



STATES OF JERSEY ORDER PAPER

Tuesday 9th October 2012

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Economic Development (2013 Fees) (Jersey) Order 2012. <i>Minister for Economic Development.</i>	R&O.111/2012.
Shipping (Miscellaneous Provisions No. 2) (Jersey) Order 2012. <i>Minister for Economic Development.</i>	R&O.112/2012.
Income Support (General Provisions) (Amendment No. 9) (Jersey) Order 2012. <i>Minister for Social Security.</i>	R&O.113/2012.
Shops (Regulation of Opening) (Special Occasions) (Jersey) Order 2012. <i>Minister for Economic Development.</i>	R&O.114/2012.

C. DOCUMENTS PRESENTED OR LAID

States of Jersey Law 2005: delegation of functions – Planning and Environment – September 2012 revised delegations. Presented: 27th September 2012. <i>Minister for Planning and Environment.</i>	R.116/2012.
States Investment Strategies. Presented: 1st October 2012. <i>Minister for Treasury and Resources.</i>	R.117/2012.
Jersey Overseas Aid Commission: Annual Report for 2011. Presented: 1st October 2012. <i>Jersey Overseas Aid Commission.</i>	R.118/2012.
International Labour Organisation Reports by the States of Jersey, July 2012. Presented: 1st October 2012. <i>Chief Minister.</i>	R.119/2012.

D. NOTIFICATION OF LODGED PROPOSITIONS

Plémont Holiday Village – acquisition by the public and sale to the National Trust for Jersey. Lodged: 27th September 2012. <i>Chief Minister.</i>	P.90/2012.
Draft Debt Relief (Developing Countries) Jersey Law 201-. Lodged: 1st October 2012. <i>Chief Minister.</i>	P.91/2012.



Police Station Relocation: review of decision.
Lodged: 2nd October 2012.
Deputy J.A. Martin of St. Helier.

P.92/2012.

Draft Royal Court (Amendment No. 13) (Jersey) Law 201-.
Lodged: 3rd October 2012.
Chief Minister.

P.93/2012.

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 Home Affairs will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the return of property confiscated by the States of Jersey Police during investigations.
2. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the fibre optic roll-out by Jersey Telecom.
3. The Minister for Treasury and Resources will table an answer to a question asked by Deputy S. Pitman of St. Helier regarding the decision to refund GST on visitors' purchases worth over £300.
4. The Minister for Treasury and Resources will table an answer to a question asked by Senator S.C. Ferguson regarding the redemption of the 9% preference shares of Jersey Telecoms.
5. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the teaching of modern foreign languages from 2002 to 2012.
6. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the possibility of further discretionary fiscal stimulus projects within the Medium Term Financial Plan.
7. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the capping of the population at around 100,000.
8. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding a detailed breakdown of the reductions in expenditure outlined in the draft Medium Term Financial Plan.



9. The Chief Minister will table an answer to a question asked by Deputy J.A.N. Le Fondré of St. Lawrence regarding the participants in the recent recruitment process for the post of Chief Executive.
10. The Minister for Economic Development will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the number of gambling licences granted since the enactment of the Gambling (Jersey) Law 2012.
11. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding problems at the Energy from Waste Plant.
12. The Minister for Planning and Environment will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding responses to questions outstanding since January 2012 relating to enforcement matters.
13. The Chief Minister will table an answer to a question asked by Deputy J.A.N. Le Fondré of St. Lawrence regarding the various groups which inform/influence the workings of a Department, and/or the development of Ministerial proposals, decisions or policies.

