



STATES OF JERSEY ORDER PAPER

Tuesday 14th April 2015

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Alternative Investment Funds (Amendment) (Jersey) Order 2015. R&O.40/2015.
Chief Minister.

Financial Services (Amendment of Schedule 2 to Law) (No. 5) (Jersey) Order 2015. R&O.41/2015.
Chief Minister.

C. DOCUMENTS PRESENTED OR LAID

States of Jersey Law 2005: delegation of functions – Social Security – revised delegations March 2015. R.36/2015.
Presented: 31st March 2015.
Minister for Social Security.

Land Transactions under Standing Order 168(3) – 14/16 Burrard Street, Ground Floor premises – new lease. R.37/2015.
Presented: 1st April 2015.
Minister for Treasury and Resources.

Review of Financial Management. R.38/2015.
Presented: 2nd April 2015.
Comptroller and Auditor General.

Jersey Employment and Discrimination Tribunal: Annual Report 2014. R.39/2015.
Presented: 7th April 2015.
Minister for Social Security.

States of Jersey Complaints Board: findings – complaint against the Minister for Economic Development regarding the enforcement of a contract to use facilities at Bouley Bay (R.24/2015) – response of the Minister for Economic Development. R.40/2015.
Presented: 8th April 2015.
Minister for Economic Development.

Organisations receiving grants of over £75,000: 2013 Accounts. R.41/2015.
Presented: 9th April 2015.
Minister for Treasury and Resources.

D. NOTIFICATION OF LODGED PROPOSITIONS

Draft Strategic Plan 2015 – 2018 (P.27/2015): amendment (P.27/2015 Amd.) – amendment. P.27/2015.
Lodged: 8th April 2015. Amd.Amd.
Deputy S.Y. Mézec of St. Helier.



Draft Strategic Plan 2015 – 2018 (P.27/2015): second amendment. Lodged: 8th April 2015. <i>Deputy G.P. Southern of St. Helier.</i>	P.27/2015. Amd.(2)
Jersey Appointments Commission: appointment of Commissioners. Lodged: 30th March 2015. <i>Chief Minister.</i>	P.33/2015.
Draft Social Security (Reciprocal Agreement with Chile) (Jersey) Act 201-. Lodged: 31st March 2015. <i>Minister for External Relations.</i>	P.34/2015 (re-issue).
Bus Fares 2015: review. Lodged: 1st April 2015. <i>Deputy G.P. Southern of St. Helier.</i>	P.35/2015.
Draft Restriction on Smoking (Motor Vehicles) (Jersey) Regulations 201-. Lodged: 1st April 2015. <i>Minister for Health and Social Services.</i>	P.36/2015.
Commissioners of Appeal for Taxes Office: re-appointment. Lodged: 2nd April 2015. <i>Minister for Treasury and Resources.</i>	P.37/2015.
Draft Aircraft Registration and Air Navigation (Miscellaneous Provisions) (Jersey) Law 201-. Lodged: 8th April 2015. <i>Minister for Economic Development.</i>	P.38/2015.

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 Planning and Environment will table an answer to a question asked by the Connétable of St. Peter regarding motor homes.
2. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding document retention policies.
3. The Minister for Health and Social Services will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the employment of social workers.



4. H.M. Solicitor General will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the Police Procedures and Criminal Evidence (Jersey) Law 2003.
5. H.M. Solicitor General will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the procedures for prosecutions in the Magistrate's Court.
6. H.M. Solicitor General will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding court reports.
7. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding e-government.
8. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding income tax receipts.
9. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Gigabit dispute.
10. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding funding for students in higher education.
11. The Minister for Housing will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding tenancy agreements.
12. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy L.M.C. Doublet of St. Saviour regarding the recruitment and retention of teaching staff.

