



# STATES OF JERSEY ORDER PAPER

6th NOVEMBER 2018

## SUMMARY

- 9.30 a.m. Communications by the Presiding Officer and other announcements
- Appointments, matters of privilege, petitions
- Nomination of the Connétable of Trinity as a member of the Planning Committee.
- Approx. 9.40 a.m. Summary of written questions
- Up to 2 hours Oral questions with notice
- Urgent questions (if any)*
- Up to 30 minutes, divided between the two Ministers Oral questions without notice:
- Minister for Home Affairs
  - Chief Minister
- Statements
- Minister for Education regarding the independent review of the head teacher appointment process at First Tower School.
- Approx. 12.15 p.m. **Importation of Waste for treatment in the Jersey Energy from Waste plant (P.104/2018)**
- Importation of Waste for treatment in the Jersey Energy from Waste plant (P.104/2018): amendment (P.104/2018 Amd.)**
- Immigration (Biometric Information) (Jersey) Order 2018: extension to Jersey by Order in Council (P.105/2018)**
- Draft Sexual Offences (Consequential Amendments) (Jersey) Regulations 201- (P.106/2018)**
- Draft Marriage and Civil Status (Sexual Offences Amendment) (Jersey) Regulations 201- (P.107/2018)**
- Draft Sexual Offences (Jersey) Law 2018 (Appointed Day) Act 201- (P.108/2018)**
- Medicinal Cannabis: right to prescribe by medical professionals (P.113/2018)**
- Arrangement of public business at subsequent meetings

*Lunch adjournment likely around 12.45 p.m., until 2.15 p.m.*

*If business is not completed by around 5.30 p.m. the Assembly usually adjourns for the evening and will resume its meeting at 9.30 a.m. on Wednesday 7th and Thursday 8th November 2018 if necessary.*



# STATES OF JERSEY ORDER PAPER

6th NOVEMBER 2018

## A. COMMUNICATIONS BY THE PRESIDING OFFICER

## B. TABLING OF SUBORDINATE ENACTMENTS

*(Explanatory note attached)*

EU Legislation (Sanctions – Chemical Weapons) (Jersey) Order 2018. R&O.106/2018.  
*Minister for External Relations.*

EU Legislation (Sanctions – Iraq) (Jersey) Order 2018. R&O.107/2018.  
*Minister for External Relations.*

## C. DOCUMENTS PRESENTED

Importation of Waste for treatment in the Jersey Energy from Waste plant (P.104/2018): comments. P.104/2018.  
Presented: 30th October 2018, *Minister for the Environment.* Com.

States of Jersey Law 2005: delegation of functions – Chief Minister – Regulation of Care legislation – October 2018. R.141/2018.  
Presented: 25th October 2018, *Chief Minister.*

Land Transactions under Standing Order 168(3) – Belle Vue, St. Brelade – proposed sale of minor parcel of land co-extensive with 7 Le Clos Emma. R.142/2018.  
Presented: 29th October 2018, *Minister for Infrastructure.*

## D. NOTIFICATION OF LODGED PROPOSITIONS

Importation of Waste for treatment in the Jersey Energy from Waste plant (P.104/2018): amendment. P.104/2018.  
Lodged: 24th October 2018, *Connétable of St. Helier.* Amd.

Draft Finance (2019 Budget) (Jersey) Law 201-. P.130/2018.  
Lodged: 24th October 2018, *Minister for Treasury and Resources.*

Draft Damages (Jersey) Law 201-. P.131/2018.  
Lodged: 24th October 2018, *Chief Minister.*

Draft Taxation (Companies – Economic Substance) (Jersey) Law 201-. P.132/2018.  
Lodged: 25th October 2018, *Minister for External Relations.*

Draft Employment (Minimum Wage) (Amendment No. 15) (Jersey) Regulations 201-. P.133/2018.  
Lodged: 26th October 2018, *Minister for Social Security.*

Draft Cybercrime (Jersey) Law 201-. P.134/2018.  
Lodged: 29th October 2018, *Minister for Home Affairs.*



## **E. WITHDRAWAL OF LODGED PROPOSITIONS**

In accordance with Standing Order 34(1), the proposer of the following proposition lodged 'au Greffe' has informed the Greffier of the States that it is to be withdrawn –

Draft Taxation (Companies – Economic Substance) (Jersey) Law 201-.  
Lodged: 23rd October 2018, *Minister for External Relations.*

P.121/2018.