(b) – Oral Questions

(120 minutes)

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

“What consideration, if any, was given to mirroring the key priorities of the United Kingdom’s Justice Ministry to ‘uphold people’s civil liberties’ and ‘increase confidence in the justice system’ when the Ministerial system of government was adopted and what action, if any, is now being taken to protect local people against abuse of the law through the existing system?”
2. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the Chairman of Privileges and Procedures Committee –

“Could the Chairman state when the Electoral Commission and the Privileges and Procedures Committee (PPC) Sub Panel on the Machinery of Government are scheduled to present their reports and what steps, if any, have been taken by PPC to ensure that the proposals relate to each other?”
3. The Connétable of St. John will ask the following question of the Minister for Health and Social Services –

“Further to the power cut on 25th/26th September 2012, would the Minister advise what back-up, if any, was in place over the four hour period to maintain communications at the hospital and how long did it take to get all the equipment back on stream?”
4. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Chief Minister –

“Further to the written answer he provided on 25th September 2012, would the Chief Minister arrange for the release of the correspondence between the Minister for Treasury and Resources and the ex-Interim Treasurer from June 2012, in order to allay any suspicion that the latter’s letter criticising the Comptroller and Auditor General may have been solicited by the Minister for Treasury and Resources and, if not, why not?”



5. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Health and Social Services –

“Will the Minister inform members what investigations or treatments, if any, can no longer be performed on Island but now take place in Guernsey and is the Minister confident that the measures that are in place to ensure that patients who need such off-Island treatment can meet the travel costs involved?”

6. Deputy J.A. Martin of St. Helier will ask the following question of the Minister for Social Security –

“Will the Minister outline what proposals he has for a new Maternity and Paternity leave scheme and advise when these will be lodged for consideration by the Assembly?”

7. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Could the Minister advise whether the Managed Print Service tender process was compromised by one of the competing parties to the tender receiving copies of another participant’s tender documents?”

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

“Given that the Fiscal Policy Panel report last week emphasised the importance of bringing forward capital projects, what action, if any, is the Minister taking to ensure that much needed social and private housing will be given priority for development?”

9. Deputy S.S.P.A. Power of St. Brelade will ask the following question of H.M. Attorney General –

“Does H.M. Attorney General consider that sanction by the Privy Council of the Draft Control of Housing and Work (Jersey) Law 201- could be delayed owing to the complex provisions contained therein and, if so, what action, if any, can be taken?”

10. Deputy M. Tadier of St. Brelade will ask the following question of the Chief Minister–

“Following claims by a UK MP that four individuals have obtained an injunction under the Data Protection (Jersey) Law 2005, to prevent allegations being made about them on a blog, is the Chief Minister aware of super injunctions being used in Jersey and, if so, has taxpayers’ money been used to deal with cases under the Data Protection Law which might otherwise be pursued as civil libel and defamation cases?”

11. Deputy J.M. Maçon of St. Saviour will ask the following question of the Minister for Treasury and Resources –

“Would the Minister confirm that the Education, Sport and Culture Department was notified that profits from the summer lottery would be used to fund the Jersey Heritage Trust and, if so, as the lottery did not generate the amounts anticipated, from where will the Treasury Department meet the funding commitments to the Trust in 2012 and onwards?”



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

“Further to the adoption of an amendment to the Island Plan 2011, will the Minister inform the Assembly whether the supplementary planning guidance on the operation of Policy H3: affordable housing, will soon be lodged for debate by this Assembly and, if not, will he take urgent action to bring forward a policy to ensure affordable homes are available for first time buyers?”

13. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Treasury and Resources –

“Following concerns raised by some constituents, will the Minister, as the shareholder representative, explain whether any targets exist for the delivery of residential post by a certain time of the day and, if not, why not and, if so, how is the success of meeting these targets measured?”

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

“In the light of the advice given in the latest Fiscal Policy Panel report what changes, if any, to the Medium Term Financial Plan does the Minister have under consideration and when will he reveal any such changes to the States?”

15. Deputy T.M. Pitman will ask the following question of the Minister for Economic Development –

“As the idea was discounted in December 2004, is the proposal to establish a university in Jersey now considered to be more economically viable and, if so, why?”

16. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Education, Sport and Culture –

“Have the schools been given copies of the Managed Print Service Contract with Danwood negotiated by the States Procurement Team and, if so, when did they receive them and what feedback, if any, has the Minister received as to whether schools are achieving greater savings and getting a better, comparable or worse service than under their previous contracts?”

17. Deputy S.S.P.A. Power of St. Brelade will ask the following question of the Minister for Transport and Technical Services –

“Can the Minister advise whether a study was carried out some years ago into the prospect of purchasing a 30 metre 200 m³ hopper barge, for shared use with the Harbours Department, in order to remove sea-lettuce from St. Aubin’s Bay?”

