

# THE STATES assembled on Tuesday 24th May 2016, at 09.30 a.m. under the Presidency of the Deputy Bailiff, Timothy John Le Cocq, Esquire.

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

Senator Paul Francis Routier M.B.E. – en défaut

Senator Philip Francis Cyril Ozouf – excused attendance (arrived in the Chamber at 2.11 p.m.)

Senator Alan John Henry Maclean – en défaut (défaut raised at 9.37 a.m.)

Senator Sir Philip Martin Bailhache – en défaut (défaut raised at 10.25 a.m.)

Connétable Michael John Paddock of St. Ouen – excused attendance (arrived in the Chamber at 9.50 a.m.)

Deputy Geoffrey Peter Southern of St. Helier – en défaut (défaut raised at 9.37 a.m.)

Deputy Montfort Tadier of St. Brelade – en défaut (défaut raised at 9.50 a.m.)

Deputy Roderick Gordon Bryans of St. Helier – excused attendance

Deputy Scott Michael Wickenden of St. Helier – ill

Prayers read by the Greffier of the States

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### Lord Howell - welcome

The Deputy Bailiff, on behalf of all members, welcomed Lord Howell of Guildford, who was present in the Public Gallery.

## Subordinate enactments tabled

The following enactments were tabled, namely –

EU Legislation (Sanctions – Central African Republic) (Amendment No. 2) (Jersey) R&O.53/2016. Order 2016.

Minister for External Relations.

EU Legislation (Sanctions – Côte d'Ivoire) (Revocation) (Jersey) Order 2016. R&O.54/2016.

Minister for External Relations.

Notifiable Diseases (Amendment) (Jersey) Order 2016. R&O.55/2016.

Minister for Health and Social Services.

EU Legislation (Sanctions – North Korea) (Amendment) (Jersey) Order 2016. R&O.56/2016. *Minister for External Relations.* 

## Documents presented or laid

Outsourcing (P.29/2016): comments.

Presented: 23rd May 2016.

Com.

Council of Ministers.

Outsourcing (P.29/2016): comments.

Presented: 23rd May 2016.

Com.(2)

States Employment Board.

Draft Employment (Amendment No. 10) (Jersey) Law 201- (P.38/2016): amendment (P.38/2016 Amd.) – comments. P.38/2016.

Presented: 23rd May 2016. *Minister for Social Security*.

Financial institutions registered in Jersey: links to Panamanian legal firm Mossack
Fonseca (P.42/2016) – comments.

Com.

Presented: 18th May 2016. *Council of Ministers*.

States of Jersey Development Company Limited: Annual Report and Consolidated R.52/2016. Financial Statements for the year ended 31st December 2015.

Presented: 13th May 2016.

Minister for Treasury and Resources.

Jersey New Waterworks Company Ltd.: Annual Report and Financial Statements R.53/2016. 2015.

Presented: 13th May 2016.

Minister for Treasury and Resources.

States of Jersey Development Company: challenge to a Summons dated
R.54/2016.

R.54/2016.

PPC.

Presented: 13th May 2016.

Privileges and Procedures Committee.

States of Jersey Law 2005: delegation of functions – Treasury and Resources – R.55/2016.

revised delegations May 2016. Presented: 16th May 2016.

Minister for Treasury and Resources.

eGovernment. R.56/2016.

Presented: 19th May 2016.

Comptroller and Auditor General.

Land Transactions under Standing Order 168(3) – R.57/2016.

(a) acquisition of land at La Rue Horman (B22), Gorey Village;

(b) Janvrin Primary School and Mont Cantel – Jersey Electricity Substation SS821 – lease.

Presented: 24th May 2016. *Minister for Infrastructure*.

Staff Recruitment and Retention at the Hospital (S.R.1/2016): response of the Minister for Health and Social Services.

Res.

Presented: 11th May 2016.

Minister for Health and Social Services.

**Notification of lodged propositions** 

Draft Education (Amendment No. 3) (Jersey) Law 201- (P.15/2016): amendment.

P.15/2016.

Amd.

Deputy J.A.N. Le Fondré of St. Lawrence.

Draft Sea Fisheries (Bag Limits) (Jersey) Regulations 201-. P.45/2016.

Lodged: 16th May 2016.

Minister for the Environment.

Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment No. 2) P.46/2016.

(Jersey) Regulations 201-. Lodged: 16th May 2016.

