



## STATES OF JERSEY ORDER PAPER

Tuesday 6th March 2012  
CONSOLIDATED

### A. COMMUNICATIONS BY THE PRESIDING OFFICER

### B. TABLING OF SUBORDINATE ENACTMENTS

*(Explanatory note attached)*

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|---|--------------|
| Social Security (General Benefit) (Amendment No. 4) (Jersey) Order 2012.<br><i>Minister for Social Security.</i>                | R&O.28/2012. |
| Fire and Rescue Service (Charges) (Jersey) Order 2012.<br><i>Minister for Home Affairs.</i>                                     | R&O.29/2012. |
| Fire and Rescue Service (Emergencies and Humanitarian Services) (Jersey) Order 2012.<br><i>Minister for Home Affairs.</i>       | R&O.30/2012. |
| Road Racing (Karts) (Jersey) Order 2012.<br><i>Minister for Transport and Technical Services.</i>                               | R&O.31/2012. |
| Community Provisions (Restrictive Measures – Zimbabwe) (No. 6) (Amendment No. 5) (Jersey) Order 2012.<br><i>Chief Minister.</i> | R&O.32/2012. |
| Public Finances (Accounting Standards) (Jersey) Order 2012.<br><i>Minister for Treasury and Resources.</i>                      | R&O.33/2012. |
| Export Quarantine Stations (Regulation) (Revocation) (Jersey) Order 2012.<br><i>Minister for Planning and Environment.</i>      | R&O.34/2012. |
| Diseases of Animals (Infectious Bovine Rhinotracheitis) (Jersey) Order 2012.<br><i>Minister for Planning and Environment.</i>   | R&O.35/2012. |
| * Firearms (General Provisions) (Amendment) (Jersey) Order 2012.<br><i>Minister for Home Affairs.</i>                           | R&O.36/2012. |
| * Community Provisions (Restrictive Measures – Syria) (Amendment) (Jersey) Order 2012.<br><i>Chief Minister.</i>                | R&O.37/2012. |
| * Community Provisions (Restrictive Measures – Belarus) (Amendment No. 5) (Jersey) Order 2012.<br><i>Chief Minister.</i>        | R&O.38/2012. |

### C. DOCUMENTS PRESENTED OR LAID

Electoral Commission: composition and terms of reference (P.5/2012) – amendment (P.5/2012 Amd.) – comments.  
Presented: 29th February 2012.  
*Privileges and Procedures Committee.*

P.5/2012.  
Amd.Com.



Electoral Commission: composition and terms of reference (P.5/2012) – amendment (P.5/2012 Amd.) – amendment (P.5/2012 Amd.Amd.) – comments. Presented: 29th February 2012. <i>Privileges and Procedures Committee.</i>	P.5/2012. Amd.Amd. Com.
Electoral Commission: composition and terms of reference (P.5/2012) – second amendment (P.5/2012 Amd.(2)) – comments. Presented: 29th February 2012. <i>Privileges and Procedures Committee.</i>	P.5/2012. Amd.(2). Com.
Income Tax: individual tax assessments (P.11/2012) – comments. Presented: 27th February 2012. <i>Minister for Treasury and Resources.</i>	P.11/2012. Com.
States of Jersey Law 2005: delegation of functions – Economic Development – revised delegations February 2012. Presented: 23rd February 2012. <i>Minister for Economic Development.</i>	R.25/2012.
Public Lotteries: report for 2011. Presented: 28th February 2012. <i>Minister for Economic Development.</i>	R.26/2012.
Utilisation of Compromise Agreements. Presented: 28th February 2012. <i>Chief Minister.</i>	R.27/2012.
* Jersey Director of Civil Aviation: Annual Report for 2011. Presented: 6th March 2012. <i>Chief Minister.</i>	R.28/2012.
<b>D. NOTIFICATION OF LODGED PROPOSITIONS</b>	
Prescription charges and income support for primary health costs. Lodged: 24th February 2012. <i>Deputy G.P. Southern of St. Helier.</i>	P.20/2012.
Draft Loi sur l' Association dite "The Jersey Football Association" (Repeal) (Jersey) Law 201-. Lodged: 29th February 2012. <i>Minister for Education, Sport and Culture.</i>	P.21/2012.
<b>E. WITHDRAWAL OF LODGED PROPOSITIONS</b>	
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 –	
Annulment of Road Traffic (St. Helier) (Amendment No. 23) (Jersey) Order 2011. Lodged: 30th January 2012. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.10/2012.
<b>F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS</b>	



