

# STATES OF JERSEY ORDER PAPER

Monday 6th December 2010

- A. COMMUNICATIONS BY THE PRESIDING OFFICER**
- B. TABLING OF SUBORDINATE ENACTMENTS**
- C. DOCUMENTS PRESENTED OR LAID**
- D. NOTIFICATION OF LODGED PROPOSITIONS**
- E. WITHDRAWAL OF LODGED PROPOSITIONS**
- F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**
- G. MATTERS OF PRIVILEGE**
- H. PETITIONS**
- I. QUESTIONS**

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

1. The Minister for Health and Social Services will table an answer to a question asked by the Deputy of St. John regarding a health review.
2. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding external Income Support advisers.
3. The Minister for Economic Development will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding energy suppliers.
4. The Minister for Housing will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding rental accommodation.
5. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding oncology services.
6. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding zero ten.
7. The Chief Minister will table an answer to a question asked by Deputy R.G. Le Herissier of St. Saviour regarding Human Resources staffing.
8. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding energy saving targets.
9. The Minister for Economic Development will table an answer to a question asked by the Deputy of St. John regarding correspondence with boat owners.
10. The Minister for Economic Development will table an answer to a question asked by the Deputy of St. John regarding the 'load on, load off' service.
11. The Minister for Economic Development will table an answer to a question asked by the Deputy of St. John regarding Gorey Harbour repairs.
12. The Minister for Social Security will table an answer to a question asked by Senator A.

Breckon regarding Social Security card registrations.

**(b) – Oral Questions**

(120 minutes)

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

“Now that the States Police have advised that there are unlikely to be further prosecutions emanating from the Historic Child abuse investigations at Haut de la Garenne, will the Chief Minister inform Members what actions, if any, have been arranged to investigate the management of Haut de la Garenne during the periods when recent convictions have shown that children were being abused?”

2. The Deputy of St. John will ask the following question of the Minister for Economic Development –

“Given that the Duke of Normandy has had to return to Holland for repairs, who is meeting the costs of the replacement tug, the staffing of that replacement and the cost of sending staff to accompany the Jersey vessel to Holland and what are the estimated costs of the repairs and hire charges for the relief tug?”

3. Deputy P.V.F. Le Claire of St. Helier will ask the following question of the Chief Minister–

“Will the Chief Minister apologise unreservedly to the victims of historical abuse committed while in the States care?”

4. Deputy S. Pitman of St. Helier will ask the following question of the Minister for Education, Sport and Culture –

“Following the naming of a senior Civil Servant from the Education, Sport and Culture Department in court by alleged victims within the current historic abuse proceedings, will the Minister give members and parents assurances that the matter has been fully investigated by his department?”

5. Deputy T.M. Pitman of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Will the Minister inform the Assembly whether following the public consultation the final decision not to proceed with the option of an increased rate of taxation for those earning over £100,000 was taken based on his judgement alone; a joint decision with the full agreement of the Council of Ministers; or simply due to the strength of feeling expressed within those responding to the consultation document?”

6. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Economic Development –

“Will the Minister explain to the Assembly the current position regarding the new baggage handling system at Jersey Airport and the role of the outside consultant and project manager employed to introduce it and the cost of these two posts?”

7. Deputy A.E. Jeune of St. Brelade will ask the following question of the Minister for Health and Social Services –

“Given the new Chief Executive of the Health and Social Services Department was appointed with effect from 1st June 2010 and was to provide a report in respect of the functioning of the Department within 6 months, would the Minister advise why this has not been received by members and advise the date it will be received?”

8. Senator F. du H. Le Gresley will ask the following question of the Minister for Treasury and Resources –

“Would the Minister consider lowering the GST de minimis waiver to £6 in order to assist local retailers and, if not, why not and what is the estimated tax revenue lost per annum as a result of having a £12 rather than a £6 waiver?”

9. Senator S.C. Ferguson will ask the following question of the Minister for Treasury and Resources –

“Further to a written response on 30th November 2010, when he stated that all departments were encouraged to maintain their own departmental contingencies, what is the total of the budgeted sum by year for departments in relation to such contingency funds for 2011, 2012 and 2013?”

10. Deputy K.C. Lewis of St. Saviour will ask the following question of the Minister for Economic Development –

“Further to conflicting information in the media regarding the UK lottery, will the Minister clarify whether Jersey gambling legislation prevents a person in the Island from claiming a prize in the UK lottery if they win?”