Minister for the Environment.

Draft Sea Fisheries (Inshore Waters) (Amendment) (Jersey) Regulations 201-. P.47/2016.

Lodged: 16th May 2016. *Minister for the Environment.* 

Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 5) (Jersey) Regulations P.48/2016.

201-.

Lodged: 16th May 2016.

Minister for the Environment.

Draft Policing of Beaches (Amendment No. 11) (Jersey) Regulations 201-. P.49/2016.

Lodged: 16th May 2016.

Minister for Economic Development, Tourism, Sport and Culture.

Draft Jersey Appointments Commission (Miscellaneous Amendments) (Jersey) Law P.50/2016.

201-.

Lodged: 19th May 2016. States Employment Board.

Draft Double Taxation Relief (Arrangement with the United Kingdom) (Jersey) Act P.51/2016.

201-.

Lodged: 23rd May 2016.

Minister for External Relations.

Draft Public Elections (Amendment No. 6) (Jersey) Law 201-. P.52/2016.

Lodged: 23rd May 2016.

Privileges and Procedures Committee.

States' approval of Assistant Ministers' appointments. P.53/2016.

Lodged: 24th May 2016.

Deputy J.A. Martin of St. Helier.

Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of P.54/2016.

the States.

Lodged: 24th May 2016.

Deputy M. Tadier of St. Brelade.

States of Jersey Law 2005: proposal to amend bankruptcy provisions. P.55/2016.

Lodged: 24th May 2016.

Deputy M.R. Higgins of St. Helier.

### Withdrawal of lodged propositions

THE STATES noted that, in accordance with Standing Order 34(1), the proposer of the following proposition lodged "au Greffe" had informed the Greffier of the States that it had been withdrawn –

Draft Motor Vehicle Registration (Amendment No. 5) (Jersey) Law 201-.

P.24/2016.

Lodged: 14th March 2016. *Minister for Infrastructure*.

### **Written Questions**

(see Official Report/Hansard)

- 1. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding financing options for health and social services in Jersey.
- The Minister for Treasury and Resources tabled an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding higher education funding.
- 3. The Minister for Social Security tabled an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding Social Security contributions made by the self-employed.
- 4. The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding information requested from financial services firms by the Jersey Financial Services Commission following the release of the 'Panama papers'.
- 5. The Minister for Home Affairs tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the provision of body-worn cameras to operational officers.
- 6. The Chief Minister tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the annual resident population estimates.
- 7. The Minister for Health and Social Services tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the employment of social workers.
- 9442 8. The Minister for Health and Social Services tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding off-Island placements.
- 9443 9. The Minister for Education tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding workplace stress experienced by teaching staff.
- 9444 10. The Minister for Education tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding telecommunication devices placed on school buildings.
- 9445 11. The Minister for Housing tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the charging of fees by letting agents.
- 9446 12. The Chairman of the Comité des Connétables tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding consultation with the Department for Infrastructure concerning the maintenance of parks and gardens.
- 9447 13. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the feasibility of introducing taxes on second homes and empty properties.

9448 14. The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the outcome of the UK Anti-Corruption Summit.

- 9449 15. The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding measures to reduce, cease and outsource services.
- 9450 16. The Minister for Home Affairs tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding measures to reduce, cease or outsource services.
- 17. The Chief Minister tabled an answer to a question asked by the Deputy of St. John regarding the structure of the Information Services Department.
- 9452 18. The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. John regarding the installation by JT of fibre-optic broadband.

# **Oral Questions**

(see Official Report/Hansard)

- Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Health and Social Services regarding the payment of medical bills by former residents of The Limes nursing home.
- Deputy G.P. Southern of St. Helier asked a question of the Minister for Infrastructure regarding reductions in staffing levels in cleaning and gardening services.
- The Connétable of St. John asked a question of the Minister for Home Affairs regarding training received by the States of Jersey Police about the Honorary Police.
- 9457 4. Deputy M.R. Higgins of St. Helier asked a question of the Minister for Health and Social Services regarding action being taken to help people who suffer from drug addiction.
- Deputy R. Labey of St. Helier asked a question of the Minister for the Environment regarding the application of opaque film to the glazed west elevation windows of the new Police Headquarters.
- 9456 6. Deputy S.Y. Mézec of St. Helier asked a question of the Assistant Minister for Education regarding the imposition of a pay award upon Jersey's teachers.
- 9462 7. Deputy A.D. Lewis of St. Helier asked a question of the Assistant Minister for Education regarding the criteria upon which the default rate for a new student loan scheme had been based.
- 9461 8. Deputy S.Y. Mézec of St. Helier asked a question of the Minister for Infrastructure regarding residential properties held by Jersey Property Holdings.
- 9459 9. Deputy G.P. Southern of St. Helier asked a question of the Minister for Health and Social Services regarding the outsourcing of services currently delivered by Health Department staff.
- 9460 10. Deputy M.R. Higgins of St. Helier asked a question of the Minister for Home Affairs regarding the assessment of the effect of the use of body-worn cameras on the prevention of instances of false arrest.
- 9454 11. Deputy R. Labey of St. Helier asked a question of the Minister for Home Affairs regarding accommodation for sex offenders.

### **Oral Questions without notice**

(see Official Report/Hansard)

The Minister for Home Affairs answered questions without notice from members.

The Chief Minister answered questions without notice from members.

## Outsourcing P.29/2016

THE STATES rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier to request the Council of Ministers to bring any scheme to cease, reduce or outsource any public service for which a Minister was responsible to the States for approval, accompanied by the full analysis of the business, social and economic case, whenever the scheme involved the compulsory redundancy of 12 or more employees.

Members present voted as follows –

POUR: 16 CONTRE: 29 ABSTAIN: 0

Senator P.F.C. Ozouf

Senator Z.A. Cameron Connétable of St. Saviour Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy of Grouville Deputy J.A. Hilton (H) Deputy J.A.N. Le Fondré (L) Deputy K.C. Lewis (S) Deputy M. Tadier (B) Deputy M.R. Higgins (H) Deputy J.M. Maçon (S) Deputy S.Y. Mézec (H) Deputy L.M.C. Doublet (S) Deputy R. Labey (H) Deputy S.M. Brée (C) Deputy T.A. McDonald (S)

Senator A.J.H. Maclean Senator I.J. Gorst Senator L.J. Farnham Senator A.K.F. Green Connétable of St. Helier Connétable of St. Clement Connétable of St. Peter Connétable of St. Lawrence Connétable of St. Mary Connétable of St. Ouen Connétable of St. Brelade Connétable of St. Martin Connétable of Grouville Connétable of St. John Connétable of Trinity Deputy of Trinity Deputy E.J. Noel (L) Deputy of St. John Deputy S.J. Pinel (C) Deputy of St. Martin Deputy of St. Peter Deputy R.J. Rondel (H) Deputy A.D. Lewis (H) Deputy of St. Ouen Deputy M.J. Norton (B) Deputy of St. Mary Deputy G.J. Truscott (B)

Deputy P.D. McLinton (S)

# Draft Financial Regulation (Miscellaneous Provisions No. 4) (Jersey) Law 201- P.30/2016

THE STATES commenced consideration of the Draft Financial Regulation (Miscellaneous Provisions No. 4) (Jersey) Law 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 Articles 1 to 6.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Financial Regulation (Miscellaneous Provisions No. 4) (Jersey) Law 201-.

### Draft Criminal Justice (Young Offenders) (No. 2) (Jersey) Law 201- P.33/2016

THE STATES commenced consideration of the Draft Criminal Justice (Young Offenders) (No. 2) (Jersey) Law 201- and adopted the principles.

Senator Z.A. Cameron

Members present voted as follows –

POUR: 39 CONTRE: 0 ABSTAIN: 1

Senator P.F.C. Ozouf

Senator A.J.H. Maclean

Senator I.J. Gorst

Senator L.J. Farnham

Senator A.K.F. Green

Connétable of St. Peter

Connétable of St. Lawrence

Connétable of St. Mary

Connétable of St. Ouen

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. Saviour

Connétable of Grouville

Connétable of St. John

Connétable of Trinity

Deputy J.A. Martin (H)

Deputy of Grouville

Deputy J.A. Hilton (H)

Deputy J.A.N. Le Fondré (L)

Deputy of Trinity

Deputy K.C. Lewis (S)

Deputy M. Tadier (B)

Deputy E.J. Noel (L)

Deputy of St. John

Deputy J.M. Maçon (S)

Deputy S.J. Pinel (C)

Deputy of St. Martin

Deputy of St. Peter

Deputy R.J. Rondel (H)

Deputy S.Y. Mézec (H)

Deputy A.D. Lewis (H)

Deputy of St. Ouen

Deputy L.M.C. Doublet (S)

Deputy R. Labey (H)

Deputy S.M. Brée (C)

Deputy M.J. Norton (B)

Deputy T.A. McDonald (S)

Deputy of St. Mary

Deputy G.J. Truscott (B)

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Articles 1 to 17 and Schedules 1 to 6.