## **F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

Nomination of the Connétable of Trinity as a member of the Planning Committee.

## **G. MATTERS OF PRIVILEGE**

## **H. PETITIONS**

## **I. QUESTIONS**

(a) – **Written Questions**  
(*attached*)

- WQ.228/2018 1. The Chairman of the States Employment Board will table an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding key performance indicators for the Chief Executive Officer.
- WQ.229/2018 2. The Minister for Education will table an answer to a question asked by Deputy J.H. Perchard of St. Saviour regarding a breakdown of exam grades by subject and by gender.
- WQ.230/2018 3. The Chairman of the States Employment Board will table an answer to a question asked by Deputy J.H. Perchard of St. Saviour regarding equal pay for work of equal value within the public sector.
- WQ.231/2018 4. The Chief Minister will table an answer to a question asked by Deputy J.H. Perchard of St. Saviour regarding the composition of boards appointed by the States.
- WQ.232/2018 5. The Minister for Treasury and Resources will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding the funding available for public sector pay awards in 2018.
- WQ.233/2018 6. The Minister for Home Affairs will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding vacancies within uniform services.
- WQ.234/2018 7. The Minister for the Environment will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding carbon inequality.
- WQ.235/2018 8. The Minister for Social Security will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding Social Security staff on temporary and zero-hour contracts.
- WQ.236/2018 9. The Minister for Education will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding cover arrangements for teacher absence.
- WQ.237/2018 10. The Minister for Education will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding vacancies within teaching staff.



- WQ.238/2018 11. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding staff savings within the public sector.
- WQ.239/2018 12. The Chairman of the States Employment Board will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the use of fixed-term contracts, zero-hour agreements and agency staff in the public sector.
- WQ.240/2018 13. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the reorganisation of the public sector.
- WQ.241/2018 14. The Minister for Infrastructure will table an answer to a question asked by Deputy C.S. Alves of St. Helier regarding unoccupied buildings within States of Jersey ownership.
- WQ.242/2018 15. The Minister for Social Security will table an answer to a question asked by Deputy C.S. Alves of St. Helier regarding measures to increase the level of the minimum wage.
- WQ.243/2018 16. The Chairman of the States Employment Board will table an answer to a question asked by Deputy C.S. Alves of St. Helier regarding arrangements for people leaving employment with the States of Jersey.
- WQ.244/2018 17. H.M. Attorney General will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding unsuccessful prosecutions in the Magistrate's Court.
- WQ.245/2018 18. H.M. Attorney General will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding studies into unsuccessful prosecutions in the Magistrate's Court.
- WQ.246/2018 19. The Minister for Home Affairs will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the use of body cameras by officers of the States of Jersey Police.
- WQ.247/2018 20. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding applications for Entitled status under Regulation 2(1)(e) of the Control of Housing and Work (Residential and Employment Statues) (Jersey) Regulations 2013.
- WQ.248/2018 21. The Chairman of the States Employment Board will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding investigations into employees in the public sector arising from the work of the Independent Jersey Care Inquiry.
- WQ.249/2018 22. The Minister for Social Security will table an answer to a question asked by Deputy C.S. Alves of St. Helier regarding the safeguards in place when sanctions are imposed under the Income Support system.

**(b) – Oral Questions**

(120 minutes)

- OQ.173/2018 1. Deputy K.F. Morel of St. Lawrence will ask the following question of the Minister for Children and Housing –
- “Following the Minister’s recent decision to limit rises in social housing rents, what measures, if any, is he investigating to improve the affordability of housing in the private sector?”
- OQ.178/2018 2. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Health and Social Services –
- “Will the Minister publish the draft comments that he has prepared in relation to the proposition, P.113/2018, and if not, why not?”



