



**THE STATES assembled on Tuesday
23rd October 2018, at 09.30 a.m. under
the Presidency of the Bailiff,
Sir William James Bailhache.**

**His Excellency the Lieutenant Governor,
Air Chief Marshall Sir Stephen Dalton, G.C.B., LL.D. (Hon.), D.Sc. (Hon.), B.Sc., F.R.Ae.S.,
C.C.M.I. was present.**

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

Senator Lyndon John Farnham – en défaut (défaut raised at 9.40 a.m.)
Senator John Alexander Nicholas Le Fondré – absent on States business
Senator Kristina Louise Moore – en défaut
Connétable Alan Simon Crowcroft of St. Helier – absent on States business
Deputy Kevin Charles Lewis of St. Saviour – absent on States business
Deputy Montfort Tadier of St. Brelade – absent on States business
Deputy Richard John Rondel of St. Helier – en défaut (défaut raised at 10.02 a.m.)
Deputy David Johnson of St. Mary – absent on States business

Prayers

Centenary of the end of the First World War – commemoration

The Bailiff extended an invitation to States members and members of the public to attend various events to commemorate the centenary of the end of the First World War.

Economic Affairs Scrutiny Panel – appointment of member

In accordance with Standing Order 125(7), the Chairman of the Economic Affairs Scrutiny Panel nominated Senator Kristina Louise Moore as a member of the Economic Affairs Scrutiny Panel.

There being no other nominations, the Bailiff declared that Senator Kristina Louise Moore had been duly appointed as a member of the Economic Affairs Scrutiny Panel.

Subordinate enactments tabled

The following enactments were tabled, namely –

Health Insurance (Medical Prescribing Practitioners) (Jersey) Order 2018. <i>Minister for Social Security.</i>	R&O.103/2018.
Taxation (Double Taxation) (Amendment of Regulations) (Jersey) Order 2018. <i>Minister for External Relations.</i>	R&O.104/2018.
Economic Development, Tourism, Sport and Culture (2019 Fees) (Jersey) Order 2018. <i>Minister for Economic Development, Tourism, Sport and Culture.</i>	R&O.105/2018.

Documents presented

<p>Minimum wage rates for 2019: Employment Forum's recommendation and Minister's response. Presented: 11th October 2018. <i>Minister for Social Security.</i></p>	R.131/2018.
<p>Transfers between heads of expenditure under the Public Finances (Jersey) Law 2005: Article 18(1)(c) and (1A) – 5th October 2018. Presented: 12th October 2018. <i>Minister for Treasury and Resources.</i></p>	R.132/2018.
<p>Data Protection Authority: appointment of Non-Executive Directors. Presented: 12th October 2018. <i>Chief Minister.</i></p>	R.133/2018.
<p>Jersey Financial Services Commission: appointment of Commissioner. Presented: 15th October 2018. <i>Chief Minister.</i></p>	R.134/2018.
<p>Jersey Financial Services Commission: appointment of Commissioner. Presented: 15th October 2018. <i>Chief Minister.</i></p>	R.135/2018. (re-issue)
<p>Long-Term Care Fund: Actuarial review as at 31 December 2017. Presented: 17th October 2018. <i>Minister for Social Security.</i></p>	R.136/2018.
<p>States Assembly Annual Report 2017. Presented: 18th October 2018. <i>Privileges and Procedures Committee.</i></p>	R.137/2018.
<p>Public Records (Jersey) Law 2002: Annual Report 2017 on the work of Jersey Heritage and the Archivist. Presented: 22nd October 2018. <i>Minister for Economic Development, Tourism, Sport and Culture.</i></p>	R.138/2018.
<p>Commissioner for Standards: Annual Report 2017–2018. Presented: 22nd October 2018. <i>Privileges and Procedures Committee.</i></p>	R.139/2018.
<p>Land Transactions under Standing Order 168(3) – (a) La Collette Sites LC08, LC09, LC22A and F24 – proposed lease to Ports of Jersey Ltd.; (b) land upon which the Jersey Spartan Athletic Clubhouse has been constructed at F.B. Fields, La Grande Route de St. Clement, St. Clement – lease; (c) acquisition of land at Rocque Bay Apartments, La Grande Route de la Côte, St. Clement. Presented: 22nd October 2018. <i>Minister for Infrastructure.</i></p>	R.140/2018.

