



STATES OF JERSEY ORDER PAPER

10th OCTOBER 2017

SUMMARY

- 9.30 a.m. Communications by the Presiding Officer and other announcements
- Appointments, matters of privilege, petitions
- Resignation of Connétable Christopher Hugh Taylor of St. John from the Privileges and Procedures Committee
 - Nomination of Mr. Robert John Parker and Mr. Michael John Robinson as unelected members of the Public Accounts 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 Economic Development, Tourism, Sport and Culture
 - Minister for Housing
- Statements (if any)*
- Approx. 11.40 a.m. **Draft Taxation (Implementation) (International Tax Compliance) (Common Reporting Standard) (Amendment) (Jersey) Regulations 201-** (P.69/2017)
- Draft Air and Sea Ports (Incorporation) (Transfer No. 2) (Jersey) Regulations 201-** (P.77/2017)
- Jersey Electricity plc.: referral of stand-by charges to the Channel Islands Competition and Regulatory Authorities** (P.88/2017)
- 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 11th and Thursday 12th October 2017, if necessary.



STATES OF JERSEY ORDER PAPER

10th OCTOBER 2017

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Prison (Amendment No. 3) (Jersey) Rules 2017.
Minister for Home Affairs.

R&O.101/2017.

C. DOCUMENTS PRESENTED

Contributory Benefits: Living Today – Thinking Ahead – public consultation.
Presented: 4th October 2017, *Minister for Social Security.*

R.112/2017.

Minimum wage rates for April 2018: Employment Forum's recommendation and
Minister's response.
Presented: 5th October 2017, *Minister for Social Security.*

R.113/2017.

D. NOTIFICATION OF LODGED PROPOSITIONS

Draft Budget Statement 2018.
Lodged: 3rd October 2017, *Minister for Treasury and Resources.*

P.90/2017.

Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201-.
Lodged: 3rd October 2017, *Chief Minister.*

P.91/2017.

Jersey Appointments Commission: re-appointment of Commissioner.
Lodged: 5th October 2017, *States Employment Board.*

P.92/2017.

E. WITHDRAWAL OF LODGED PROPOSITIONS

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

Resignation of Connétable Christopher Hugh Taylor of St. John from the Privileges and Procedures Committee.

Nomination of the following 2 persons as unelected members of the Public Accounts Committee –

Mr. Robert John Parker
Mr. Michael John Robinson.

G. MATTERS OF PRIVILEGE

H. PETITIONS



I. QUESTIONS

(a) – Written Questions

(attached)

- 1(525) 1. Deputy L.M.C. Doublet of St. Saviour will ask a question of the Minister for Health and Social Services regarding the Mental Health Strategy for Jersey 2016-2020.
- 1(527) 2. Deputy G.P. Southern of St. Helier will ask a question of the Minister for Education regarding overspends at Haute Vallée School in 2015 and 2016.
- 1(528) 3. Deputy J.M. Maçon of St. Saviour will ask a question of the Minister for Health and Social Services regarding the recommendations of the 'Williamson Report'.
- 1(529) 4. Deputy J.M. Maçon of St. Saviour will ask a question of the Minister for Home Affairs regarding the recommendations of the Independent Jersey Care Inquiry.
- 1(530) 5. Deputy J.M. Maçon of St. Saviour will ask a question of the Minister for Health and Social Services regarding the recommendations of the Independent Jersey Care Inquiry.
- 1(531) 6. Deputy J.M. Maçon of St. Saviour will ask a question of H.M. Attorney General regarding the legal status of living wills.
- 1(532) 7. Deputy J.M. Maçon of St. Saviour will ask a question of the Chairman of the States Employment Board regarding changes to employment practices in light of recommendations of the Independent Jersey Care Inquiry.
- 1(533) 8. Deputy G.P. Southern of St. Helier will ask a question of the Minister for Infrastructure regarding the safety plan for access to the Millennium Park.
- 1(534) 9. The Deputy of St. John will ask a question of the Chairman of the Privileges and Procedures Committee regarding Disclosure and Barring Service checks for election candidates and elected members.
- 1(535) 10. The Deputy of St. John will ask a question of the Minister for Home Affairs regarding policy in respect of alleged criminal activity where a decision is made not to continue with the case.
- 1(536) 11. The Deputy of St. John will ask a question of H.M. Attorney General regarding his Department's policy in respect of alleged criminal activity where a decision is made not to continue with the case.
- 1(537) 12. The Deputy of St. John will ask a question of the Chairman of the States Employment Board regarding codes of practice issued under the Employment of States of Jersey Employees (Jersey) Law 2005.
- 1(538) 13. The Deputy of St. John will ask a question of the Minister for Education regarding changes at Highlands College since 2014.
- 1(539) 14. Deputy M. Tadier of St. Brelade will ask a question of the Chief Minister regarding sudden death inquests.
- 1(540) 15. Deputy G.P. Southern of St. Helier will ask a question of the Minister for Housing regarding rent levels for tenancies of Andium Homes.
- 1(541) 16. Deputy L.M.C. Doublet of St. Saviour will ask a question of the Minister for the Environment regarding nitrate levels in Jersey's mains water supply.