- OQ.175/2018 3. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for External Relations –
- “Will the Minister advise whether, by restricting the ‘Economic Substance Law’ (P.132/2018) to resident companies only, the Law will only apply to 13% of Jersey companies and not to those incorporated outside the Island and trading within it; and whether, if such companies’ profits are not recorded, Jersey will have any means to assess whether such profits have local economic substance and thereby meet the Code of Conduct Group’s test?”
- OQ.176/2018 4. Deputy R.J. Ward of St. Helier will ask the following question of the Minister for External Relations –
- “Given that the draft 2019 Budget states that the previous Council of Ministers supported additional recurring expenditure for 2016 to 2019 for the response and preparation in respect of Brexit, will the Minister advise how much of that funding has been spent to date and how much is allocated for spending to the end of 2019; and what the main areas of expenditure have been?”
- OQ.167/2018 5. The Connétable of St. Martin will ask the following question of the Minister for the Environment –
- “Given that Jersey Electricity’s website states that it is currently in discussion with the Environment Protection Department and Environmental Health over suitable emission limits for its plant, will the Minister detail what discussions have either taken place with Jersey Electricity or are planned; and will he state whether any exemptions for Jersey Electricity in respect of their emission levels are being considered?”
- OQ.177/2018 6. Deputy S.M. Ahier of St. Helier will ask the following question of the Minister for Infrastructure –
- “Will the Minister advise the Assembly whether he will support Brighter Futures by providing premises for the organisation from Jersey Property Holdings’ portfolio of unused properties?”
- OQ.171/2018 7. Senator K.L. Moore will ask the following question of the Minister for Children and Housing –
- “Given that funding has not been forthcoming in the past to provide vital support services offering long-term improvements in outcomes for families at risk, and that this has resulted in a support programme being cut back by a community and voluntary sector provider, will the Minister assure the Assembly that a bid to expand such provision will be made as a matter of priority in the forthcoming Government plan?”
- OQ.170/2018 8. Deputy K.G. Pamplin of St. Saviour will ask the following question of the Minister for Health and Social Services –
- “Following the response of the Department for Health and Community Services to the report of the Comptroller and Auditor General on the Department’s governance arrangements, will the Minister be undertaking a review of the provisions of P.82/2012 once the new ‘HCS’ board and committee structure is in place?”
- OQ.166/2018 9. Deputy J.M. Maçon of St. Saviour will ask the following question of the Minister for Treasury and Resources –
- “Is it the Minister’s assessment that the processes followed to decide the remuneration and benefits of high-ranking officers of arms-length bodies, or bodies of which the States is a major shareholder, are robust; and, if it is not, will she explain why not and what changes she would propose?”



- OQ.183/2018** 10. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for External Relations –
- “In relation to the Minister’s proposals to meet the E.U.’s substance requirements for companies based in Jersey, will he explain whether these proposals have been discussed with E.U. officials and, if so, what their response to them has been?”
- OQ.172/2018** 11. Deputy K.G. Pamplin of St. Saviour will ask the following question of the Minister for Economic Development, Tourism, Sport and Culture –
- “Given figures from the Treasury show that Fort Regent has seen net expenditure over income of more than £800,000 in the last three years, will the Minister advise for how many years the Fort can remain functioning safely and economically on that basis in its current form?”
- OQ.182/2018** 12. Senator K.L. Moore will ask the following question of the Minister for Children and Housing –
- “When will the Objective Housing Needs Survey be published?”
- OQ.181/2018** 13. Deputy R.J. Ward of St. Helier will ask the following question of the Minister for Treasury and Resources –
- “Will the Minister advise what growth bids have been submitted by the arms-length arts organisations (the Arts Centre, the Opera House and ArtHouse Jersey) for 2019 and, if such growth bids have been submitted, to what extent they will be met?”
- OQ.174/2018** 14. Deputy K.F. Morel of St. Lawrence will ask the following question of the Minister for Education –
- “With 111 males and 2 females currently studying computing at Highlands College, will the Minister advise the Assembly as to the measures she is taking, if any, to encourage young women to choose to study computing and thereby to ensure Jersey’s future digital sector is representative of the Island’s population and not dominated by men?”
- OQ.180/2018** 15. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Infrastructure –
- “What feedback, if any, has the Minister had from the Jersey Taxi Drivers Association with regards to the recent changes made to the industry, including in relation to fares and charges for waiting times?”
- OQ.184/2018** 16. Deputy M.R. Higgins of St. Helier will ask the following question of the Chairman of the States Employment Board –
- “Will the Chairman update members on her recent meeting with union leaders and advise whether she has found any means of avoiding strike action by public sector workers?”
- OQ.179/2018** 17. Deputy G.P. Southern of St. Helier will ask the following question of the Chief Minister –
- “Following the answer given by his Assistant Minister to Oral Question 161/2018, who ‘understood’ that members would see the measures proposed to save £30 million through productivity improvements and vacancy management before the 2019 Budget, will the Chief Minister publish his proposals today to allow detailed study by members before the scheduled debate and, if not, why not; and will he explain how those savings measures are sustainable?”