(b) – Oral Questions

(120 minutes)

1. The Connétable of Grouville will ask the following question of the Minister for Planning and Environment –

“Would the Minister undertake to investigate what can be done to clear the large areas of redundant, unsightly glasshouses that spoil the Island's landscape and make recommendations as to how this could be achieved?”
2. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Will the Minister inform members what the latest estimate is for the shortfall in tax revenues for 2015 and state what measures, if any, he has under consideration to deal with it?”
3. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Home Affairs –

“Will the Minister advise whether it is the policy of the States of Jersey Police not to initiate prosecution proceedings against drivers who knock down pedestrians on a pedestrian crossing, even if the driver admits their guilt and the event has been witnessed by independent witnesses, and furthermore, is it policy not to provide the injured party with the name and insurance details of the driver in such cases?”



4. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Planning and Environment –

“Is the Minister, as regulator of Jersey Water, content with the current levels of nitrates in Jersey mains drinking water and, if not, what steps is he taking to ensure that this situation improves before he considers re-issuing Jersey Water with a special dispensation to surpass legal nitrate levels again in December 2016?”

5. The Connétable of St. Mary will ask the following question of the Minister for Transport and Technical Services –

“Further to the Assembly’s unanimous adoption of my amendment to the Sustainable Transport Policy that the cost of motoring (including parking) should not be disproportionately increased until a viable alternative method of transport was available to all, will the Minister advise whether he still supports this amendment and what he considers would constitute a “disproportionate increase”?”

6. Deputy L.M.C. Doublet of St. Saviour will ask the following question of the Minister for Education, Sport and Culture –

“Can the Minister outline what is covered in the Jersey Personal Social and Health Education curriculum at primary and secondary level and provide details of areas that are planned to be added to or altered, if any?”

7. Deputy S.Y. Mézec of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Could the Minister, as shareholder representative, explain the difference between the single and multiple lines that are operated by JT and, further, indicate whether he is satisfied that the existing notice issued by the competition regulator relates only to the introduction of wholesale line rental for single lines and, if he is not content with the current position, can the Minister indicate what action he intends to take, if any?”

8. Deputy A.D. Lewis of St. Helier will ask the following question of the Chief Minister –

“Given the established policy arrangements (TOPSE) used for the transfer of staff from Housing to Andium Homes and the Chief Minister’s commitment to the principles of UK TUPE legislation, did the offer of significantly lesser terms and conditions to redeploy Economic Development staff to Visit Jersey have the full consent of the States Employment Board, and, if so, why were normal policies of transfer of terms and conditions not observed?”

9. Deputy S.Y. Mézec of St. Helier will ask the following question of the Chief Minister –

“When was the decision made to use the branding ‘Government of Jersey’ and what legal basis, if any, does this term have?”

10. Deputy L.M.C. Doublet of St. Saviour will ask the following question of the Minister for Home Affairs –

“Does the Minister intend to continue supporting the Jersey Community Relations Trust with appropriate funding?”



11. Deputy M. Tadier of St. Brelade will ask the following question of H.M. Solicitor General –

“Will H.M. Solicitor General advise whether transcripts of court hearings are made available to individuals involved in litigation, and, if not, will he advise what the policy is for dealing with requests for transcripts in a timely manner, and detail what alternatives are offered, if any, and at what cost?”

12. Deputy M.R. Higgins of St. Helier will ask the following question of the Chief Minister –

“Will the Chief Minister advise members whether the lawyers representing the States of Jersey, the States of Jersey Police or the Law Officers’ Department have revealed any details to the Council of Ministers or individual Ministers of the submission of the former Deputy Chief Officer of the States of Jersey Police to the Independent Jersey Care Inquiry and, if so, in what circumstances and why?”

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

“What estimate, if any, does the Minister have for the potential impact of the abolition of non-domicile status in the UK on Jersey’s economy, and in particular on sub-sectors of the financial services industry?”

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

1st question period – Minister for Treasury and Resources

2nd question period – Minister for Education, Sport and Culture

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS

Criminal Injuries Compensation Scheme: revised Scheme. P.13/2015.
Lodged: 5th February 2015.
Minister for Home Affairs.

Draft Shipping (Fishing Vessels Safety Codes of Practice) (Jersey) P.19/2015.
Regulations 201-.
Lodged: 17th February 2015.
Minister for Economic Development.

Draft Crown Advocates (Amendment) (Jersey) Law 201-. P.25/2015.
Lodged: 24th February 2015.
Chief Minister.