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

“What underspends of £10,000 or more exist in the different departments of Health and Social Services (other than endoscopy) and what is it intended will be done with these underspends?”

12. Deputy D.J. De Sousa of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Why are States vehicles sent for auction, who decides when vehicles are sold, what criteria is in place for this, how many have been disposed of in this way over the past 5 years and how much money has been collected from these sales?”

13. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Economic Development –

“Will the Minister advise whether two additional members of staff have been employed at Jersey Airport in the Human Resources and Marketing sections and, if so, at what cost and would he also advise whether the Air Traffic Controller employed from the UK, but who failed to obtain his local Airport Qualification is still employed at the Airport and, if so, what is the cost of his continued employment?”

14. Deputy T.M. Pitman of St. Helier will ask the following question of the Chief Minister–

“Will the Chief Minister inform Members of the dates when Mr. Napier visited Jersey in connection with his review and what the total cost of his review was?”

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

“Will the Chief Minister inform Members whether he is content with the present complaints procedure whereby complaints made against Ministers are considered by the Council of Ministers, and, if not, what steps, if any, is he taking to establish an alternative body?”

**(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**

Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011. Lodged: 26th October 2010. <i>Minister for Treasury and Resources.</i>	P.157/2010.
Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011 (P.157/2010): amendment. Lodged: 8th November 2010. <i>Deputy G.P. Southern of St. Helier.</i>	P.157/2010. Amd.
Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011 (P.157/2010): amendment (P.157/2010 Amd.)– amendment. Lodged: 23rd November 2010. <i>Connétable of St. Helier.</i>	P.157/2010. Amd.Amd.
Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011 (P.157/2010): amendment (P.157/2010 Amd.)– second amendment. Lodged: 23rd November 2010. <i>Senator S.C. Ferguson.</i>	P.157/2010. Amd. Amd.(2)
Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011 (P.157/2010) – second amendment. Lodged: 15th November 2010. <i>Senator F. du H. Le Gresley.</i>	P.157/2010. Amd.(2)
Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011 (P.157/2010): third amendment. Lodged: 17th November 2010. <i>Deputy A.K.F. Green of St. Helier.</i>	P.157/2010. Amd.(3)
Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011 (P.157/2010): third amendment (P.157/2010 Amd.(3))– amendment. Lodged: 23rd November 2010. <i>Senator S.C. Ferguson.</i>	P.157/2010. Amd.(3). Amd.
Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011 (P.157/2010): third amendment (P.157/2010 Amd.(3))– second amendment. Lodged: 30th November 2010. <i>Minister for Treasury and Resources.</i>	P.157/2010. Amd.(3). Amd.(2).
Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011 (P.157/2010): fourth amendment. Lodged: 22nd November 2010. <i>Senator F. du H. Le Gresley.</i>	P.157/2010. Amd.(4)
Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011 (P.157/2010): fifth amendment. Lodged: 22nd November 2010. <i>Senator A. Breckon.</i>	P.157/2010. Amd.(5)
Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011 (P.157/2010): sixth amendment. Lodged: 22nd November 2010. <i>Senator F. du H. Le Gresley.</i>	P.157/2010. Amd.(6)
Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011	P.157/2010.