OQ.168/2018 18. The Connétable of St. Martin will ask the following question of the Minister for Health and Social Services –

“Will the Minister inform members what efforts, if any, are being made to encourage registration for organ donation in Jersey; and will he also state what measures have been taken to work with those members of the public who signed up to Jersey Organ Donation when applying for a driving licence to ensure that their interest in registering is actioned?”

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

1st question period – Minister for Home Affairs

2nd question period – Chief Minister

## J. PERSONAL STATEMENTS

## K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Minister for Education will make a statement regarding the independent review of the head teacher appointment process at First Tower School.

## L. PUBLIC BUSINESS

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

Importation of Waste for treatment in the Jersey Energy from Waste plant P.104/2018.  
(P.104/2018): comments. Com.  
Presented: 30th October 2018, *Minister for the Environment.*

**Importation of Waste for treatment in the Jersey Energy from Waste plant (P.104/2018): amendment.** P.104/2018.  
Lodged: 24th October 2018, *Connétable of St. Helier.* Amd.

**Immigration (Biometric Information) (Jersey) Order 2018: extension to Jersey by Order in Council.** P.105/2018.  
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 201-.** P.107/2018.  
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.*



## M. ARRANGEMENT OF PUBLIC BUSINESS

### 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.  
(P.96/2018) – comments. Com.  
Presented: 23rd August 2018, *Privileges and Procedures Committee.*

Public impact of Propositions: proposed amendment to Standing Orders P.96/2018.  
(P.96/2018) – comments. Com.(2).  
Presented: 10th September 2018, *Chief Minister.*

**Public impact of Propositions: proposed amendment to Standing Orders (P.96/2018) – amendment.** P.96/2018.  
Lodged: 20th August 2018, *Deputy S.M. Wickenden of St. Helier.* Amd.

**Public impact of Propositions: proposed amendment to Standing Orders (P.96/2018) – second amendment.** P.96/2018.  
Lodged: 22nd August 2018, *Senator S.C. Ferguson.* Amd.(2)

**Draft Road Traffic and Vehicles (Vienna Convention – Miscellaneous Amendments) (Jersey) Regulations 201-.** P.109/2018.  
Lodged: 26th September 2018, *Minister for Infrastructure.*

**Draft Education (Provided Schools – Amendment of Law No. 2) (Jersey) Regulations 201-.** P.111/2018.  
Lodged: 3rd October 2018, *Minister for Education.*

**Draft Motor Vehicles (Removal from Private Land) (Jersey) Law 201-.** P.112/2018.  
Lodged: 5th October 2018, *Minister for Home Affairs.*

**Comptroller and Auditor General Board of Governance: appointment of member.** P.115/2018.  
Lodged: 12th October 2018, *Chief Minister.*

**Parish of St. Martin: provision of a loan for the former St. Martin's Primary School redevelopment.** P.117/2018.  
Lodged: 22nd October 2018, *Minister for Treasury and Resources.*

**Compensation for Mesothelioma sufferers.** P.124/2018.  
Lodged: 23rd October 2018, *Deputy C.S. Alves of St. Helier.*

### 4th December 2018

**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.** P.100/2018.  
Lodged: 20th August 2018, *Deputy S.M. Wickenden of St. Helier.*

**Proposed Common Strategic Policy 2018–22.** P.110/2018.  
Lodged: 3rd October 2018, *Council of Ministers.*

**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 (Agreements with European Union Member States) (Revocation) (Jersey) Regulations 201-.** P.123/2018.  
Lodged: 23rd October 2018, *Minister for External Relations.*