- 1(542) 17. Deputy J.A.N. Le Fondré of St. Lawrence will ask a question of the Minister for Infrastructure regarding the International Conference on Sea Lettuce Management.
- 1(543) 18. Deputy G.P. Southern of St. Helier will ask a question of the Minister for Social Security regarding the operation of the lower contribution threshold.
- 1(544) 19. Deputy G.P. Southern of St. Helier will ask a question of the Chief Minister regarding communication with the Employment Forum.

(b) – Oral Questions

(120 minutes)

- 1(553) 1. Senator P.F.C. Ozouf will ask the following question of the Minister for Treasury and Resources –
- “Further to proposals made in the 2017 Budget, why has the Minister not, in the 2018 Budget, implemented the Assembly’s decision that the States should pay rates on States properties; and when will the associated Regulations for the revaluation of the ‘rateable value’ of properties be lodged?”
- 1(549) 2. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Economic Development, Tourism, Sport and Culture –
- “Will the Minister give the reasons for the continuing decline in the economic standard of living, as detailed in the latest G.V.A. and productivity figures recorded by the Statistics Unit, and explain why targets for productivity improvement have not been met?”
- 1(545) 3. Senator P.F. Routier, M.B.E. will ask the following question of the Chairman of the Comité des Connétables –
- “Is it a policy of the Comité des Connétables that all buildings and facilities used as polling stations or venues for hustings should be accessible to all electors and candidates with physical, sensory or health disabilities and, if so, will he ask the Comité to carry out an accessibility audit of such buildings and request the Connétables to proactively promote barrier-free access to Parish buildings?”
- 1(551) 4. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Infrastructure –
- “Does the Minister’s Department have regard for BREEAM (Building Research Establishment Environmental Assessment Method) when designing new buildings and maintaining existing ones; and if so, how many buildings, and what percentage of buildings, currently owned by the States meet a ‘very good standard’ or above under BREEAM?”
- 1(548) 5. The Deputy of St. Ouen will ask the following question of the Minister for Health and Social Services –
- “Further to information provided to the Health and Social Security Scrutiny Panel on 23rd February 2017 that a feasibility study examining the requirements for the Island’s mental health estate would be completed by September 2017, will the Minister state whether the study will identify a site for the location of mental health services, explain why the study is delayed and give an updated timetable for its completion?”
- 1(547) 6. The Connétable of Grouville will ask the following question of the Minister for Housing –
- “Is it the Minister’s assessment that the Residential Tenancy Deposit Scheme is working well and what feedback, if any, has she had from tenants or landlords about the scheme?”



- 1(552) 7. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Infrastructure –
“Will the new Les Quennevais School building include photovoltaic panels and if not, why not; and what level of recognised energy efficiency standard will the new school be built to?”
- 1(550) 8. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Social Security –
“Given that workers on zero-hour contracts and low monthly earnings may fail to qualify for sickness benefit due to the contribution criteria which apply, what action, if any, will the Minister take to protect these vulnerable employees?”
- 1(546) 9. Senator P.F. Routier, M.B.E. will ask the following question of the Chairman of the Privileges and Procedures Committee –
“Is it a policy of the Privileges and Procedures Committee that the States Assembly and associated buildings should be accessible to all elected members with physical, sensory or health disabilities and, if so, will he agree to the Committee commissioning an accessibility audit and to seeking to remove any barriers that are identified?”
- 1(554) 10. Senator P.F.C. Ozouf will ask the following question of the Chief Minister –
“Following the publication of ‘Oxera Report on the Jersey Gas Market’ (R.1/2017), which highlighted the apparent high cost of gas compared to other energy sources, will the Chief Minister explain what steps have been taken, including by C.I.C.R.A., to promote greater competition for gas consumers this winter?”