(P.157/2010): seventh amendment. Lodged: 23rd November 2010. <i>Deputy of Grouville.</i>	Amd.(7)
Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011 (P.157/2010): eighth amendment. Lodged: 23rd November 2010. <i>Deputy T.A. Vallois of St. Saviour.</i>	P.157/2010. Amd.(8)
Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011 (P.157/2010): ninth amendment. Lodged: 23rd November 2010. <i>Deputy of St. Mary.</i>	P.157/2010. Amd.(9)
Draft Finance (2011 Budget) (Jersey) Law 201-. Lodged: 26th October 2010. <i>Minister for Treasury and Resources.</i>	P.158/2010.
Draft Income Tax (Amendment No. 37) (Jersey) Law 201-. Lodged: 26th October 2010. <i>Minister for Treasury and Resources.</i>	P.159/2010.
Draft Income Tax (Amendment No. 37) (Jersey) Law 201- (P.159/2010): amendment. Lodged: 23rd November 2010. <i>Minister for Treasury and Resources.</i>	P.159/2010. Amd.
Draft Goods and Services Tax (Amendment No. 3) (Jersey) Law 201-. Lodged: 26th October 2010. <i>Minister for Treasury and Resources.</i>	P.160/2010.
Draft Goods and Services Tax (Miscellaneous Amendments) (Jersey) Regulations 201-. Lodged: 26th October 2010. <i>Minister for Treasury and Resources.</i>	P.161/2010.
Draft Income Tax (Amendment No. 36) (Jersey) Law 201-. Lodged: 27th August 2010. <i>Minister for Treasury and Resources.</i>	P.121/2010.
Jersey Financial Services Commission: Companies' Register. Lodged: 22nd June 2010. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.87/2010.
Jersey Financial Services Commission: Companies' Register (P.87/2010) – comments. Presented: 28th September 2010. <i>Minister for Economic Development.</i>	P.87/2010. Com.
Draft Magistrate's Court (Miscellaneous Provisions) (Amendment No. 10) (Jersey) Law 201-. Lodged: 21st October 2010. <i>Chief Minister.</i>	P.155/2010.
Draft Social Security (Amendment No. 19) (Jersey) Law 201-. Lodged: 26th October 2010. <i>Minister for Social Security.</i>	P.163/2010.
Draft Community Provisions (Mortality in Oysters) (Amendment) (Jersey) Regulations 201-. Lodged: 26th October 2010.	P.165/2010.

*Minister for Planning and Environment.*

Draft Sex Offenders (Jersey) Law 2010 (Appointed Day) Act 201. P.175/2010.  
Lodged: 23rd November 2010.  
*Minister for Home Affairs.*

## **M. ARRANGEMENT OF PUBLIC BUSINESS**

### **18th January 2011**

Draft Freedom of Information (Jersey) Law 201-. P.101/2010.  
Lodged: 19th July 2010.  
*Privileges and Procedures Committee.*

Draft Freedom of Information (Jersey) Law 201- (P.101/2010): comments. P.101/2010.  
Presented: 6th October 2010. Com.  
*Council of Ministers.*

Draft Freedom of Information (Jersey) Law 201- (P.101/2010): amendment. P.101/2010.  
Lodged: 4th October 2010. Amd  
*Privileges and Procedures Committee.*

North of Town Masterplan (Revised). P.103/2010.  
Lodged: 19th July 2010.  
*Minister for Planning and Environment.*

North of Town Masterplan (Revised) (P.103/2010): addendum. P.103/2010.  
Presented: 3rd August 2010. Add.  
*Minister for Planning and Environment.*

North of Town Masterplan (Revised) (P.103/2010): second amendment. P.103/2010.  
Lodged: 9th August 2010. Amd.(2)  
*Deputy A.K.F. Green of St. Helier.*

North of Town Masterplan (Revised) (P.103/2010): second amendment P.103/2010.  
(P.103/2010 Amd.(2))– comments. Amd.(2)  
Presented: 26th October 2010. Com.  
*Minister for Planning and Environment.*

North of Town Masterplan (Revised) (P.103/2010): third amendment. P.103/2010.  
Lodged: 1st November 2010. Amd.(3)  
*Connétable of St. Helier.*

North of Town Masterplan (Revised) (P.103/2010): fourth amendment. P.103/2010.  
Lodged: 3rd November 2010. Amd.(4).  
*Deputy P.V.F. Le Claire of St. Helier.*

North of Town Masterplan (Revised) (P.103/2010): fifth amendment. P.103/2010.  
Lodged: 4th November 2010. Amd.(5).  
*Deputy of St. Mary.*

Samarès Nursery site, St. Clement: removal from draft Island Plan– petition. P.131/2010.  
Lodged: 1st October 2010.  
*Connétable of St. Clement.*

Esplanade Quarter: deferment of works and endorsement of Development P.136/2010.  
Agreement.  
Lodged: 7th October 2010.  
*Deputy of St. John.*

Esplanade Quarter: deferment of works and endorsement of Development P.136/2010.