Notification of lodged propositions

Comptroller and Auditor General Board of Governance: appointment of member. Lodged: 12th October 2018. <i>Chief Minister.</i>	P.115/2018.
Ratification of the Agreement between the Government of Jersey and the Government of the Republic of Mauritius for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income. Lodged: 19th October 2018. <i>Minister for External Relations.</i>	P.116/2018.
Parish of St. Martin: provision of a loan for the former St. Martin's Primary School redevelopment. Lodged: 22nd October 2018. <i>Minister for Treasury and Resources.</i>	P.117/2018.
Draft Financial Services Ombudsman (Case-Fee, Levy and Budget – Amendments) (Jersey) Regulations 201-. Lodged: 22nd October 2018. <i>Minister for Economic Development, Tourism, Sport and Culture.</i>	P.118/2018.
Draft Sanctions and Asset-Freezing (Jersey) Law 201-. Lodged: 23rd October 2018. <i>Minister for External Relations.</i>	P.119/2018.
Draft EU Legislation (Customs Union, Import and Export Control) (Jersey) Regulations 201-. Lodged: 23rd October 2018. <i>Minister for External Relations.</i>	P.120/2018.
Draft Taxation (Companies – Economic Substance) (Jersey) Law 201-. Lodged: 23rd October 2018. <i>Minister for External Relations.</i>	P.121/2018.
Draft Revenue Administration (Jersey) Law 201-. Lodged: 23rd October 2018. <i>Minister for Treasury and Resources.</i>	P.122/2018.
Draft Taxation (Agreements with European Union Member States) (Revocation) (Jersey) Regulations 201-. Lodged: 23rd October 2018. <i>Minister for External Relations.</i>	P.123/2018.
Compensation for Mesothelioma sufferers. Lodged: 23rd October 2018. <i>Deputy C.S. Alves of St. Helier.</i>	P.124/2018.
Draft Regulation of Care (Jersey) Law 2014 (Appointed Day) Act 201-. Lodged: 23rd October 2018. <i>Chief Minister.</i>	P.125/2018.
Draft Regulation of Care (Regulated Activities) (Jersey) Regulations 201-. Lodged: 23rd October 2018. <i>Chief Minister.</i>	P.126/2018.

Draft Regulation of Care (Standards and Requirements) (Jersey) Regulations 201-. P.127/2018.
Lodged: 23rd October 2018.
Chief Minister.

Draft Regulation of Care (Transfer of Functions) (Jersey) Regulations 201-. P.128/2018.
Lodged: 23rd October 2018.
Chief Minister.

Draft Regulation of Care (Transitional and Transfer) (Jersey) Regulations 201-. P.129/2018.
Lodged: 23rd October 2018.
Chief Minister.

Written Questions

(see Official Report/Hansard)

- WQ.199/2018** 1. The Minister for Health and Social Services tabled an answer to a question asked by Deputy S.M. Ahier of St. Helier regarding possible medical negligence at the Hospital.
- WQ.200/2018** 2. The Chief Minister tabled an answer to a question asked by the Connétable of St. Brelade regarding the involvement of Ministers in the appointment of senior staff.
- WQ.201/2018** 3. The Chairman of the States Employment Board tabled an answer to a question asked by Deputy R.J. Ward of St. Helier regarding vacancies within the public sector.
- WQ.202/2018** 4. The Chairman of the States Employment Board tabled an answer to a question asked by Deputy R.J. Ward of St. Helier regarding the report of the HR Lounge on bullying and harassment in the States.
- WQ.203/2018** 5. The Minister for Home Affairs tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the sale of products containing tetrahydrocannabinol.
- WQ.204/2018** 6. H.M. Attorney General tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding visitors to Jersey who are prescribed tetrahydrocannabinol-based medication.
- WQ.205/2018** 7. The Minister for Social Security tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding legislation to prevent discrimination by landlords against tenants with children.
- WQ.206/2018** 8. The Minister for Education tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding absences amongst the teaching workforce in the Island's schools.
- WQ.207/2018** 9. The Chairman of the States Employment Board tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding actions taken in relation to States employees named in the report of the Independent Jersey Care Inquiry.
- WQ.208/2018** 10. The Chairman of the States Employment Board tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the employment of States employees named in the report of the Independent Jersey Care Inquiry.
- WQ.209/2018** 11. The Minister for Children and Housing tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding payments arising from the Historic Abuse Redress Scheme.