Ratification of the Agreement between the Government of the United States of P.26/2015.
America and the Government of Jersey regarding the sharing of confiscated or
forfeited assets or their equivalent funds.
Lodged: 3rd March 2015.
Chief Minister.



M. ARRANGEMENT OF PUBLIC BUSINESS

28th April 2015

Draft Strategic Plan 2015 – 2018. Lodged: 6th March 2015. <i>Council of Ministers.</i>	P.27/2015.
Draft Strategic Plan 2015 – 2018 (P.27/2015): amendment. Lodged: 19th March 2015. <i>Deputy S.Y. Mézec of St. Helier.</i>	P.27/2015. Amd.
Draft Strategic Plan 2015 – 2018 (P.27/2015): amendment (P.27/2015 Amd.) – amendment. Lodged: 8th April 2015. <i>Deputy S.Y. Mézec of St. Helier.</i>	P.27/2015. Amd.Amd.
Draft Strategic Plan 2015 – 2018 (P.27/2015): second amendment. Lodged: 8th April 2015. <i>Deputy G.P. Southern of St. Helier.</i>	P.27/2015. Amd.(2)
Draft Air and Sea Ports (Incorporation) (Jersey) Law 201-. Lodged: 15th January 2015. <i>Council of Ministers.</i>	P.5/2015.
Deregulation Bill: application of certain provisions to Jersey. Lodged: 9th March 2015. <i>Chief Minister.</i>	P.28/2015.
Draft Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 201-. Lodged: 18th March 2015. <i>Minister for Economic Development.</i> <i>(Cannot be debated before 29th April 2015)</i>	P.29/2015.
Income Support Medical Appeal Tribunal: appointment of members. Lodged: 19th March 2015. <i>Minister for Social Security.</i>	P.30/2015.
Social Security Medical Appeal Tribunal: appointment of members. Lodged: 19th March 2015. <i>Minister for Social Security.</i>	P.31/2015.
Gas Tariffs: review by Jersey Competition Regulatory Authority. Lodged: 24th March 2015. <i>Deputy G.P. Southern of St. Helier.</i>	P.32/2015.
Jersey Appointments Commission: appointment of Commissioners. Lodged: 30th March 2015. <i>Chief Minister.</i>	P.33/2015.
Draft Social Security (Reciprocal Agreement with Chile) (Jersey) Act 201-. Lodged: 31st March 2015. <i>Minister for External Relations.</i>	P.34/2015 (re-issue).



12th May 2015

Bus Fares 2015: review. P.35/2015.
Lodged: 1st April 2015.
Deputy G.P. Southern of St. Helier.

Commissioners of Appeal for Taxes Office: re-appointment. P.37/2015.
Lodged: 2nd April 2015.
Minister for Treasury and Resources.

2nd June 2015

Draft Restriction on Smoking (Motor Vehicles) (Jersey) Regulations 201-. P.36/2015.
Lodged: 1st April 2015.
Minister for Health and Social Services.

Draft Aircraft Registration and Air Navigation (Miscellaneous Provisions) (Jersey) P.38/2015.
Law 201-.
Lodged: 8th April 2015.
Minister for Economic Development.

M.N. DE LA HAYE, O.B.E.
Greffier of the States

9th April 2015

Note –

In accordance with the meeting dates fixed for 2015 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 15th April and Thursday 16th April 2015.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.40/2015.

This Order amends the Alternative Investment Funds (Jersey) Order 2013 (the “2013 Order”). Article 3 of the 2013 Order prescribes certain services in relation to alternative investment funds (AIFs) that may be carried on by service providers for the purposes of the Alternative Investment Funds (Jersey) Regulations 2012. Those prescribed services include (in Article 3(b) of the 2013 Order) the services of an alternative investment fund manager (AIFM) which, under Article 3 of, and Part 5 of Schedule 2 to, the Financial Services (Jersey) Law 1998, are not treated as an AIF services business for the purposes of that Law. By Article 4 of the 2013 Order, certain service providers must be approved by the Commission before carrying out any service prescribed under the Alternative Investment Funds (Jersey) Regulations 2012 and such approval is deemed to be given to certain service providers. This Order adds to the list of service providers in Article 4(3) of the 2013 Order that are deemed to have been given approval, so that it now includes any person that has been granted a certificate, that is in force, under Article 8B of the Collective Investment Funds (Jersey) Law 1988 in relation to an AIF for which the person is a service provider.