18. Deputy R.G. Le Hérisier of St. Saviour will ask the following question of the Chief Minister –

“Is there a requirement that Crown and public servants accused of criminal offences must first face criminal trial and what impact does this have on possible disciplinary proceedings?”

(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

Incorporation of Ports of Jersey. P.70/2012.
Lodged: 27th July 2012.
Minister for Economic Development.

Historic Abuse Redress Scheme: approval by the States Assembly. P.80/2012.
Lodged: 3rd September 2012.
Deputy M.R. Higgins of St. Helier.

Draft Social Security (Amendment No. 20) (Jersey) Law 2012 (Appointed Day) Act P.81/2012.
201-
Lodged: 10th September 2012.
Minister for Social Security.

Jersey Police Complaints Authority: appointment of Chairman and members. P.83/2012.
Lodged: 11th September 2012.
Minister for Home Affairs.

M. ARRANGEMENT OF PUBLIC BUSINESS

23rd October 2012

Health and Social Services: A New Way Forward. P.82/2012.
Lodged: 11th September 2012.
Council of Ministers.

Draft Health Care Registration (No. 4) (Jersey) Regulations 201-. P.84/2012.
Lodged: 11th September 2012.
Minister for Health and Social Services.

Public Employees Contributory Retirement Scheme: Committee of Management – P.87/2012.
appointment of members.
Lodged: 24th September 2012.
Chief Minister.

6th November 2012

Medium Term Financial Plan 2013 – 2015. P.69/2012.
Lodged: 23rd July 2012.
Council of Ministers.

Ratification of the Agreement for the exchange of information relating to Tax Matters P.85/2012.
between the Government of Jersey and the Government of the Republic of Austria.
Lodged: 17th September 2012.
Chief Minister.



Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 5) (Jersey) Regulations 201-. P.86/2012.
Lodged: 24th September 2012.
Chief Minister.

Draft Health Insurance Fund (Miscellaneous Provisions) (Amendment) (Jersey) Law 201-. P.88/2012.
Lodged: 25th September 2012.
Minister for Social Security.

Draft Social Security (Amendment of Law No. 3) (Jersey) Regulations 201-. P.89/2012.
Lodged: 25th September 2012.
Minister for Social Security.

Police Station Relocation: review of decision. P.92/2012.
Lodged: 2nd October 2012.
Deputy J.A. Martin of St. Helier.

20th November 2012

Plémont Holiday Village – acquisition by the public and sale to the National Trust for Jersey. P.90/2012.
Lodged: 27th September 2012.
Chief Minister.

Draft Debt Relief (Developing Countries) Jersey Law 201-. P.91/2012.
Lodged: 1st October 2012.
Chief Minister.

Draft Royal Court (Amendment No. 13) (Jersey) Law 201-. P.93/2012.
Lodged: 3rd October 2012.
Chief Minister.

M.N. DE LA HAYE
Greffier of the States

4th October 2012

Note –

In accordance with the meeting dates fixed for 2012 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 10th and Thursday 11th October 2012.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.111/2012.

This Order increases fees under 3 regimes administered by the Minister for Economic Development.

Article 1 increases by approximately 2.5% the fee for an application for registration, or the renewal of registration, of premises as a place of refreshment under Article 4(1) of the Places of Refreshment (Jersey) Law 1967. That fee was last increased on 1st January 2012.

Article 2 increases by approximately 2.5% the fees for registration (or renewal) under Article 9(1) the Tourism (Jersey) Law 1948. Those fees were last increased on 25th October 2011.

Article 3 increases by approximately 2.5% the fees for testing weighing or measuring equipment under Article 12 of the Weights and Measures (Jersey) Law 1967. Those fees were last increased on 1st January 2012.

Article 4 gives the title of this Order and states when the provisions come into force. Articles 2 and 4 come into force 7 days after the making of this Order and Articles 1 and 3 come into force on 1st January 2013.

The Order was made on 27th September 2012 and comes into force in accordance with Article 4.

R&O.112/2012.

