

THE STATES assembled on Wednesday 27th March 2019, at 09.30 a.m. under the Presidency of the Deputy Bailiff, Timothy John Le Cocq, Esquire.

All members were present at roll call with the exception of -

Senator Stephen William Pallett – ill Deputy Carolyn Fiona Labey of Grouville – en défaut (défaut raised at 9.53 a.m.) Deputy Russell Labey of St. Helier – en défaut (défaut raised at 9.53 a.m.)

Prayers

Consolidated Fund: increase in States expenditure in 2019 P.20/2019

THE STATES, resuming consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier entitled 'Consolidated Fund: increase in States expenditure in 2019' (P.20/2019), rejected the proposition to request the Council of Ministers, in accordance with the provisions of Article 9(2)(c) of the Public Finances (Jersey) Law 2005, to take the steps necessary to bring forward a proposition to increase the maximum amount of net States expenditure from the Consolidated Fund in 2019 above the limit set in 2015, so that additional monies could be made available to fund public sector pay claims, on account of there being a serious threat to the social wellbeing of the Island which required an immediate response.

Members present voted as follows -

| POUR: 20 | CONTRE: 27 | ABSTAIN: 0 |
|---------------------------|----------------------------|------------|
| Senator T.A. Vallois | Senator I.J. Gorst | |
| Senator K.L. Moore | Senator L.J. Farnham | |
| Senator S.Y. Mézec | Senator S.C. Ferguson | |
| Connétable of St. Helier | Senator J.A.N. Le Fondré | |
| Connétable of St. Saviour | Connétable of St. Clement | |
| Connétable of St. Mary | Connétable of St. Lawrence | |
| Connétable of St. Martin | Connétable of St. Brelade | |
| Deputy G.P. Southern (H) | Connétable of Grouville | |
| Deputy K.C. Lewis (S) | Connétable of St. John | |
| Deputy M. Tadier (B) | Connétable of Trinity | |
| Deputy M.R. Higgins (H) | Connétable of St. Peter | |
| Deputy L.M.C. Doublet (S) | Connétable of St. Ouen | |
| Deputy S.M. Wickenden (H) | Deputy J.A. Martin (H) | |
| Deputy J.H. Young (B) | Deputy of Grouville | |
| Deputy K.F. Morel (L) | Deputy J.M. Maçon (S) | |
| Deputy of St. John | Deputy S.J. Pinel (C) | |
| Deputy J.H. Perchard (S) | Deputy of St. Martin | |
| Deputy R.J. Ward (H) | Deputy of St. Ouen | |
| Deputy C.S. Alves (H) | Deputy R. Labey (H) | |
| Deputy K.G. Pamplin (S) | Deputy of St. Mary | |
| | Deputy G.J. Truscott (B) | |
| | Deputy L.B.E. Ash (C) | |
| | Deputy G.C.U. Guida (L) | |
| | Deputy of St. Peter | |
| | Deputy of Trinity | |

Deputy S.M. Ahier (H) Deputy I. Gardiner (H)

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(b), Deputy Mary Rose Le Hegarat of St. Helier declared an interest, and elected to withdraw from the Chamber for the duration of the debate on the proposition of Deputy Geoffrey Peter Southern of St. Helier.

Arrangement of public business for the present meeting

THE STATES, adopting a proposition of the Minister for External Relations, agreed to consider as the next item of business his proposition that, in accordance with Standing Order 80, Standing Order 32 be suspended in order that his proposition entitled 'Draft Sanctions and Asset-Freezing (Transitional Provisions) (Jersey) Regulations 201-' (P.35/2019) could be listed for debate at the present meeting.