POUR: 38 CONTRE: 0 ABSTAIN: 0

Senator P.F.C. Ozouf

Senator I.J. Gorst

Senator L.J. Farnham

Senator A.K.F. Green

Connétable of St. Peter

Connétable of St. Lawrence

Connétable of St. Mary

Connétable of St. Ouen

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. Saviour

Connétable of Grouville

Connétable of St. John

Connétable of Trinity

Deputy J.A. Martin (H)

Deputy of Grouville

Deputy J.A. Hilton (H)

Deputy J.A.N. Le Fondré (L)

Deputy of Trinity

Deputy K.C. Lewis (S)

Deputy M. Tadier (B)

Deputy E.J. Noel (L)

Deputy of St. John

Deputy J.M. Maçon (S)

Deputy S.J. Pinel (C)

Deputy of St. Martin

Deputy of St. Peter

Deputy R.J. Rondel (H)

Deputy S.Y. Mézec (H)

Deputy A.D. Lewis (H)

Deputy of St. Ouen

Deputy L.M.C. Doublet (S)

Deputy R. Labey (H)

Deputy S.M. Brée (C)

Deputy M.J. Norton (B)

Deputy T.A. McDonald (S)

Deputy of St. Mary

Deputy G.J. Truscott (B)

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Criminal Justice (Young Offenders) (No. 2) (Jersey) Law 201-.

### Draft Licensing (No. 18) (Jersey) Regulations 201- P.34/2016

THE STATES commenced consideration of the Draft Licensing (No. 18) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows -

POUR: 37 CONTRE: 3 ABSTAIN: 0

Senator P.F.C. Ozouf

Senator A.J.H. Maclean

Senator I.J. Gorst

Senator L.J. Farnham

Senator P.M. Bailhache

Senator Z.A. Cameron

Connétable of St. Clement

Connétable of St. Peter

Connétable of St. Mary

Connétable of St. Ouen

Connétable of St. Brelade

Connétable of Grouville

Connétable of St. John

Connétable of Trinity

Deputy J.A. Martin (H)

Deputy J.A. Hilton (H)

Deputy J.A.N. Le Fondré (L)

Deputy K.C. Lewis (S)

Deputy M. Tadier (B)

Deputy E.J. Noel (L)

Deputy of St. John

Deputy M.R. Higgins (H)

Deputy J.M. Maçon (S)

Deputy S.J. Pinel (C)

Deputy of St. Martin

Deputy of St. Peter

Deputy R.J. Rondel (H)

Deputy S.Y. Mézec (H)

Deputy A.D. Lewis (H)

Deputy of St. Ouen

Deputy L.M.C. Doublet (S)

Deputy R. Labey (H)

Deputy S.M. Brée (C)

Deputy M.J. Norton (B)

Deputy T.A. McDonald (S)

Deputy of St. Mary

Deputy G.J. Truscott (B)

Senator A.K.F. Green Connétable of St. Martin Connétable of St. Saviour

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 Article 93 of the Licensing (Jersey) Law 1974, made Regulations entitled the Licensing (No. 18) (Jersey) Regulations 2015.

## Draft Discrimination (Age) (Jersey) Regulations 201- P.37/2016

THE STATES commenced consideration of the Draft Discrimination (Age) (Jersey) Regulations 201-and adopted the principles.

Connétable of St. John

Connétable of Grouville

Members present voted as follows -

POUR: 37 CONTRE: 1 ABSTAIN: 1

Senator A.J.H. Maclean

Seliator A.J.II. Ivracical

Senator I.J. Gorst

Senator L.J. Farnham

Senator A.K.F. Green

Senator Z.A. Cameron

Connétable of St. Clement

Connétable of St. Peter

Connétable of St. Mary

Connétable of St. Ouen

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. Saviour

Connétable of Trinity

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy of Grouville

Deputy J.A. Hilton (H)

Deputy of Trinity

Deputy K.C. Lewis (S)

Deputy M. Tadier (B)

