut de la Garenne survivors to the police station in November 2008, where they were shown evidence recovered from the cellars, will he advise whether this event can now be corroborated by the States of Jersey Police; why and for what purpose such an action took place; and advise whether showing evidence to individuals alleging abuse/assault would have, as a consequence, made all such evidence inadmissible in a Court of law?”

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

“Given the evident importance of the Comprehensive Spending Review process can the Minister tell members where they can find the written guidance, authorised by himself and/or agreed by the Council of Ministers and issued to Departments, outlining exactly how they were to approach and carry out their duties under this review?”

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

“Further to his response to a question on 20th April 2010 regarding impairment (personal care) components in Income Support and, given that the personal care component is paid as compensation for increased costs associated with an impairment, does the Minister not consider that to reduce transition protection negates any compensation received?”

12. The Minister for Planning and Environment will table an answer to the following question asked by the Deputy of St. Mary–

“Can the Minister advise members precisely what measures are in place to monitor on a continuing basis the pollution from the Gas Place/Talman site as it moves under the town and out into St. Aubin’s Bay?

In particular, will the Minister tell members where, on what schedules and by whom this monitoring is carried out; what contaminants are measured; where this data is held and how it can be accessed?”

13. The Minister for Treasury and Resources will table an answer to the following question asked by the Deputy of St. Mary–

“Given the Minister’s assurances that he is fully aware of ‘where the money goes’ can he advise members the insurance bill for each Department of the States?

Can he further inform members how much of that insurance bill relates to liability insurance payments covering each Department’s duties and responsibilities towards the public and possible failures or damages caused in carrying out such duties?”

14. The Minister for Planning and Environment will table an answer to the following question asked by Deputy P.V.F. Le Claire of St. Helier–

“What discussions, if any, have taken place with the owners of the private sites identified for development within the North of Town Master Plan (P.57/2010) in Appendix 3; who are the beneficial owners of these sites and does the Masonic Temple Car Park belong to the Masons as a Society or to an individual or company?”

What are the financial implications arising out of endorsing the development rights of the different sites individually?

What are the likely financial gains to the States of Jersey for these sites?

What are the likely financial costs in building just an underground car park on the Gas Place site without any buildings on top?”

15. The Minister for Home Affairs will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier—

“Given that the Minister has previously stated that he has never personally seen the 'Metropolitan Police Interim Report' but only an electronic version of an e-mail apparently attached to this document; will he investigate and clarify whether this 'report' actually exists as a physical (paper) document or just in electronic format; whether it exists in the accepted 'report' format most professionals would be familiar with i.e. a detailed document of several pages; or whether this is in the form of just a simple e-mail of a small number of paragraphs; and whether, irrespective of the format the 'report' takes, the words 'Metropolitan Police Interim Report' appear as a title?”

ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

2010	First 15 minute period Minister	Second 15 minute period Minister
8th June	Housing	Treasury and Resources
22nd June	Economic Development	Chief Minister
6th July	Education, Sport and Culture	Health and Social Services
19th July	Home Affairs	Chief Minister
<u>2nd session</u>		
14th September	Social Security	Planning and Environment
28th September	Housing	Chief Minister
12th October	Transport and Technical Services	Treasury and Resources
19th October	Economic Development	Chief Minister
2nd November	Education, Sport and Culture	Health and Social Services
16th November	Home Affairs	Chief Minister
30th November	Social Security	Planning and Environment
7th December	Housing	Chief Minister