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

1st question period – Minister for Economic Development, Tourism, Sport and Culture

2nd question period – Minister for Housing

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS

Draft Taxation (Implementation) (International Tax Compliance) (Common Reporting Standard) (Amendment) (Jersey) Regulations 201-. P.69/2017.
Lodged: 25th July 2017, *Minister for External Relations.*

Draft Air and Sea Ports (Incorporation) (Transfer No. 2) (Jersey) Regulations 201-. P.77/2017.
Lodged: 24th August 2017, *Council of Ministers.*

Jersey Electricity plc.: referral of stand-by charges to the Channel Islands Competition and Regulatory Authorities. P.88/2017.
Lodged: 26th September 2017, *Deputy of Grouville.*



M. ARRANGEMENT OF PUBLIC BUSINESS

31st October 2017

Draft Health and Safety at Work (Freight Containers Safety Convention) (Amendment) (Jersey) Regulations 201- P.80/2017.

Lodged: 12th September 2017, *Minister for Social Security.*

Draft Social Security (Christmas Bonus) (Amendment) (Jersey) Regulations 201- P.82/2017.

Lodged; 19th September 2017, *Minister for Social Security.*

Draft Public Health and Safety (Rented Dwellings) (Jersey) Law 201- P.66/2017.

Lodged; 17th July 2017, *Minister for the Environment.*

Draft Building Loans (Amendment No. 13) (Jersey) Law 201- P.79/2017.

Lodged: 5th September 2017, *Minister for Housing.*

States of Jersey Budget 2017: allocation to the Parishes of funds set aside for the payment of rates on States' properties. P.81/2017.

Lodged: 19th September 2017, *Connétable of St. Helier.*

Brexit Information Report: July 2017 update. R.87/2017.

Presented: 18th July 2017, *Minister for External Relations.*
(*consideration 'in committee'*)

14th November 2017

Health and Social Care System: a new governance model. P.60/2017.

Lodged: 23rd June 2017, *Council of Ministers.*

Draft Asian Infrastructure Investment Bank (Immunities and Privileges) (Jersey) Regulations 201- P.68/2017.
(re-issue)

Lodged: 21st July 2017, *Minister for External Relations.*

Ratification of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting. P.83/2017.

Lodged: 20th September 2017, *Minister for External Relations.*

Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment. P.84/2017.

Lodged: 26th September 2017, *Chief Minister.*

Draft Road Works and Events (Jersey) Law 2016 (Appointed Day) (No. 2) Act 201- P.85/2017.

Lodged: 26th September 2017, *Minister for Infrastructure.*

Draft Road Works (Embargo Periods and Protected Roads) (Jersey) Regulations 201- P.86/2017.

Lodged: 26th September 2017, *Minister for Infrastructure.*

Draft Road Works and Events (Consequential Provisions) (Jersey) Regulations 201- P.87/2017.

Lodged: 26th September 2017, *Minister for Infrastructure.*

Draft Maintenance Orders (Amendment No. 3) (Jersey) Law 201- P.89/2017.

Lodged: 26th September 2017, *Chief Minister.*



Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- P.91/2017.
Lodged: 3rd October 2017, *Chief Minister*.

Jersey Appointments Commission: re-appointment of Commissioner. P.92/2017.
Lodged: 5th October 2017, *States Employment Board*.

28th November 2017

Draft Liquor Licensing (Jersey) Law 201- P.54/2017.
Lodged: 7th June 2017, *Minister for Economic Development, Tourism, Sport and Culture*.

Draft Liquor Licensing (Jersey) Law 201- (P.54/2017): amendment. P.54/2017.
Lodged: 4th July 2017, *Senator Sir P.M. Bailhache*. Amd.