**Draft Regulation of Care (Jersey) Law 2014 (Appointed Day) Act 201-.** P.125/2018.  
Lodged: 23rd October 2018, *Chief Minister.*

**Draft Regulation of Care (Regulated Activities) (Jersey) Regulations 201-.** P.126/2018.  
Lodged: 23rd October 2018, *Chief Minister.*

**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.*

**Draft Finance (2019 Budget) (Jersey) Law 201-.** P.130/2018.  
Lodged: 24th October 2018, *Minister for Treasury and Resources.*

*Note: Because of the requirement for a six-week lodging period the proposition lodged by the Minister for Treasury and Resources cannot be debated before Wednesday 5th December 2018 without the agreement of the Assembly, under Standing Order 26(7), to reduce the lodging period in order that this matter can be debated at the meeting.*

**Draft Damages (Jersey) Law 201-.** P.131/2018.  
Lodged: 24th October 2018, *Chief Minister.*

*Note: Because of the requirement for a six-week lodging period the proposition lodged by the Chief Minister cannot be debated before Wednesday 5th December 2018 without the agreement of the Assembly, under Standing Order 26(7), to reduce the lodging period in order that this matter can be debated at the meeting.*



**Draft Taxation (Companies – Economic Substance) (Jersey) Law 201-** P.132/2018.  
Lodged: 25th October 2018, *Minister for External Relations*.

*Note: Because of the requirement for a six-week lodging period the proposition lodged by the Minister for External Relations cannot be debated before Thursday 6th December 2018 without the agreement of the Assembly, under Standing Order 26(7), to reduce the lodging period in order that this matter can be debated at the meeting.*

**Draft Employment (Minimum Wage) (Amendment No. 15) (Jersey) Regulations 201-** P.133/2018.  
Lodged: 26th October 2018, *Minister for Social Security*.

*Note: Because of the requirement for a six-week lodging period the proposition lodged by the Minister for Social Security cannot be debated before Friday 7th December 2018 without the agreement of the Assembly, under Standing Order 26(7), to reduce the lodging period in order that this matter can be debated at the meeting.*

### **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*.

**Draft Cybercrime (Jersey) Law 201-** P.134/2018.  
Lodged: 29th October 2018, *Minister for Home Affairs*.

### **29th January 2019**

**Draft Revenue Administration (Jersey) Law 201-** P.122/2018.  
Lodged: 23rd October 2018, *Minister for Treasury and Resources*.

**DR. M. EGAN**  
**Greffier of the States**

1st November 2018

**Note –**

**In accordance with the meeting dates fixed for 2018 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 7th and Thursday 8th November 2018.**



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

(See Item B)

### **R&O.106/2018.**

EU Legislation (Sanctions – Chemical Weapons) (Jersey) Order 2018.

This Order gives effect in Jersey to Council Regulation (EU) 2018/1542 of 15 October 2018 concerning restrictive measures against the proliferation and use of chemical weapons (OJ L 259, 16.10.2018, p. 12) (“Regulation (EU) 2018/1542”, as defined in *Article 1*).

This Order contains an ambulatory reference, in *Article 2*, to the Annexes to Regulation (EU) 2018/1542. If the EU amends the lists of persons subject to the restrictive measures, or the details of the competent authorities in the Member States, in those Annexes, the effect of the ambulatory reference is that the EU amendment takes effect automatically in Jersey without the need for any amendment to this Order.

*Article 3* provides that this Order is a relevant special Order for the purpose of the EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014 (defined as the “General Provisions Order in *Article 1*”) and provides that Regulation (EU) 2018/1542 is the relevant EU provision for the purpose of the general provisions of the General Provisions Order, when those general provisions are read as part of this Order.

*Article 4* provides for Regulation (EU) 2018/1542 to have effect as if it were an enactment –

- (a) to any extent that it does not otherwise have effect in Jersey; and
- (b) subject to the modifications made by the general provisions that are to be read as part of this Order by virtue of *Article 3* and the General Provisions Order.