Members present voted as follows -

POUR: 41

Senator I.J. Gorst Senator L.J. Farnham Senator S.C. Ferguson Senator J.A.N. Le Fondré Senator K.L. Moore Senator S.Y. Mézec Connétable of St. Clement Connétable of St. Lawrence Connétable of St. Saviour Connétable of St. Brelade Connétable of St. John Connétable of Trinity Connétable of St. Peter Connétable of St. Mary Connétable of St. Ouen Connétable of St. Martin Deputy J.A. Martin (H) Deputy of Grouville Deputy K.C. Lewis (S) Deputy J.M. Macon (S) Deputy S.J. Pinel (C) Deputy of St. Martin Deputy of St. Ouen Deputy R. Labey (H) Deputy S.M. Wickenden (H) Deputy of St. Mary Deputy G.J. Truscott (B) Deputy J.H. Young (B) Deputy L.B.E. Ash (C) Deputy K.F. Morel (L) Deputy G.C.U. Guida (L) Deputy of St. Peter Deputy of Trinity Deputy of St. John Deputy M.R. Le Hegarat (H) Deputy S.M. Ahier (H) Deputy J.H. Perchard (S)

CONTRE: 2

Deputy G.P. Southern (H) Deputy M.R. Higgins (H) ABSTAIN: 1

Deputy M. Tadier (B)

Deputy R.J. Ward (H) Deputy C.S. Alves (H) Deputy K.G. Pamplin (S) Deputy I. Gardiner (H)

THE STATES, adopting a proposition of the Minister for External Relations, agreed, in accordance with Standing Order 26(7), to reduce the minimum lodging period in respect of his proposition entitled 'Draft Sanctions and Asset-Freezing (Transitional Provisions) (Jersey) Regulations 201-' (P.35/2019), in order that it might be debated at the present meeting.

Members present voted as follows -

POUR: 42

CONTRE: 0

ABSTAIN: 0

Senator I.J. Gorst Senator L.J. Farnham Senator S.C. Ferguson Senator J.A.N. Le Fondré Senator K.L. Moore Senator S.Y. Mézec Connétable of St. Clement Connétable of St. Lawrence Connétable of St. Saviour Connétable of St. Brelade Connétable of St. John Connétable of Trinity Connétable of St. Peter Connétable of St. Mary Connétable of St. Ouen Connétable of St. Martin Deputy of Grouville Deputy K.C. Lewis (S) Deputy M. Tadier (B) Deputy M.R. Higgins (H) Deputy J.M. Maçon (S) Deputy S.J. Pinel (C) Deputy of St. Martin Deputy of St. Ouen Deputy R. Labey (H) Deputy S.M. Wickenden (H) Deputy of St. Mary Deputy G.J. Truscott (B) Deputy J.H. Young (B) Deputy L.B.E. Ash (C) Deputy K.F. Morel (L) Deputy G.C.U. Guida (L) Deputy of St. Peter Deputy of Trinity Deputy of St. John Deputy M.R. Le Hegarat (H) Deputy S.M. Ahier (H) Deputy J.H. Perchard (S) Deputy R.J. Ward (H) Deputy C.S. Alves (H) Deputy K.G. Pamplin (S) Deputy I. Gardiner (H)

Draft Sanctions and Asset-Freezing (Transitional Provisions) (Jersey) Regulations 201- P.35/2019

THE STATES commenced consideration of the Draft Sanctions and Asset-Freezing (Transitional Provisions) (Jersey) Regulations 201- and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 and 2.

THE STATES, in pursuance of Articles 1(4), 19(3) and 48(3) of the Sanctions and Asset-Freezing (Jersey) Law 2019, made Regulations entitled the Sanctions and Asset-Freezing (Transitional Provisions) (Jersey) Regulations 2019.