- WQ.210/2018** 12. The Minister for Health and Social Services tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the use of Westaway Court.
- WQ.211/2018** 13. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the Criminal Offences Confiscation Fund.
- WQ.212/2018** 14. The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding vacancies within the Health and Community Services Department.
- WQ.213/2018** 15. The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding expenditure on communications.
- WQ.214/2018** 16. The Minister for Education tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the differences in expenditure between fee-paying and non-fee-paying secondary schools.
- WQ.215/2018** 17. The Minister for Infrastructure tabled an answer to a question asked by Deputy R.J. Ward of St. Helier regarding the future development of the St. Saviour's Hospital and Warwick Farm sites.
- WQ.216/2018** 18. The Chief Minister tabled an answer to a question asked by the Connétable of St. Helier regarding the employment of communications staff.
- WQ.217/2018** 19. The Minister for the Environment tabled an answer to a question asked by Deputy R.J. Ward of St. Helier regarding the recent report from the Intergovernmental Panel on Climate Change.
- WQ.218/2018** 20. The Chairman of the States Employment Board tabled an answer to a question asked by Deputy M.R. Le Hegarat of St. Helier regarding financial and remuneration packages offered to people leaving their employment with the States of Jersey.
- WQ.219/2018** 21. The Minister for Home Affairs tabled an answer to a question asked by Deputy M.R. Le Hegarat of St. Helier regarding officers who have left the States of Jersey Police.
- WQ.220/2018** 22. The Minister for the Environment tabled an answer to a question asked by the Connétable of St. Helier regarding the Minister's response to the report of the Intergovernmental Panel on Climate Change.
- WQ.221/2018** 23. The Chairman of the States Employment Board tabled an answer to a question asked by Deputy C.S. Alves of St. Helier regarding the number of teachers leaving the profession in the last 5 years.
- WQ.222/2018** 24. The Minister for Infrastructure tabled an answer to a question asked by Deputy C.S. Alves of St. Helier regarding lease agreements on the Waterfront.
- WQ.223/2018** 25. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy C.S. Alves of St. Helier regarding the phasing-out of mortgage relief allowance.
- WQ.224/2018** 26. The Chairman of the States Employment Board tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding policy in respect of the use of zero-hour contracts in the public sector.
- WQ.225/2018** 27. The Minister for Health and Social Services tabled an answer to a question asked by the Connétable of St. Helier regarding waiting times for community dental services.

- WQ.226/2018** 28. The Minister for Infrastructure tabled an answer to a question asked by the Connétable of St. Helier regarding strategies to facilitate walking and cycling.
- WQ.227/2018** 29. The Minister for External Relations tabled an answer to a question asked by Deputy L.M.C. Doublet of St. Saviour regarding the extension of the Convention on the Elimination of all Forms of Discrimination Against Women to Jersey.