Agreement (P.136/2010) – comments. Presented: 2nd November 2010. <i>Council of Ministers.</i>	Com.
Freedom of Information: implementation plan. Lodged: 13th October 2010. <i>Deputy R.G. Le Hérisssier of St. Saviour.</i>	P.145/2010.
Draft Loi (No. 7) (201-) concernant la charge de Juge d’Instruction. Lodged: 19th October 2010. <i>Chief Minister.</i>	P.148/2010.
Jersey Financial Services Commission: imposition of fines. Lodged: 19th October 2010. <i>Senator A. Breckon.</i>	P.150/2010.
Draft Restriction on Smoking (Warning Notices) (Jersey) Regulations 201-. Lodged: 22nd October 2010. <i>Minister for Health and Social Services.</i>	P.156/2010.
Speed Limits: revised policy. Lodged: 2nd November 2010. <i>Minister for Transport and Technical Services.</i>	P.167/2010.
Official Report (‘Hansard’): retrospective removal of names. Lodged: 10th November 2010. <i>Privileges and Procedures Committee.</i>	P.168/2010.
Draft Amendment (No. 14) of the Standing Orders of the States of Jersey. Lodged: 10th November 2010. <i>Privileges and Procedures Committee.</i>	P.169/2010.
Draft Employment (Minimum Wage) (Amendment No. 7) (Jersey) Regulations 201-. Lodged: 16th November 2010. <i>Minister for Social Security.</i>	P.172/2010.
Draft States of Jersey (Miscellaneous Provisions) Law 201-. Lodged: 24th November 2010. <i>Privileges and Procedures Committee.</i>	P.176/2010.
Pomme d’Or Farm: refurbishment. Lodged: 1st December 2010. <i>Deputy A.K.F. Green of St. Helier.</i>	P.177/2010.
<b><u>1st February 2011</u></b>	
Standing Orders: additional signatories on propositions. Lodged: 19th November 2010. <i>Senator P.F. Routier.</i>	P.174/2010.
Standing Orders: additional signatories on propositions (P.174/2010) – comments. Presented: 30th November 2010. <i>Privileges and Procedures Committee.</i>	P.174/2010. Com.
Standing Orders: additional signatories on propositions (P.174/2010) – amendment. Lodged: 26th November 2010. <i>Deputy of St. John.</i>	P.174/2010. Amd.

**M.N. DE LA HAYE**  
**Greffier of the States**

1st December 2010

**Note –**

**In accordance with the meeting dates fixed for 2010 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Tuesday 7th December, Wednesday 8th December and Thursday 9th December 2010.**



## WRITTEN QUESTIONS

(See Item I(a))

1. The Minister for Health and Social Services will table an answer to the following question asked by the Deputy of St. John–

“Following the recent appointment of a new Chief Executive of the Health and Social Services Department would the Minister inform members –

- (a) whether she as Minister was part of the appointment process for the Chief Executive and whether she was part of the interview panel and, if not, would she inform members who sat on the panel and give the reasons why she did not take part in this most important process?
- (b) why it has been necessary in such a short period of time to bring in consultants at a cost of some £760,000 if the new Chief Executive was selected because of her experience in other health services and would she explain why the proposed review could not be undertaken by the Chief Executive?

Would the Minister give details of the qualifications of the Chief Executive and state what role, if any, she will play in this review and will she also inform members who wrote the terms of reference of the review to be carried out by KPMG and what input, if any, the Chief Executive had in writing those terms of reference?”

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

“Will the Minister inform members who have been appointed as external advisors on the review of Income Support along with details of their qualifications/experience in this field? Will he confirm whether he would be prepared to re-visit the terms of reference to consider the inclusion of the following –

- a) Potential interaction of Income Support, earnings and income tax thresholds;
- b) Treatment of over/under payments of benefit;
- c) Overall coverage of potential claimants/take-up rates?”

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

“In the light of the recent announcement of an investigation into the increase in profit levels of energy suppliers in the UK, will the Minister inform members what profit levels exist locally, whether profit margins have grown in recent years, and what powers, if any, he has to regulate and control profit margins locally?”

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

“Will the Minister inform members what the total provision of accommodation for social rental housing for single persons or couples without children exists in the public and housing trust sectors, giving the proportions of ‘bedsits’ and 1-bed flats in each? Is the Minister aware of the equivalent figures for private sector rentals? Will the Minister further indicate what levels of provision of new units of single accommodation are planned over the coming 2-year period? What policy, if any, does the Minister have over the provision of ‘bedsit’ accommodation in the public sector?”

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

“Will the Minister inform members what progress has been made in improving delivery of treatment in the oncology service, and in particular –

- a) In refurbishment and modernization of the facilities; and

b) In ensuring that the funding of the service has been protected from CSR reductions?  
Will she further inform members what current waiting lists and times exist for oncology treatment both on and off-island?"