## G. MATTERS OF PRIVILEGE

## H. PETITIONS

## I. QUESTIONS

### (a) – **Written Questions**

*(attached)*

1. The Minister for Housing will table an answer to a question asked by Deputy R.J. Rondel of St. Helier regarding the composition of the Housing waiting list.
2. The Minister for Planning and Environment will table an answer to a question asked by Deputy R.J. Rondel of St. Helier regarding residential developments of three properties or more.
3. The Chief Minister will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding the introduction of residence and work permits.
4. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the Energy from Waste plant and its potential use by Guernsey.
5. The Chief Minister will table an answer to a question asked by Deputy J.A. Hilton of St. Helier regarding the number of placements offered to registered unemployed persons by States departments.
6. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding a reduction in incapacity benefit.
7. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding savings in the draft Strategic Plan Resources Statement.
8. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding savings proposals to avoid tax rises.
9. The Minister for Housing will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the delivery of affordable housing.
10. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding population figures and the membership of the Health Insurance scheme.
11. The Minister for Treasury and Resources will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding improving public parking at La Rue des Pres.
12. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the civil servant standards.
13. The Minister for Treasury and Resources will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the tender process for the States-wide printing machine contract.



**(b) – Oral Questions**

(120 minutes)

1. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Treasury and Resources –

“Can the Minister confirm that individuals are always notified in advance by the Comptroller when their Income Tax Instalment System (ITIS) rates are altered in accordance with Article 41C 7(A) of the Income Tax (Jersey) Law 1961 and, if not, why not?”

2. Deputy G.P. Southern of St. Helier will ask the following question of the Chief Minister –

“Following initial meetings with representatives of public sector pay groups, will the Chief Minister inform members what proposals for changes, if any, to terms and conditions as stated in the 2012 Annual Business Plan, have been tabled for negotiation by the States Employment Board, and if none, is the Chief Minister preparing to impose a 2-year wage freeze to achieve the £14 million proposed savings instead?”

3. The Connétable of St. John will ask the following question of the Chief Minister –

“Would the Chief Minister provide Members with details of the Island’s Emergency Planning policy, including how many days/weeks/months worth of emergency food and supplies are held on-Island at any one time?”

4. Deputy J.A. Hilton of St. Helier will ask the following question of the Minister for Planning and Environment –

“Further to the response given to my question on 21st February 2012, when the Minister confirmed the sale of four homes at Uplands Drive under a scheme similar to the Homebuy scheme, will he explain why, when the original permit allowed for six homes to be affordable housing and the remaining eight to be for first time buyers, he decided to withdraw the remaining two homes from the Homebuy scheme?”

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

“Given that the figure stated by the Minister on 22nd June 2010 was £450,079, will she inform members of the total cost of the suspension of the surgeon who was suspended/excluded on 2nd February 2009 and would she advise whether the individual concerned has now retired and, if so, when?”

6. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Education, Sport and Culture –

“Will the Minister advise how much public money was given last year in travel grants to local sportspeople and clubs and also to individuals and groups to access cultural events via such means as the Jersey Arts Trust travel grants and the Rivington Travelling Scholarship?”

7. Deputy T.M. Pitman of St. Helier will ask the following question of H.M. Attorney General –

“Will H.M. Attorney General advise under what circumstances a case in court may be dismissed through 'lack of evidence'?”