Members present voted as follows –

| POUR: 42 | 2 |
|-----------------|---|
|-----------------|---|

CONTRE: 0

ABSTAIN: 0

Senator LJ. Gorst Senator L.J. Farnham Senator S.C. Ferguson Senator J.A.N. Le Fondré Senator K.L. Moore Senator S.Y. Mézec Connétable of St. Clement Connétable of St. Lawrence Connétable of St. Saviour Connétable of St. Brelade Connétable of St. John Connétable of Trinity Connétable of St. Peter Connétable of St. Mary Connétable of St. Ouen Connétable of St. Martin Deputy of Grouville Deputy K.C. Lewis (S) Deputy M. Tadier (B) Deputy M.R. Higgins (H) Deputy J.M. Macon (S) Deputy S.J. Pinel (C) Deputy of St. Martin Deputy of St. Ouen Deputy R. Labey (H) Deputy S.M. Wickenden (H) Deputy of St. Mary Deputy G.J. Truscott (B) Deputy J.H. Young (B) Deputy L.B.E. Ash (C) Deputy K.F. Morel (L) Deputy G.C.U. Guida (L) Deputy of St. Peter Deputy of Trinity Deputy of St. John Deputy M.R. Le Hegarat (H) Deputy S.M. Ahier (H) Deputy J.H. Perchard (S) Deputy R.J. Ward (H)

Deputy C.S. Alves (H) Deputy K.G. Pamplin (S) Deputy I. Gardiner (H)

Draft Commissioner for Children and Young People (Jersey) Law 201- P.18/2019

THE STATES commenced consideration of the Draft Commissioner for Children and Young People (Jersey) Law 201- and adopted the principles.

Members present voted as follows -

THE STATES, having been informed by the Chairman of the Education and Home Affairs Scrutiny Panel that, in accordance with the provisions of Standing Order 72(1), he wished to have the Draft Commissioner for Children and Young People (Jersey) Law 201- referred to that Scrutiny Panel, agreed that, in accordance with the provisions of Standing Order 72(6), the 2nd reading of the draft Law should be listed to continue on 30th April 2019.

Rate Appeal Board: re-appointment of members P.22/2019

THE STATES, adopting a proposition of the Minister for Treasury and Resources entitled 'Rate Appeal Board: re-appointment of members' (P.22/2019), re-appointed, in pursuance of Article 44 of the Rates (Jersey) Law 2005, the following as members of the Rate Appeal Board –

Mr. Graeme Marett and Mr. Peter Routier, from the date of the Assembly's approval until 5th March 2022; and

Mr. Clive Borrowman, Mr. Roger Goodwin and Miss Christine Vibert, for a further period of 3 years from the date of the Assembly's approval.

Members present voted as follows -

POUR: 42

Senator I.J. Gorst

CONTRE: 4

Senator K.L. Moore Deputy K.F. Morel (L) Deputy J.H. Perchard (S) Deputy I. Gardiner (H)

Senator L.J. Farnham Senator S.C. Ferguson Senator J.A.N. Le Fondré Senator T.A. Vallois Senator S.Y. Mézec Connétable of St. Helier Connétable of St. Clement Connétable of St. Lawrence Connétable of St. Brelade Connétable of Grouville Connétable of St. John Connétable of Trinity Connétable of St. Peter Connétable of St. Mary Connétable of St. Ouen Connétable of St. Martin Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy of Grouville Deputy K.C. Lewis (S) Deputy M. Tadier (B) Deputy M.R. Higgins (H) Deputy J.M. Macon (S) Deputy S.J. Pinel (C) Deputy of St. Martin Deputy of St. Ouen Deputy R. Labey (H) Deputy S.M. Wickenden (H) Deputy of St. Mary Deputy G.J. Truscott (B) Deputy J.H. Young (B)

ABSTAIN: 0

Deputy L.B.E. Ash (C) Deputy G.C.U. Guida (L) Deputy of St. Peter Deputy of Trinity Deputy of St. John Deputy M.R. Le Hegarat (H) Deputy S.M. Ahier (H) Deputy R.J. Ward (H) Deputy C.S. Alves (H) Deputy K.G. Pamplin (S)