The Order was made on 27th March 2015 and came into force forthwith.

R&O.41/2015.

This Order amends Schedule 2 to the Financial Services (Jersey) Law 1998, the effect of which is to exempt a person who has been granted a certificate, that is in force, under Article 8B of the Collective Investment Funds (Jersey) Law 1988 in relation to an unclassified fund, from the requirement to be authorized to carry on AIF services business within the meaning of Article 2(11) of the Financial Services (Jersey) Law 1998 in respect of that fund.

The Order was made on 27th March 2015 and came into force forthwith.



WRITTEN QUESTIONS

(See Item I(a))

1. The Minister for Planning and Environment will table an answer to the following question asked by the Connétable of St. Peter –

“With the onset of the summer season, will the Minister advise whether there is a need to control of use of motor homes and caravan type vehicles using the wider St. Ouen’s Bay area overnight and, if so, will he further advise whether the existing planning legislation is the best form of control or does he consider that this matter could be dealt with using other methods or legislation?”

2. The Chief Minister will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Further to the response given to written question (8706) on 24th March 2015, will the Chief Minister –

- (i) publish the document retention policies of each States Department, highlighting any differences between the departments and the reasons for these;
- (ii) publish the legal obligations of each department with regard to document retention;
- (iii) confirm that he is content that there have been no exceptions to the automatic removal of email from the email archive system;
- (iv) explain whether all internal correspondence between officers, and external correspondence between officers and third parties including e-mails regarding a particular case, complaint or matter, constitute official records and if not, why not;
- (v) define what constitutes an appropriate business records management system with the use of examples; and,
- (vi) explain what oversight or audit system is in place to ensure that Chief Officers and Departments are abiding by the letter and spirit of the Freedom of Information Law and best practice in the UK?”

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

“Further to question (8633) of 24th March 2015, will the Minister show in a table –

- (i) the length of time each of the 94 social workers has worked for the department;
- (ii) the total length of service of each of the 94 social workers has in Jersey and elsewhere;
- (iii) the type and qualifications held by each of the 94 social workers;

Will he further explain the role and number of social workers engaged in operational and management capacities in each of the following areas –

- (a) Director Children’s Services and Heads of Service for Community and Social Work; Specialist Support; Social Work and Residential and Support;



- (b) Director of Older Adult Services and Heads of Community and Social Work; Nursing (Mental Health) and (Residential Care); and,
- (c) Director of Adult Services and Heads of Alcohol and Drug, Community Services and Mental Health?

Will he provide the figures relating to days lost through sickness for the period 1st January 2014 to 31st December 2014?

Will he explain the nature of the 12 adult and 15 child placements in the UK and list the institutions involved and their specialisms and break down the annual cost of these placements?"

4. H.M. Solicitor General will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Further to question (8707) of 24th March 2015, will H.M. Solicitor General –

- (a) confirm that only police officers are required to act in conformance with the Police Procedures and Criminal Evidence (Jersey) Law 2003 and have the powers contained within that Law;
- (b) confirm that no enforcement officers are governed by, or have the powers contained in, the aforementioned Law;
- (c) advise whether he considers it appropriate for Enforcement Officers in States Departments to state that they follow the aforementioned Law as best practice when it does not apply to them; and,
- (d) outline the legal powers of the Enforcement Officers in the Planning and Environment Department, Population Office and Andium Homes and any other States Department, advising members of the legislation in which they are contained?"

5. H.M. Solicitor General will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will H.M. Solicitor General outline the procedure for prosecutions brought in the Magistrate’s Courts by Centeniers and in particular explain –

- (a) whether offences committed in a particular Parish have to be brought by a Centenier of that Parish;
- (b) whether there is any provision for the Chef de Police/Centeniers in St. Helier to bring prosecutions for offences committed in another Parish, whether or not requested to do so by the Centeniers of that other Parish, and will he further state in which legislation the provisions are contained; and,
- (c) who was responsible for bringing prosecutions before the Magistrate’s Court before the policing role of the Connétables was removed?"