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

“Will the Minister inform members how the deemed distribution provision under Jersey’s zero/ten tax system can comply with tests 1 and 2 of the EU code on Business Taxation, given –

1. Whether advantages are accorded only to non-residents or in respect of transactions carried out with non-residents;
2. Whether advantages are ring-fenced from the domestic market, so they do not affect the national tax base;
3. Whether advantages are granted even without any real economic activity and substantial economic presence within the Member State offering such tax advantages.

Will he further state how the application of the zero rate to International Business Companies (IBC) accords with test 3?

The Minister stated the following in his press release on 23rd November 2010 –

“Jersey has been told that there was consensus on the part of Code Group members in support of the Commission’s paper and that the present 0/10 regime, as it stands, was harmful.”

Given the continuing controversy over zero/ten, does the Minister believe his actions have produced stability in business taxation matters?

Will the Minister inform members what “alternative anti-avoidance measures” to the use of deemed distribution he has under consideration which might comply with the Code?

7. The Chief Minister will table an answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour–

“What was the total number of FTE’s for human resource posts 5 years ago and what is the number now in the light of the policy of centralising the function? Where have the savings, if any, been made?”

8. The Minister for Education, Sport and Culture will table an answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour–

“What energy savings targets, if any, have been set for the year 2011 for each of the secondary institutions under the aegis of the Education, Sport and Culture Department?”

9. The Minister for Economic Development will table an answer to the following question asked by the Deputy of St. John–

“Will the Minister explain why he has not responded to letters or e mails from Marine Leisure Growth Group members St Helier Boat Owners Association dated 16<sup>th</sup> February, 18<sup>th</sup> March, 22<sup>nd</sup> March and 24<sup>th</sup> September 2010 given that his department requested consultation, and would he explain how this contributes to a good working relationship?

Will the Minister give details of how many items of correspondence are outstanding or are awaiting a reply to all the members of the Marine Leisure Growth Group for longer than 9 months, longer than 6 months, longer than 3 months, or longer than 28 days?”

10. The Minister for Economic Development will table an answer to the following question asked by the Deputy of St. John–

“Will the Minister explain whether or not the ‘lo-lo’ (load on, load off) operation is to move to la Collette from the New North Quay, and if so, when is this planned for?”

11. The Minister for Economic Development will table an answer to the following question asked by the Deputy of St. John—

“Will the Minister confirm what contribution the States are making to his department’s budget in respect of the cost of repairs at St. Aubin’s Harbour (at a cost of £1.2 million) and also at Gorey Harbour (at additional cost), which are both historic monuments, and if there is none, would he explain why?”

12. The Minister for Social Security will table an answer to the following question asked by Senator A. Breckon –

“Can the Minister provide details, on a monthly basis from January 2005 to date of—

(a) the number of new or re-issued Jersey Social Security Registration cards issued to applicants;

(b) the country or place of origin of those issued with cards; and

(c) those retiring or leaving the Island and handing back cards?”

## ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

<b><u>2011</u></b>	<b>First 15 minute period Minister</b>	<b>Second 15 minute period Minister</b>
<b><u>First session</u></b>		
<b>January 18th</b>	Housing	Economic Development
<b>February 1st</b>	Treasury and Resources	Chief Minister
<b>February 15th</b>	Education, Sport and Culture	Health and Social Services
<b>March 1st</b>	Home Affairs	Chief Minister
<b>March 15th</b>	Social Security	Planning and Environment
<b>March 29th</b>	Housing	Chief Minister
<b>April 5th</b>	Transport and Technical Services	Economic Development
<b>May 3rd</b>	Treasury and Resources	Chief Minister
<b>May 17th</b>	Education, Sport and Culture	Health and Social Services
<b>June 7th</b>	Home Affairs	Chief Minister
<b>June 21st</b>	Social Security	Planning and Environment
<b>July 5th</b>	Housing	Chief Minister
<b>July 18th (Monday)</b>	Transport and Technical Services	Economic Development
<b><u>2nd session</u></b>		
<b>September 13th</b> (Annual Business Plan 2012)	Treasury and Resources	Chief Minister
<b>September 20th</b>	Education, Sport and Culture	Health and Social Services
<b>November 8th</b> (Budget 2012)	Home Affairs	Chief Minister