8. Deputy J.H. Young of St. Brelade will ask the following question of the Minister for Planning and Environment –

“In view of the recent judgement in an appeal against a development in La Rue au Moestre, St Aubin in which the Royal Court concluded that the development should not have been approved, will the Minister agree to bring forward changes to the Third Party Appeal system to address the inequities of the system for third party appellants?”

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

“Given the failure of successive Assemblies to put funding aside to allow for the depreciation of assets, leading to the enormous sums required for capital expenditure on essential infrastructure (hospital, roads, sewerage and so on) whilst building up a large Strategic Reserve (more than £560 million), does the Minister not consider it is time to review the uses to which the Strategic Reserve can be put?”

10. Deputy T.M. Pitman of St. Helier will ask the following question of the Minister for Housing –

“When deciding to raise social housing rents by 20%, will the Minister advise what discussions, if any, he had with the Minister for Social Security regarding whether the housing component of Income Support would be increased by the same amount and, if not, how will he proceed to ensure that those who can least afford the increase will not be affected?”

11. Deputy J.H. Young of St. Brelade will ask the following question of the Minister for Planning and Environment –

“Will the Minister advise the Assembly of the remedial action he proposes to take and the lessons he draws for future Planning decisions, from the recent judgement of the Royal Court which concluded it would not have approved a development in La Rue au Moestre St Aubin, which it considered will overbear, overlook and seriously affect the privacy of the properties of the objectors in Le Quai Bisson?”

12. Deputy M. Tadier of St. Brelade will ask the following question of the Comité des Connétables –

“Will the Chairman advise whether any warrant cards have been issued to Constables in the time between the tabling of the written answer to me on 21st February 2012 and the current date and, if so, would he state how many, to whom and why they were issued?”

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

1st question period – Minister for Social Security

2nd question period – Chief Minister

**J. PERSONAL STATEMENTS**

**K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

**L. PUBLIC BUSINESS**

Draft Amendment (No. 18) of the Standing Orders of the States of Jersey.

P.4/2012.

Lodged: 13th January 2012.

*Privileges and Procedures Committee.*



Electoral Commission: composition and terms of reference. Lodged: 13th January 2012. <i>Privileges and Procedures Committee.</i> (NB: Procedural note attached at end of Order Paper)	P.5/2012.
Electoral Commission: composition and terms of reference (P.5/2012) – Minority Report of Deputies J.A. Martin of St. Helier and M. Tadier of St. Brelade. Presented: 15th February 2012. <i>Privileges and Procedures Committee.</i>	P.5/2012. Add.
Electoral Commission: composition and terms of reference (P.5/2012) – amendment. Lodged: 25th January 2012. <i>Deputy R.G. Le Hérisssier of St. Saviour.</i>	P.5/2012. Amd.
Electoral Commission: composition and terms of reference (P.5/2012) – amendment (P.5/2012 Amd.) – comments. Presented: 29th February 2012. <i>Privileges and Procedures Committee.</i>	P.5/2012. Amd.Com.
Electoral Commission: composition and terms of reference (P.5/2012) – amendment (P.5/2012 Amd.) – amendment. Lodged: 9th February 2012. <i>Deputy R.G. Le Hérisssier of St. Saviour.</i>	P.5/2012. Amd.Amd.
Electoral Commission: composition and terms of reference (P.5/2012) – amendment (P.5/2012 Amd.) – amendment (P.5/2012 Amd.Amd.) – comments. Presented: 29th February 2012. <i>Privileges and Procedures Committee.</i>	P.5/2012. Amd.Amd. Com.
Electoral Commission: composition and terms of reference (P.5/2012) – second amendment. Lodged: 21st February 2012. <i>Deputy J.H. Young of St. Brelade.</i>	P.5/2012. Amd.(2)
Electoral Commission: composition and terms of reference (P.5/2012) – second amendment (P.5/2012 Amd.(2)) – comments. Presented: 29th February 2012. <i>Privileges and Procedures Committee.</i>	P.5/2012. Amd.(2). Com.
Channel Islands Lottery: allocation of profits for 2011. Lodged: 17th January 2012. <i>Minister for Economic Development.</i>	P.6/2012.
Income Tax: individual tax assessments. Lodged: 31st January 2012. <i>Deputy G.P. Southern of St. Helier.</i>	P.11/2012.
Income Tax: individual tax assessments (P.11/2012) – comments. Presented: 27th February 2012. <i>Minister for Treasury and Resources.</i>	P.11/2012. Com.