6. H.M. Solicitor General will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will H.M. Solicitor General advise members what the duty of H.M. Attorney or lawyers in his department is if it is discovered that a States department has provided the Court with reports that



contain inaccurate and/or misleading information which may have led to the Court taking a particular action or reaching a particular judgment, which may or may not have prejudiced one of the parties?”

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

“Following his responses to several questions on the e-government (e-gov) project can the Chief Minister inform members –

- (i) What the “new initiative” which is being developed, along with re-planning, to start in May 2015, actually is and how this connects with the £579,000 spent on redesigning gov.je along with the £328,000 deemed necessary to establish a “core design and business case”;
- (ii) What proportion of the £1.47 m spent on e-gov so far has been on consultancy work with ATOS or others;
- (iii) What budget has been allocated to the e-gov project in 2015 and beyond and does the Chief Minister have an estimate for a cap on spending to develop e-gov services;
- (iv) When the Chief Minister has stated in response to questions that “not all of the spend has been wasted” what sums does he consider as wasted; and,
- (v) When he spoke of “the U.K. Government’s digital services as recognised around the world as the best approach” was he referring to the roll-out in the UK of Universal Benefit and, if not, why not?”

8. 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 provide a breakdown of the income tax paid for 2013 by business sector from all trades except financial services, as his predecessor did in March 2011 in relation to the tax paid in 2009?

Will he further inform members of the breakdown of income tax (company tax) paid by the 5 branches of the financial services sector in 2013 for comparison purposes?

Will he also explain how income tax on partnerships and sole traders is presented in States of Jersey accounts of personal/company tax revenues?”

9. 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 what resolution, if any, has been agreed between JT/GFF and the 12 members of their workforce over the Gigabit dispute and in particular whether the Minister, as shareholder representative, is satisfied that the terms of any agreement between the parties is just and fair?”

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



“Will the Minister publish a table showing how the amounts of funding contributed to grant funding for students in Higher Education (HE) and the ratio of States to household funding has changed since the grant thresholds were last adjusted for earnings in 2001?

Will he further state what progress, if any, he has made in his discussions with the Minister for Treasury and Resources over HE grant/loan funding?”

11. 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 how many tenants of Andium Homes have signed a new tenancy agreement and thus have been subject to an increase in rent to 90% of the private sector rent level since the adoption of the Housing transformation plan?

Will she further state how much additional rental revenue this has brought to Andium Homes?”

12. The Minister for Education, Sport and Culture will table an answer to the following question asked by Deputy L.M.C. Doublet of St. Saviour –

“Further to the response to written question 8679 of 10th March 2015 regarding the recruitment and retention of teaching staff, can the Minister advise –

- (a) what data, if any, the department holds on staff turnover for Primary and Secondary schools;
- (b) how many teachers left jobs within States schools for reasons other than retirement in 2013 and 2014 and what percentage of the teaching workforce did this represent for each year;
- (c) what the numbers of applicants were for teaching posts advertised within States funded schools in 2013 and 2014, broken down by posts paid on the MPS (Main Professional Pay Scale) / MPS + Supplementary Allowance;
- (d) of these applicants, how many for each MPS post were Newly Qualified Teachers; and,
- (e) what percentage of Newly Qualified Teachers appointed to posts within States funded schools over the last 5 years are still employed by the States of Jersey?”



ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

2015

1st Session 2015

April 28th	Health and Social Services	Chief Minister
May 12th	Economic Development	Housing
June 2nd	Planning and Environment	Chief Minister
June 16th	Social Security	Transport and Technical Services
June 23rd	Home Affairs	Chief Minister
July 14th	External Relations	Treasury and Resources

2nd Session 2015

September 8th	Education, Sport and Culture	Chief Minister
September 22nd	Health and Social Services	Economic Development
October 6th	Housing	Chief Minister
October 20th	Planning and Environment	Social Security
November 3rd	Transport and Technical Services	Chief Minister
November 17th	Home Affairs	External Relations
December 1st	Treasury and Resources	Chief Minister
December 15th	Education, Sport and Culture	Health and Social Services