*Article 5* creates offences for breaches of provisions, specified in that Article, of Regulation (EU) 2018/1542 and of the General Provisions Order. The maximum penalty is set at 7 years’ imprisonment and a fine for the main offence of breaching the key prohibitions in Regulation (EU) 2018/1542. For the offences of giving false information, or destroying documents to evade a duty to give information, the maximum penalty is set at 2 years’ imprisonment and a fine. For the offence of failing to provide information the maximum penalty is set at one year imprisonment and a fine.

*Article 6* provides for citation of this Order and provides for it to come into force on the day after it is made.

The Order was made on 26th October 2018 and came into force on 27th October 2018.

### **R&O.107/2018.**

EU Legislation (Sanctions – Iraq) (Jersey) Order 2018.

This Order gives effect in Jersey to Council Regulation (EC) No 1210/2003 of 7 July 2003 (OJ L 169, 8.7.2003, p. 6) concerning certain specific restrictions on economic and financial relations with Iraq (“Regulation (EC) No 1210/2003”), to any extent that the relevant United Nations Security Council resolutions have not already been given effect in Jersey (whether by virtue of that Regulation or under the relevant Orders in Council).

United Nations Security Council resolutions 661 (1990), 986 (1995), 1483 (2003) and 1518 (2003) are the relevant resolutions. The relevant Orders in Council are the Iraq (United Nations Sanctions) (Channel Islands) Order 2000, the Iraq (United Nations Sanctions) (Channel Islands) Order 2003 and the Iraq (United Nations Sanctions) (Channel Islands) (Amendment) Order 2004.

This Order applies all of the general provisions contained in the EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014. It also includes an ambulatory reference to the Annexes to Regulation (EC) No 1210/2003. If the EU amends the lists of persons subject to the restrictive measures under that Regulation (or the other details contained in Annexes), the effect of the ambulatory reference is that EU amendment takes effect automatically in Jersey without the need for any amendment to this Order. Also, if the UN lists a new person in relation to the relevant United Nations Security Council resolutions,



that person is to be treated as if already listed in the appropriate Annex to Regulation (EC) No 1210/2003 (for up to 30 days before that Regulation is amended to list that person).

This Order creates offences for breaches of provisions of Regulation (EC) No 1210/2003 and of the General Provisions Order as applied by this Order. The maximum penalty of imprisonment is set at 7 years for the main offence of breaching the key prohibitions in Regulation (EC) No 1210/2003. For the offences of giving false information, or destroying documents to evade a duty to give information, the maximum penalty of imprisonment is set at 2 years. For the offences of failing to provide information it is set at one year. The court may also impose unlimited fines (as well as or instead of prison sentences) for any of the offences.

The Order was made on 1st November 2018 and came into force on 2nd November 2018.



## WRITTEN QUESTIONS

(See Item I(a))

1. The Chairman of the States Employment Board will table an answer to the following question asked by Deputy J.M. Maçon of St. Saviour –

“Will the Chairman advise whether key performance indicators for the new Chief Executive Officer of the States have been agreed and, if not, will she state why not and when they will be agreed; and will she also state whether they will be published?”

2. The Minister for Education will table an answer to the following question asked by Deputy J.H. Perchard of St. Saviour –

“Will the Minister provide a breakdown of the grades achieved in (a) GCSE, (b) A-level and (c) equivalent examinations such as the International Baccalaureate, by subject and by gender in each of the last five years?”

3. The Chairman of the States Employment Board will table an answer to the following question asked by Deputy J.H. Perchard of St. Saviour –

“Does the States Employment Board have a formal policy, or position, on equal pay for work of equal value and, if so, how is it made publicly available?”

How does the States Employment Board monitor whether the States provides equal pay for work of equal value?

What assessment, if any, has the States Employment Board made of which demographic groups of employees are most vulnerable to being paid less than other employees doing work of equal value and what steps are being taken to ensure that such employees are not so affected?”

4. The Chief Minister will table an answer to the following question asked by Deputy J.H. Perchard of St. Saviour –

“Will the Chief Minister advise how many, and what percentage, of the members of each of the boards appointed by the States (including boards of States-owned bodies and bodies for which the States is the majority shareholder) are:

- (a) male;
- (b) female;
- (c) non-binary;
- (d) disabled;
- (e) of Portuguese heritage; and
- (f) of Polish heritage;

will he state what the stipulated minimum and maximum lengths of tenure are for board members and how long each current board member has served; will he publish the diversity and inclusion policy for appointments to such bodies; and if no such policy exists, will he explain why?”



5. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy R.J. Ward of St. Helier –

“Further to her answers to Written Question 110/2018, in which she said that £12.293 million was available for pay and workforce modernisation in 2017 (of which £4.767 million had been allocated for the recurring effects of the 2017 pay award), and to Oral Question 113/2018, in which she said that £6.7 million was allocated in the Medium Term Financial Plan for pay awards in 2018, will the Minister explain how these two answers can be reconciled and clarify how much funding is available for pay awards in 2018?”

6. The Minister for Home Affairs will table an answer to the following question asked by Deputy R.J. Ward of St. Helier –

“Further to the response to Written Question 201/2018, will the Minister advise –

- (a) which of the 42.9 uniform services posts identified as vacancies in the response to that question are planned to be lost in order to contribute to the £30 million of savings identified in the Chief Minister’s speech of 10th October 2018 to the Chamber of Commerce;
  - (b) how many of these posts, if any, have already been lost and what savings have been made as a consequence; and
  - (c) what operational effects this loss of posts will have on uniform services?”
7. The Minister for the Environment will table an answer to the following question asked by Deputy R.J. Ward of St. Helier –

“Will the Minister undertake to submit for discussion by the Council of Ministers the report from Oxfam entitled ‘Extreme Carbon Inequality’, published on 2nd December 2015; and will the Minister also undertake to provide for members his assessment of Jersey’s position in respect of the report’s findings, taking into account the Island’s investment in fossil fuels and the carbon footprints of high-wealth individuals which are attracted to Jersey as a matter of policy?”

8. The Minister for Social Security will table an answer to the following question asked by Deputy R.J. Ward of St. Helier –

“Will the Minister advise –

- (a) how many temporary contracts are currently being used for Social Security staff; and
- (b) how many of these are zero-hour contracts;

and will she state whether it is her policy that temporary and zero-hour contracts should become a permanent feature of ‘One Gov’ employment arrangements for the Social Security department?”



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

“Further to the response to Written Question 206/2018, will the Minister –

- (a) inform members what agreement, if any, is currently in place with the teaching unions regarding any limits to the amount of cover provided for teacher absence, whether planned (i.e. training or maternity) or unplanned (i.e. sickness) by –
    - i. teachers;
    - ii. teaching assistants; or
    - iii. supply teachers;
  - (b) state how the department, or others involved, can monitor whether any such agreement is being met, given the absence of a consistent record of planned absence across schools;
  - (c) also inform members whether the cost of supply teachers is centrally funded or individually funded by schools; and
  - (d) state, for the years 2015 to 2018, the total number of days required from supply teachers in the primary and secondary sectors?”
10. The Minister for Education will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“Further to the response to Written Question 201/2018, will the Minister –

- (a) advise whether a figure of 29 vacancies in teaching staff at this point in the academic year is unprecedented or has been recorded before;
  - (b) explain how this figure is linked to the 44.6 Education Department vacancies listed in part (a) of the response and the figure of 20.4 ‘Teacher’ vacancies shown in the appendix to the response; and
  - (c) give details of where the 20.4 ‘Teacher’ vacancies are to be found (i.e. in which schools or services) and of the measures, if any, that have been put in place to mitigate the absence of such qualified teachers?”
11. The Chief Minister will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“Further to the response to Written Question 201/2018, which indicated that savings of approximately £24 million would be achieved if 639 currently vacant posts were not filled, and further to the response to Written Question 212/2018, in which the Minister for Health and Social Services stated that 123 of 335.6 vacancies in front-line services were currently subject to active recruitment, and in light of his statement to the Chamber of Commerce regarding sustainable savings of £30 million, will the Chief Minister undertake to provide members with information on where savings arising in respect of staffing will be achieved before a vote is taken on the 2019 Budget?”