Justice and Home Affairs: cessation of restructure P.24/2019

THE STATES commenced consideration of a proposition of the Deputy of St. John entitled 'Justice and Home Affairs: cessation of restructure' (P.24/2019) and, adopting an amendment of the Connétable of St. Lawrence (P.24/2019 Amd.), agreed that, after paragraph (a), there should be inserted the following new paragraphs –

- "(b) further to the requirements of paragraph (a), to request the Minister for Home Affairs to ensure that the final operating model for the Justice and Home Affairs Department maintains
 - (i) an independent, recognisable and dedicated States of Jersey Police Force, led by a Chief Officer and Deputy Chief Officer as required by Article 8 of the States of Jersey Police Force Law 2012 and appointed in accordance with Article 6 of the States of Jersey Police Force (Chief Officer and Deputy Chief Officer) (Jersey) Regulations 2017; and
 - (ii) a clearly recognisable and dedicated Jersey Customs and Immigration Service, led by a Head of Service who will also be the Agents of the Impôts, appointed in accordance with Article 4 of the Customs and Excise (Jersey) Law 1999, and who shall not be the same person as either the Chief Officer or Deputy Chief Officer of Police; and
 - (iii) a clearly recognisable and dedicated Jersey Fire and Rescue Service, led by a Chief Fire Officer, as provided for by Article 4 of the Fire and Rescue Service (Jersey) Law 2011; and
 - (iv) a clearly recognisable and dedicated States of Jersey Ambulance Service, led by a Chief Ambulance Officer as at present, who shall not be the same person as the Chief Fire Officer; and
- (c) that any changes to the requirements stipulated by paragraph (b) will only be made if the Assembly has approved a proposition to that effect; and
- (d) that, without prejudicing the ongoing potential for change provided by paragraph (c), the process for making substantive and permanent appointments to the roles stipulated in paragraph (b) should commence, where required, within 6 months of this proposition being adopted; and"

and that paragraph (b) should be re-designated as paragraph (e) accordingly.

Members present voted as follows –

POUR: 28

CONTRE: 14

ABSTAIN: 0

| Senator S.C. Ferguson | Senator L.J. Farnham |
|----------------------------|---------------------------|
| Senator T.A. Vallois | Senator J.A.N. Le Fondré |
| Senator K.L. Moore | Senator S.Y. Mézec |
| Connétable of St. Helier | Connétable of St. Clement |
| Connétable of St. Lawrence | Connétable of Grouville |
| | |

Connétable of St. Brelade Connétable of St. Mary Connétable of St. Martin Deputy M. Tadier (B) Deputy M.R. Higgins (H) Deputy J.M. Macon (S) Deputy of St. Martin Deputy of St. Ouen Deputy R. Labey (H) Deputy S.M. Wickenden (H) Deputy of St. Mary Deputy G.J. Truscott (B) Deputy J.H. Young (B) Deputy K.F. Morel (L) Deputy of Trinity Deputy of St. John Deputy M.R. Le Hegarat (H) Deputy S.M. Ahier (H) Deputy J.H. Perchard (S) Deputy R.J. Ward (H) Deputy C.S. Alves (H) Deputy K.G. Pamplin (S) Deputy I. Gardiner (H)

Connétable of St. John Connétable of St. Ouen Deputy J.A. Martin (H) Deputy of Grouville Deputy K.C. Lewis (S) Deputy S.J. Pinel (C) Deputy L.B.E. Ash (C) Deputy G.C.U. Guida (L) Deputy of St. Peter

THE STATES, adopting the proposition of the Deputy of St. John, as amended, agreed -