## M. ARRANGEMENT OF PUBLIC BUSINESS

### 20th March 2012

Old Age Pension: method for increase. P.164/2011.  
Lodged: 3rd October 2011.  
*Senator A. Breckon.*

*Ex gratia* payment: Mr. D. Turner. P.166/2011.  
Lodged: 4th October 2011.  
*Deputy M.R. Higgins of St. Helier.*

Draft Civil Partnerships (Consequential Amendments) (Jersey) Regulations 201-. P.12/2012.  
Lodged: 7th February 2012.  
*Chief Minister.*

Draft Civil Partnership (Jersey) Law 2012 (Appointed Day) Act 201-. P.18/2012.  
Lodged: 20th February 2012.  
*Chief Minister.*

Planning Applications Panel: appointment of member. P.16/2012.  
Lodged: 14th February 2012.  
*Minister for Planning and Environment.*

Draft Employment (Jersey) Law 2003 (Amendment Nos. 5, 6 and 7) (Appointed P.19/2012.  
Day) Act 201-.  
Lodged: 20th February 2012.  
*Minister for Social Security.*

### 17th April 2012

Election campaign period: restrictions. P.174/2011.  
Lodged: 21st October 2011.  
*Deputy R.G. Le Hérisier of St. Saviour.*

Election campaign period: restrictions (P.174/2011) – comments. P.174/2011.  
Presented: 6th January 2012. Com.  
*Privileges and Procedures Committee.*

Standing Orders: Answers to Questions. P.177/2011.  
Lodged: 21st October 2011.  
*Deputy G.P. Southern of St. Helier.*

Standing Orders: Answers to Questions (P.177/2011) – comments. P.177/2011.  
Presented: 6th January 2012. Com.  
*Privileges and Procedures Committee.*

Draft States of Jersey Police Force Law 201-. P.182/2011.  
Lodged: 16th November 2011.  
*Minister for Home Affairs.*

Ratification of the Agreement for the Exchange of Information relating to Tax P.13/2012.  
Matters between the Government of Jersey and the Government of Japan.  
Lodged: 9th February 2012.  
*Chief Minister.*



Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of the Republic of Poland. P.14/2012.  
Lodged: 9th February 2012.  
*Chief Minister.*

Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of the Republic of India. P.15/2012.  
Lodged: 9th February 2012.  
*Chief Minister.*

Prescription charges and income support for primary health costs. P.20/2012.  
Lodged: 24th February 2012.  
*Deputy G.P. Southern of St. Helier.*

Draft Loi sur l' Association dite "The Jersey Football Association" (Repeal) (Jersey) Law 201-. P.21/2012.  
Lodged: 29th February 2012.  
*Minister for Education, Sport and Culture.*

#### **1st May 2012**

Committee of Inquiry: payments on premature cessation of employment contracts. P.2/2012.  
Lodged: 11th January 2012.  
*Deputy R.G. Le Hérisier of St. Saviour.*

#### **29th May 2012**

Open ballot for Ministers and Chairmen. P.188/2011.  
Lodged: 5th December 2011.  
*Deputy T.M. Pitman of St. Helier.*

Open ballot for Ministers and Chairmen (P.188/2011): comments. P.188/2011.  
Presented: 6th January 2012. Com.  
*Privileges and Procedures Committee.*

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

5th March 2012

**Note –**

**An asterisk \* in the left hand margin denotes either a new item added to this Order Paper since the principal Order Paper was published on 1st March 2012, or an item which has been moved.**





## **Explanatory Note regarding subordinate legislation tabled at this meeting.**

(See Item B)

### **R&O.36/2012.**

This Order makes a minor corrective amendment to Part B of the application form for the grant, renewal or variation of a firearm certificate, relating to requirements in respect of referees, set out in Schedule 1 to the Firearms (General Provisions) (Jersey) Order 2011.