The objects of this Order are –

- (a) in *Article 1* to avoid an overlap between the prohibition on the discharge of oil set out in Article 98(1) of the Shipping (Jersey) Law 2002 and the prohibition (and exceptions) relating to similar discharges within the terms of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973 (known as the MARPOL Convention) and Regulation 13 of the Shipping (MARPOL) (Jersey) Regulations 2012;
- (b) accordingly, by virtue of *Article 1*, to allow that Annex and those Regulations to govern those discharges;
- (c) in *Article 2* to extend the operation of certain provisions of the Shipping (Jersey) Law 2002, and all of the Shipping (MARPOL) (Jersey) Regulations 2012, to platforms that float or stand in the sea, so that those platforms have to meet the same pollution restrictions as ships and are subject to the same supervision under Parts 10, 11 and 12 of the Shipping (Jersey) Law 2002; and
- (d) in *Article 3* to amend Regulation 1 of the Shipping (MARPOL) (Jersey) Regulations 2012 by omitting the definition of “IMO” (a term which is in fact not used in those Regulations) and by changing the definition of “Organization” so that the definition will refer to the International Maritime Organization (that is, the IMO) and not its predecessor.

Article 4 sets out the short title of the Order and provides for it to come into force on the seventh day after it is made.

The Order was made on 27th September 2012 and came into force on 4th October 2012.



R&O.113/2012.

This Order amends the Income Support (General Provisions) (Jersey) Order 2008 (the “principal Order”).

Article 1 defines the principal Order.

Articles 2 to 6 revise the rights of appeal of, and information to be provided by a determining officer to, a person who is a jobseeker aged under 19 or student aged under 25 who is in full-time education and who is a member of the household of the claimant. The jobseeker or student will only be notified of, and have a right of appeal against, a decision made in respect of the household if the decision took into account his or her capital or income or impairment. If the decision took into account the jobseeker’s or student’s impairment, but not that person’s capital or income, the notice of the decision must not disclose to the jobseeker or student information regarding the capital and income of the claimant or any member of the household.

Article 7 revises the information to be provided in support of a claim for income support.

Article 8 revises the way in which the income of a household is to be calculated for the purposes of determining entitlement to income support.

Article 9 provides for the citation and commencement of the Order.

The Order was made on 28th September 2012 and came into force on 1st October 2012.

R&O.114/2012.

This Order designates the first 4 Sundays of December (or the last Sunday of November plus the first 3 Sundays of December) in every year as special occasions for the purposes of the Shops (Regulation of Opening) (Jersey) Regulations 2011. This means that a Connétable may grant (by notice in the Jersey Gazette) a blanket permit to specified kinds of shops in his or her parish to open on those occasions.

Article 1 designates those special occasions.

Article 2 names this Order and provides for its commencement 7 days after it is made.

The Order was made on 1st October 2012 and came into force on 8th October 2012.



WRITTEN QUESTIONS

(See Item I(a))

1. The Minister for Home Affairs will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“In order to ensure that the States of Jersey Police return property taken during investigations in good condition and in a timely manner, will the Minister undertake to review procedures in order to ensure such property is:

- (a) adequately logged (and photographed where appropriate) and a copy of the itemisation supplied to the owner;
- (b) stored in labelled containers for easy location, thereby avoiding either the owner being advised the items do not exist or hours of police time wasted searching for them?

Will the Minister further undertake to review the police armoury facility to ensure property does not go missing and that public as well as police firearms are in a suitable environment as regards humidity etc?”

2. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“With regard to the fibre optic roll-out by Jersey Telecom (JT), would the Minister, as the representative of the shareholder advise whether –

- (a) home installations, due to the relative inflexibility of the fibre cable compared with copper and the need for a power source near cable entry, have resulted in inconvenience to householders;
- (b) the installation time and associated costs have been higher than anticipated;
- (c) customers who have broadband have expressed an unwillingness to pay for a faster service;
- (d) large consumers such as banks already have fibre connections from the town ring-main and, if so, is a significant growth in this market unlikely?

Would the Minister advise what action, if any, has been taken to resolve the aforementioned issues?