Oral Questions

(see Official Report/Hansard)

- OQ.164/2018** 1. Deputy M.R. Higgins of St. Helier asked a question of the Deputy Chief Minister regarding the role of Ministers in respect of pay negotiations for the public sector.
- OQ.158/2018** 2. Senator S.C. Ferguson asked a question of the Minister for Children and Housing regarding the decanting of residents from Convent Court.
- OQ.163/2018** 3. Deputy S.M. Ahier of St. Helier asked a question of the Chairman of the Privileges and Procedures Committee regarding the development of plans to implement electoral reform.
- OQ.162/2018** 4. Deputy J.M. Maçon of St. Saviour asked a question of the Minister for Home Affairs regarding traffic safety and enforcement.
- OQ.157/2018** 5. Deputy R.J. Ward of St. Helier asked a question of the Chairman of the States Employment Board regarding the imposition of public sector pay awards which had been rejected by union members.
- OQ.160/2018** 6. Deputy G.P. Southern of St. Helier asked a question of the Minister for Health and Social Services regarding the decision to spend funding elsewhere which had been allocated for the refurbishment of Sandybrook Care Home.
- OQ.155/2018** 7. Deputy K.F. Morel of St. Lawrence asked a question of the Assistant Minister for Infrastructure regarding the prospective total cost to the Island of running a free bus service.
- OQ.165/2018** 8. Deputy M.R. Higgins of St. Helier asked a question of the Chairman of the States Employment Board regarding her assessment of the States of Jersey as an employer.
- OQ.156/2018** 9. Deputy K.F. Morel of St. Lawrence asked a question of the Minister for Health and Social Services regarding the suspension of the project to build 3 care homes for children with autism.
- OQ.161/2018** 10. Deputy G.P. Southern of St. Helier asked a question of the Assistant Chief Minister regarding prospective funding cuts to departmental budgets.
- OQ.159/2018** 11. Senator S.C. Ferguson asked a question of the Minister for Health and Social Services regarding the decision not to refurbish Sandybrook Care Home.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for External Relations answered questions without notice from members.

The Minister for Social Security answered questions without notice from members.

Ratification of the Agreement between Jersey and the Principality of Liechtenstein for the Elimination of Double Taxation with Respect to Taxes on Income and on Capital and the Prevention of Tax Evasion and Avoidance P.102/2018

THE STATES, adopting a proposition of the Minister for External Relations, ratified the Agreement between Jersey and the Principality of Liechtenstein for the Elimination of Double Taxation with Respect to Taxes on Income and on Capital and the Prevention of Tax Evasion and Avoidance, as set out in Appendix 1 to the report of the Minister for External Relations dated 28th August 2018.

Arrangement of public business for future meetings

THE STATES, adopting the request of the Minister for Treasury and Resources, agreed in accordance with Standing Order 26(7), to reduce the minimum lodging period in respect of her proposition entitled 'Parish of St. Martin: provision of a loan for the former St. Martin's Primary School redevelopment' (P.117/2018), in order that it could be debated at the Sitting of 6th November 2018.

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) –

6th November 2018

Importation of Waste for treatment in the Jersey Energy from Waste plant. P.104/2018.
Lodged: 20th September 2018.
Minister for Infrastructure.

Immigration (Biometric Information) (Jersey) Order 2018: extension to Jersey by P.105/2018.
Order in Council.
Lodged: 24th September 2018.
Chief Minister.

Draft Sexual Offences (Consequential Amendments) (Jersey) Regulations 201-. P.106/2018.
Lodged: 24th September 2018.
Minister for Home Affairs.

Draft Marriage and Civil Status (Sexual Offences Amendment) (Jersey) Regulations P.107/2018.
201-.
Lodged: 24th September 2018.
Minister for Home Affairs.

Draft Sexual Offences (Jersey) Law 2018 (Appointed Day) Act 201-. P.108/2018.
Lodged: 24th September 2018.
Minister for Home Affairs.

Medicinal Cannabis: right to prescribe by medical professionals. P.113/2018.
Lodged: 9th October 2018.
Deputy M. Tadier of St. Brelade.

20th November 2018

Public impact of Propositions: proposed amendment to Standing Orders. P.96/2018.
Lodged: 3rd August 2018.
Deputy G.C.U. Guida of St. Lawrence.