The Order was made on 1st March 2012 and comes into force on 8th March 2012.

### **R&O.37/2012.**

This Order amends the Community Provisions (Restrictive Measures – Syria) (Jersey) Order 2012, to update it following Council Regulation (EU) No. 168/2012 of 27 February 2012 (OJ L 54/1, 28.2.2012) amending Regulation (EU) No. 36/2012 concerning restrictive measures in view of the situation in Syria. Those amendments impose additional restrictive measures and amend the list of entities and persons against whom restrictive measures are imposed.

The Order was made on 2nd March 2012 and came into force on 3rd March 2012.

### **R&O.38/2012.**

This Order amends the Community Provisions (Restrictive Measures – Belarus) (Jersey) Order 2011 to give effect in Jersey to Council Regulation (EU) No. 114/2012 of 10 February 2012 (OJ No. L 38/3 11.2.2012) and Council Implementing Regulation (EU) No. 170/2012 of 28 February 2012 (OJ No. L 55/1, 29.2.2012) which both concern restrictive measures in respect of Belarus. The effect is to add persons, entities and bodies whose funds and economic resources are frozen, to the lists in Council Regulation (EC) No. 765/2006 concerning restrictive measures in respect of Belarus.

The Order was made on 2nd March 2012 and came into force on 3rd March 2012.



## ELECTORAL COMMISSION: COMPOSITION AND TERMS OF REFERENCE (P.5/2012)

If the proposition of the Privileges and Procedures Committee is adopted at this meeting and the first amendment of Deputy R.G. Le Hérisier of St. Saviour (P.5/2012 Amd Parts 1 (a) to (c)) has been *adopted*, it will fall to the Privileges and Procedures Committee, in a process overseen by the Jersey Appointments Commission, to undertake a recruitment process to identify 7 people who will then be recommended to the States for appointment as Chairman and members of the Electoral Commission.

If the proposition of the Privileges and Procedures Committee is adopted but the first amendment of Deputy R.G. Le Hérisier of St. Saviour (P.5/2012 Amd Parts 1 (a) to (c)) has been *rejected*, paragraph (b) of the proposition requires the States to proceed immediately to appoint a States member as Chairman and 2 other members to serve on the Commission. Paragraph (b) is in the following terms –

- “(b) to agree that the Chairman and 2 States members should be appointed by the States immediately following the adoption of this proposition, with the nomination and ballot procedures for these positions following the process set out in Standing Orders for the selection of the Chairmen and members of scrutiny panels except that –
  - (i) nominations for the 2 members shall be invited from all members without initial nominations being made by the Chairman; and
  - (ii) voting for the Chairman and members shall be undertaken by open ballot and not by secret ballot;”

The procedure that will be followed in these circumstances is therefore as follows –

Immediately after the adoption of the proposition the Presiding Officer will invite nominations for the position of Chairman of the Electoral Commission. Each nomination must be seconded. If there is more than one nomination each candidate will speak for up to 10 minutes with a 20 minute question period. The candidates will speak and be questioned in the order in which they have been nominated. Other candidates must withdraw from the Chamber during the speeches and question period.

Following the speeches and question periods an open ballot or ballots will be held until one candidate receives an overall majority of votes cast. Members will be required to write their own name and indicate their vote on ballot papers to enable the manner in which members have voted to be read out after the open ballot.

Following the appointment of the Chairman, the Presiding Officer will invite nominations for 2 members to serve on the Commission. Each nomination must be seconded. There will be no speeches or questions but if more than 2 members are nominated an open ballot will be held. Members be required to write their own name and indicate their vote on ballot papers to enable the manner in which members have voted to be read out after the open ballot. The 2 members receiving the most votes will be elected.