12. The Chairman of the States Employment Board will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“Further to the response to Written Question 224/2018, in which the Chairman provided information in respect of the use of fixed-term contracts, zero-hour agreements and agency staff, will the Chairman –

- (a) inform members of the departments in which these three categories of engagement are used, along with a brief description of job title;
- (b) state the length of the fixed-term contracts used, whether these contracts were renewable and the length of service of those people working on such contracts;
- (c) state whether the zero-hour agreements used meet the 2016 guidelines for such agreements issued by the Jersey Advisory and Conciliation Service; and
- (d) state whether the agency staff in question were also engaged on the basis of zero-hour agreements?”

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

“Will the Chief Minister undertake to consider the PWC publication from 2015 entitled ‘Redefining Local Government’ and to provide his assessment of the extent, if any, to which the development of the Target Operating Model for the public sector matches the principles outlined in that publication, particularly with regard to Figure 2 (regarding where savings arise) and the subjects of outsourcing and staff terms and conditions?”

14. The Minister for Infrastructure will table an answer to the following question asked by Deputy C.S. Alves of St. Helier –

“Will the Minister –

- (a) list any buildings, and their addresses, under States of Jersey ownership which have not been occupied or utilised for over a year;
- (b) state when any such building were last in use; and
- (c) state what ongoing costs, if any, are associated with any such buildings?”

15. The Minister for Social Security will table an answer to the following question asked by Deputy C.S. Alves of St. Helier –

“Following the presentation of ‘Minimum Wage Rates for 2019: Employment Forum’s recommendation and Minister’s response’ (R.131/2018), what further measures, if any, is the Minister putting in place to increase the minimum wage to 45% of the average wage?”





16. The Chairman of the States Employment Board will table an answer to the following question asked by Deputy C.S. Alves of St. Helier –

“Will the Chairman advise –

- (a) of those who have left employment with the States in the last 5 years, across all departments, what percentage have had exit interviews;
  - (b) what percentage of such interviews were conducted by management within their department and not by the Human Resources function; and
  - (c) what were the top three reasons for leaving given in such interviews?”
17. H.M. Attorney General will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will H.M. Attorney General advise members how many unsuccessful prosecutions have occurred in the Magistrate’s Court in each of the past three years and of the resultant amount of money paid out by the Crown in costs to defence lawyers; and will he state the rationale for the payment of such costs and how the figures in such cases were determined?”

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

“Will H.M. Attorney General explain what studies, if any, have been carried out into unsuccessful prosecutions in the Magistrate’s Court and the reasons for the lack of success; and will he agree to publish the reports and findings arising from any such studies?”

19. The Minister for Home Affairs will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will the Minister advise members whether all uniformed police officers responding to calls for assistance wear body cameras and whether such officers are required to activate their camera on arriving at an alleged crime scene, and whether all officers attending an incident and dealing with a suspect must subsequently provide the footage from their camera as evidence (i.e. not just the arresting officer); and will he further explain how this evidence is stored and how long the evidence from the camera is retained?”

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

“Will the Chief Minister advise –

- (a) how many successful applicants for Entitled status under Regulation 2(1)(e) of the Control of Housing and Work (Residential and Employment Statues) (Jersey) Regulations 2013 have been admitted into the Island in each of the last 5 years;
- (b) how many houses such applicants have purchased as their main residence in the Island;
- (c) how many such applicants have the right to purchase other residential and commercial properties in the Island;



and will the Chief Minister state whether he has any information on the number and value of the properties purchased in each category?”

21. The Chairman of the States Employment Board will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Further to the responses to Written Questions 207/2018 and 208/2018, will the Chairman advise whether all investigations into named and unnamed members of the public sector who were suspended following evidence given to the Independent Jersey Care Inquiry into their actions involved both the States of Jersey Police and the Law Officers’ Department and, if so, what the nature and extent of that involvement was; will she advise who ultimately took the decision that such employees could return to work; and will the Chairman explain what action she has personally taken to ensure she is satisfied with the independence and robustness of those investigations and with any decisions to allow such employees to return to work?”

22. The Minister for Social Security will table an answer to the following question asked by Deputy C.S. Alves of St. Helier –

“What safeguards, if any, are in place when imposing sanctions under the Income Support system, for example when removing the adult component for 13 weeks for those who have left employment?”



## ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

### Questions without notice 2018

**November 20th**  
**December 4th**

International Development  
Health and Social Services

Infrastructure  
Chief Minister