Public impact of Propositions: proposed amendment to Standing Orders (P.96/2018) – comments. Presented: 23rd August 2018. <i>Privileges and Procedures Committee.</i>	P.96/2018. Com.
Public impact of Propositions: proposed amendment to Standing Orders (P.96/2018) – comments. Presented: 10th September 2018. <i>Chief Minister.</i>	P.96/2018. Com.(2).
Public impact of Propositions: proposed amendment to Standing Orders (P.96/2018) – amendment. Lodged: 20th August 2018. <i>Deputy S.M. Wickenden of St. Helier.</i>	P.96/2018. Amd.
Public impact of Propositions: proposed amendment to Standing Orders (P.96/2018) – second amendment. Lodged: 22nd August 2018. <i>Senator S.C. Ferguson.</i>	P.96/2018. Amd.(2)
Draft Road Traffic and Vehicles (Vienna Convention – Miscellaneous Amendments) (Jersey) Regulations 201-. Lodged: 26th September 2018. <i>Minister for Infrastructure.</i>	P.109/2018.
Draft Education (Provided Schools – Amendment of Law No. 2) (Jersey) Regulations 201-. Lodged: 3rd October 2018. <i>Minister for Education.</i>	P.111/2018.
Draft Motor Vehicles (Removal from Private Land) (Jersey) Law 201-. Lodged: 5th October 2018. <i>Minister for Home Affairs.</i>	P.112/2018.
Comptroller and Auditor General Board of Governance: appointment of member. Lodged: 12th October 2018. <i>Chief Minister.</i>	P.115/2018.
Compensation for Mesothelioma sufferers. Lodged: 23rd October 2018. <i>Deputy C.S. Alves of St. Helier.</i>	P.124/2018.
Parish of St. Martin: provision of a loan for the former St. Martin’s Primary School redevelopment. Lodged: 22nd October 2018. <i>Minister for Treasury and Resources.</i>	P.117/2018.
<u>4th December 2018</u>	
Rejection of Planning Application relating to Retreat Farm, La Rue de La Frontière, St. Mary and Rue des Varvots, St. Lawrence: rescindment of Ministerial Decision. Lodged: 20th August 2018. <i>Deputy S.M. Wickenden of St. Helier.</i>	P.100/2018.
Proposed Common Strategic Policy 2018–22. Lodged: 3rd October 2018. <i>Council of Ministers.</i>	P.110/2018.

- Draft Budget Statement 2019. P.114/2018.
Lodged: 9th October 2018.
Minister for Treasury and Resources.
- Ratification of the Agreement between the Government of Jersey and the Government of the Republic of Mauritius for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income. P.116/2018.
Lodged: 19th October 2018.
Minister for External Relations.
- Draft Financial Services Ombudsman (Case-Fee, Levy and Budget – Amendments) (Jersey) Regulations 201-. P.118/2018.
Lodged: 22nd October 2018.
Minister for Economic Development, Tourism, Sport and Culture.
- Draft Sanctions and Asset-Freezing (Jersey) Law 201-. P.119/2018.
Lodged: 23rd October 2018.
Minister for External Relations.
- Draft EU Legislation (Customs Union, Import and Export Control) (Jersey) Regulations 201-. P.120/2018.
Lodged: 23rd October 2018.
Minister for External Relations.
- Draft Taxation (Companies – Economic Substance) (Jersey) Law 201-. P.121/2018.
Lodged: 23rd October 2018.
Minister for External Relations.
- Draft Revenue Administration (Jersey) Law 201-. P.122/2018.
Lodged: 23rd October 2018.
Minister for Treasury and Resources.
- Draft Taxation (Agreements with European Union Member States) (Revocation) (Jersey) Regulations 201-. P.123/2018.
Lodged: 23rd October 2018.
Minister for External Relations.

15th January 2019

- Draft Amendment (No. 37) of the Standing Orders of the States of Jersey. P.103/2018.
Lodged: 18th September 2018.
Privileges and Procedures Committee.

THE STATES rose at 11.48 a.m.

L.-M. HART

Deputy Greffier of the States