Would the Minister make available the evidence which persuaded him to support JT’s project?

What measures are in place to mitigate the risk of either existing customers migrating to other providers or returns on the fibre investment failing to materialise?

Does the Minister consider that JT’s charges and available speeds compare well with other jurisdictions, even before fibre brings increased speeds and associated increased costs to customers?”



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

“Following the decision to refund GST on luxury goods worth £300+ for visitors to the Island, would the Minister advise -

- (a) what goods will be classified as ‘luxury’;
- (b) how much will be lost in tax revenue;
- (c) where/how this loss will be made up; and,
- (d) how much will this cost to administer?

Would the Minister outline the decision process and publish whatever evidence was presented to support this sudden change in policy?”

4. The Minister for Treasury and Resources will table an answer to the following question asked by Senator S.C. Ferguson –

“Would the Minister clarify and expand the business case for redeeming the 9% preference shares of Jersey Telecoms for the sum of £20 million when the holding was value for 2011 at £29.5 million in Table 9.11 on page 101 of the Financial Report and Accounts 2011?”

5. The Minister for Education, Sport and Culture will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“Following the broad support in his response to questions on 11th and 25th September 2012 for the improvement of access to modern foreign languages (MFL) in Jersey schools, will the Minister provide the following data for the period 2002-2012 –

- (a) the range of languages available in Jersey schools to GCSE and A/A2 levels;
- (b) the numbers of classes and of students taking GCSE and A/A2 level in MFL;
- (c) the number of students going on to study MFL at degree level;
- (d) a breakdown of results at GCSE and A/A2 level; and,
- (e) the number of MFL assistants and their timetabled use?”

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

“Now that the Minister has received the 2012 report of the Fiscal Policy Panel, and in the light of its negative forecast for growth of between -3% to +1% for 2012 and 2013, what consideration, if any, has the Minister given to the possibility of further discretionary fiscal stimulus projects in the Medium Term Financial Plan?”

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

“Given the relatively small changes in dependency ratios produced by large increases in population revealed in the States of Jersey Statistics Unit’s long-term population projections, what commitment, if any, will the Chief Minister give to maintaining the Island’s population at or around 100,000?”



8. 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 give members a detailed breakdown of the reductions in expenditure outlined in the table on page 94 of the Annex to the draft Medium Term Financial Plan 2013 – 2015?”

9. The Chief Minister will table an answer to the following question asked by Deputy J.A.N. Le Fondré of St. Lawrence –

“Further to the answer provided to question 7050 on 11th September 2012, could the Chief Minister provide the details as to which three Ministers took part the recruitment process for the post of Chief Executive in June 2012, and also the position/titles of any other individual participating in the interview panel and (if different) in the interview process?

Was the job advertised and, if not, why not, given the revised role?”

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

“Will the Minister advise Members the number of gambling licences that have been granted since the enactment of the Gambling (Jersey) Law 2012 and whether he considers Jersey has performed well in this sector and, if not, explain why not?”

11. The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will the Minister outline what problems, if any, are being experienced at the Energy from Waste Plant and explain to Members who has responsibility for rectifying those problems and the associated costs?”

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

“Further to my written question of 17th April 2012, when does the Minister anticipate answering all my outstanding questions since January 2012 and expect to supply me with the Enforcement guidance papers he stated he would forward ‘as soon as possible’?”

13. The Chief Minister will table an answer to the following question asked by Deputy J.A.N. Le Fondré of St. Lawrence –

“Would the Chief Minister provide full details by Department, excluding Transport and Technical Services, of any groups (for example working parties, policy, advisory, oversight groups which are either cross-departmental, of which membership comprises only/mainly States officers, or groups of which membership comprises States officers and external third parties) which inform/influence the workings of a Department, and/or development of Ministerial proposals, decisions or policies, and which have met since 1st January 2011, including the name of the group, attendees, frequency of meetings and remit?”



ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

October 23rd	Transport and Technical Services	Home Affairs
November 6th	Treasury and Resources	Chief Minister
November 20th	Education, Sport and Culture	Health and Social Services
December 4th	Economic Development	Chief Minister
December 11th	Housing	Planning and Environment