- (a) to request the Council of Ministers to bring forward for debate the necessary legislative changes required to implement the proposed reorganisation of the Department of Justice and Home Affairs and to cease implementation of the proposed reorganisation (including any transfers of staff and budget but excluding any consultation or investigation) until those legislative changes had been adopted;
- (b) further to the requirements of paragraph (a), to request the Minister for Home Affairs to ensure that the final operating model for the Justice and Home Affairs Department maintained
 - (i) an independent, recognisable and dedicated States of Jersey Police Force, led by a Chief Officer and Deputy Chief Officer as required by Article 8 of the States of Jersey Police Force Law 2012 and appointed in accordance with Article 6 of the States of Jersey Police Force (Chief Officer and Deputy Chief Officer) (Jersey) Regulations 2017; and
 - (ii) a clearly recognisable and dedicated Jersey Customs and Immigration Service, led by a Head of Service who would also be the Agents of the Impôts, appointed in accordance with Article 4 of the Customs and Excise (Jersey) Law 1999, and who should not be the same person as either the Chief Officer or Deputy Chief Officer of Police; and
 - (iii) a clearly recognisable and dedicated Jersey Fire and Rescue Service, led by a Chief Fire Officer, as provided for by Article 4 of the Fire and Rescue Service (Jersey) Law 2011; and
 - (iv) a clearly recognisable and dedicated States of Jersey Ambulance Service, led by a Chief Ambulance Officer as at present, who should not be the same person as the Chief Fire Officer; and
- (c) that any changes to the requirements stipulated by paragraph (b) would only be made if the Assembly had approved a proposition to that effect; and

- (d) that, without prejudicing the ongoing potential for change provided by paragraph (c), the process for making substantive and permanent appointments to the roles stipulated in paragraph (b) should commence, where required, within 6 months of this proposition being adopted; and
- (e) to request the Council of Ministers to agree, as a matter of policy, that in respect of any proposed departmental reorganisation which required legislative changes to be enacted, any such reorganisation should not be implemented (including the transfer of staff and budget but excluding any consultation or investigation) until such time as the necessary legislative changes had been adopted by the Assembly.

Members present voted as follows -

POUR: 42

CONTRE: 0

ABSTAIN: 0

Senator L.J. Farnham Senator S.C. Ferguson Senator J.A.N. Le Fondré Senator T.A. Vallois Senator K.L. Moore Senator S.Y. Mézec Connétable of St. Helier Connétable of St. Clement Connétable of St. Lawrence Connétable of St. Brelade Connétable of Grouville Connétable of St. John Connétable of St. Mary Connétable of St. Ouen Connétable of St. Martin Deputy J.A. Martin (H) Deputy of Grouville Deputy K.C. Lewis (S) Deputy M. Tadier (B) Deputy M.R. Higgins (H) Deputy J.M. Macon (S) Deputy S.J. Pinel (C) Deputy of St. Martin Deputy of St. Ouen Deputy R. Labey (H) Deputy S.M. Wickenden (H) Deputy of St. Mary Deputy G.J. Truscott (B) Deputy J.H. Young (B) Deputy L.B.E. Ash (C) Deputy K.F. Morel (L) Deputy G.C.U. Guida (L) Deputy of St. Peter Deputy of Trinity Deputy of St. John Deputy M.R. Le Hegarat (H) Deputy S.M. Ahier (H) Deputy J.H. Perchard (S) Deputy R.J. Ward (H) Deputy C.S. Alves (H) Deputy K.G. Pamplin (S) Deputy I. Gardiner (H)

Arrangement of public business for the present meeting

THE STATES noted that Deputy Jeremy Martin Maçon of St. Saviour had informed the Greffier, in accordance with Standing Order 30(2), that his proposition entitled 'Investment Appraisal Board: 2 week notice period' (P.25/2019) would be deferred from the present meeting until 30th April 2019.