Deputy E.J. Noel (L)

Deputy of St. John

Deputy M.R. Higgins (H)

Deputy J.M. Maçon (S)

Deputy S.J. Pinel (C)

Deputy of St. Martin

Deputy of St. Peter

Deputy S.Y. Mézec (H)

Deputy A.D. Lewis (H)

Deputy of St. Ouen

Deputy L.M.C. Doublet (S)

Deputy R. Labey (H)

Deputy S.M. Brée (C)

Deputy M.J. Norton (B)

Deputy T.A. McDonald (S)

Deputy of St. Mary

Deputy G.J. Truscott (B)

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

THE STATES adopted Regulation 2.

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Connétable of St. John

Deputy M. Tadier (B)

Members present voted as follows –

POUR: 37 CONTRE: 2 ABSTAIN: 0

Senator I.J. Gorst

Senator L.J. Farnham

Senator A.K.F. Green

Senator Z.A. Cameron

Connétable of St. Clement

Connétable of St. Peter

Connétable of St. Mary

Connétable of St. Ouen

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. Saviour

Connétable of Grouville

Connétable of Trinity

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy of Grouville

Deputy J.A. Hilton (H)

Deputy J.A.N. Le Fondré (L)

Deputy of Trinity

Deputy K.C. Lewis (S)

Deputy E.J. Noel (L)

Deputy of St. John

Deputy M.R. Higgins (H)

Deputy J.M. Maçon (S)

Deputy S.J. Pinel (C)

Deputy of St. Martin

Deputy of St. Peter

Deputy S.Y. Mézec (H)

Deputy A.D. Lewis (H)

Deputy of St. Ouen

Deputy L.M.C. Doublet (S)

Deputy R. Labey (H)

Deputy S.M. Brée (C)

Deputy M.J. Norton (B)

Deputy T.A. McDonald (S)

Deputy of St. Mary

Deputy G.J. Truscott (B)

THE STATES adopted Regulations 3 and 4.

THE STATES adopted Regulations 5 to 7.

THE STATES, in pursuance of Articles 5 and 47 of the Discrimination (Jersey) Law 2013, made Regulations entitled the Discrimination (Age) (Jersey) Regulations 2015.

# Draft Employment (Amendment No. 10) (Jersey) Law 201- P.38/2016

THE STATES commenced consideration of the Draft Employment (Amendment No. 10) (Jersey) Law 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 Articles 1 and 2.

Deputy G.P. Southern (H)

Deputy M. Tadier (B) Deputy S.Y. Mézec (H)

THE STATES adopted Article 3.

Members present voted as follows -

POUR: 35 CONTRE: 3 ABSTAIN: 0

Senator A.J.H. Maclean

Senator I.J. Gorst

Senator L.J. Farnham

Senator A.K.F. Green

Connétable of St. Peter

Connétable of St. Mary

Connétable of St. Ouen

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. Saviour

Connétable of Grouville

Connétable of St. John

Connétable of Trinity

Deputy J.A. Martin (H)

Deputy of Grouville

Deputy J.A. Hilton (H)

Deputy J.A.N. Le Fondré (L)

Deputy of Trinity

Deputy K.C. Lewis (S)

Deputy E.J. Noel (L)

Deputy of St. John

Deputy M.R. Higgins (H)

Deputy J.M. Maçon (S)

Deputy S.J. Pinel (C)

Deputy of St. Martin

Deputy of St. Peter

Deputy A.D. Lewis (H)

Deputy of St. Ouen

Deputy L.M.C. Doublet (S)

Deputy R. Labey (H)

Deputy S.M. Brée (C)

Deputy M.J. Norton (B)

Deputy T.A. McDonald (S)

Deputy of St. Mary

Deputy G.J. Truscott (B)

THE STATES adopted Article 4.

THE STATES commenced consideration of Article 5 and an amendment of Deputy S.Y. Mézec of St. Helier that Article 5 should be deleted and Articles 6 to 14 renumbered accordingly.

THE STATES adjourned, having agreed to reconvene on Wednesday 25th May 2016, to continue consideration of the amendment of Deputy Samuel Yves Mézec of St. Helier to the proposition of the Minister for Social Security entitled 'Draft Employment (Amendment No. 10) (Jersey) Law 201-' and the outstanding items of public business.

THE STATES rose at 5.21 p.m.

DR. M. EGAN

Greffier of the States