Arrangement of public business for future meetings

THE STATES agreed the following arrangement of public business for future meetings proposed, as amended, by the Chairman of the Privileges and Procedures Committee in accordance with the provisions of Standing Order 88(3) –

30th April 2019

| Draft Revenue Administration (Jersey) Law 201 Lodged: 23rd October 2018. <i>Minister for Treasury and Resources</i> . | P.122/2018. |
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| Draft Revenue Administration (Jersey) Law 201- (P.122/2018): amendment. Lodged: 12th February 2019. <i>Corporate Services Scrutiny Panel.</i> | P.122/2018. Amd. |
| Draft Revenue Administration (Jersey) Law 201- (P.122/2018): amendment (P.122/2018 Amd.) – comments. Presented: 25th February 2019. <i>Minister for Treasury and Resources</i> . | P.122/2018. Amd.Com. |
| Draft Employment (Amendment No. 11) (Jersey) Law 201 Lodged: 12th February 2019. <i>Minister for Social Security</i> . | P.17/2019. |
| Draft Employment (Amendment No. 11) (Jersey) Law 201- (P.17/2019): amendment. Lodged: 6th March 2019. <i>Minister for Social Security</i> . | P.17/2019. Amd. |
| Draft Commissioner for Children and Young People (Jersey) Law 201 Lodged: 12th February 2019. <i>Minister for Children and Housing</i> . | P.18/2019. |
| Draft Commissioner for Children and Young People (Jersey) Law 201- (P.18/2019): comments. Presented: 25th March 2019. <i>Chairmen's Committee</i> . | P.18/2019. Com. |
| Draft Explosives (Amendment) (Jersey) Law 201 Lodged: 18th February 2019. <i>Minister for Home Affairs</i> . | P.21/2019. |
| Draft Access to Justice (Jersey) Law 201 Lodged: 25th February 2019. <i>Chief Minister</i> . | P.23/2019. |

| Investment Appraisal Board: 2 week notice period. Lodged: 26th February 2019. Deputy J.M. Maçon of St. Saviour. | P.25/2019. |
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| Investment Appraisal Board: 2 week notice period (P.25/2019) – amendment. Lodged: 14th March 2019. Deputy J.M. Maçon of St. Saviour. | P.25/2019. Amd. |
| Beaulieu Convent School Limited: provision of a loan. Lodged: 11th March 2019. <i>Minister for Treasury and Resources</i> . | P.26/2019. |
| Climate change emergency: actions to be taken by the Government of Jersey. Lodged: 11th March 2019. Deputy R.J. Ward of St. Helier. | P.27/2019. |
| Draft Public Finances (Jersey) Law 201 Lodged: 12th March 2019. <i>Minister for Treasury and Resources</i> . | P.28/2019. |
| Draft Amendment (No. 39) of the Standing Orders of the States of Jersey. Lodged: 12th March 2019. <i>Senator L.J. Farnham</i> . | P.29/2019. |
| Cats: additional protection when involved in road traffic accidents. Lodged: 12th March 2019. Deputy J.M. Maçon of St. Saviour. | P.30/2019. |
| Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment. Lodged: 14th March 2019. <i>Senator S.Y. Mézec.</i> | P.31/2019. |
| Jersey Police Complaints Authority: re-appointment of members. Lodged: 15th March 2019. <i>Minister for Home Affairs</i> . | P.32/2019. |
| Le Port Car Park, St. Peter: rescindment of parking restrictions. Lodged: 15th March 2019. Senator S.W. Pallett. | P.33/2019. |
| <u>21st May 2019</u> | |
| Proposed merging of Liberation Square and the Weighbridge: cessation of project. Lodged: 21st March 2019. Deputy J.M. Maçon of St. Saviour. | P.34/2019. |
| Draft Banking Business (Amendment of Law) (Jersey) Regulations 201 Lodged: 26th March 2019. <i>Minister for External Relations</i> . | P.36/2019. |
| Assessment of Mental Health Services. Presented: 6th March 2019. Health and Social Security Scrutiny Panel. (Consideration in-Committee) | S.R.4/2019. |

Mrs. Anna Goodyear - farewell

The Deputy Bailiff, on behalf of all members, extended the Assembly's appreciation and best wishes to Mrs. Anna Goodyear, Assistant Greffier of the States, on the occasion of her departure after 10 years working for the States Greffe.

THE STATES rose at 5.33 p.m.

L.-M. HART

Deputy Greffier of the States