Draft Road Traffic (No. 63) (Jersey) Regulations 201- P.67/2017.
Lodged: 17th July 2017, *Minister for Infrastructure*.

Draft Budget Statement 2018. P.90/2017.
Lodged: 3rd October 2017, *Minister for Treasury and Resources*.

12th December 2017

States Employment Board: living wage 2017. P.72/2017.
Lodged: 31st July 2017, *Deputy G.P. Southern of St. Helier*.

DR. M. EGAN
Greffier of the States

5th October 2017

Note –

In accordance with the meeting dates fixed for 2017 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 11th and Thursday 12th October 2017.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.101/2017.

Prison (Amendment No. 3) (Jersey) Rules 2017.

These Rules amend the Prison (Jersey) Rules 2007 (“2007 Rules”).

Rule 83 of the 2007 Rules requires the Governor of the prison to refer a suspected breach of discipline to the States of Jersey police if the suspected breach would also constitute a criminal offence. *Rule 1* amends Rule 83 of the 2007 Rules so that if a matter is referred to the States of Jersey police the Governor must not take action, nor appoint a person to take action, against the prisoner under these Rules if the prisoner is charged with an offence in relation to the matter referred. (The decision whether to charge would be made by the Honorary Police.) The Governor may only take action against the prisoner, or appoint a person to take action against the prisoner, under the 2007 Rules if the Governor has informed the prisoner that he or she will not be charged with any offence in respect of the matter referred.

Rule 2 amends Rule 90 of the 2007 Rules to remove a redundant definition.

Rule 3 gives the title of these Rules and provides for them to come into force the day after they are made.

The Rules were made on 27th September 2017 and came into force 28th September 2017.



WRITTEN QUESTIONS

(See Item I(a))

1. Deputy L.M.C. Doublet of St. Saviour will ask the following question of the Minister for Health and Social Services –

“Since the publication of the Mental Health Strategy for Jersey 2016-2020, can the Minister outline what, if any, progress has been made towards further reducing waiting times for access to talking therapies and/or counselling for those with mild to moderate mental health issues? Can the Minister also provide a breakdown of the stages that are followed from the point at which the patient makes initial contact with their GP?

Could the Minister further advise what progress has been made towards achieving Key Priorities 2 ‘Prevention and Early Intervention’ and 5 ‘Leadership and Accountability’ of the strategy and outline what actions have been taken in respect of each of those priorities?”

2. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Education –

“Further to the generation of overspends at Haute Vallée School of £292,000 (7% of budget) in 2015 and £384,000 (9%) in 2016, will the Minister –

- (a) inform members of the circumstances that led to such overspends;
- (b) state what failures, if any, arising from these underspends have been identified in his departmental financial governance processes (as set out in the Education Business Plan 2015);
- (c) state what measures are in place, both within the Department and in schools, to ensure there is no repetition of such overspends;
- (d) detail what these overspends were spent on and what consequences, if any, there were for staff in the school;
- (e) state whether the head teacher was subject to disciplinary proceedings and whether the head teacher had his salary protected in taking on a new role within the Department; and
- (f) advise what lessons, if any, have been learned over the extent to which head teachers are given complete autonomy over significant issues within their school?”

3. Deputy J.M. Maçon of St. Saviour will ask the following question of the Minister for Health and Social Services –

“Following the publication of the ‘Independent Jersey Care Inquiry Report’ (R.59/2017), will the Minister advise whether the adequacy of the response to the recommendations of the ‘Williamson Report’ into vulnerable children has been re-examined and will the Minister produce an RAG (Red-Amber-Green) action plan against every recommendation of the ‘Williamson Report’ which explains the progress his Department has made on implementation; and, if not, why not?”



4. Deputy J.M. Maçon of St. Saviour will ask the following question of the Minister for Home Affairs –

“Given the praise of the Probation Service by the Independent Jersey Care Inquiry in R.59/2017 and the recommendation of the Inquiry that the high standards and best practice of that service should be shared with other services which care for children, what, if anything, has the Minister done to facilitate the implementation of this recommendation and how will her Department demonstrate that this has occurred and will continue to occur on an ongoing basis?”

5. Deputy J.M. Maçon of St. Saviour will ask the following question of the Minister for Health and Social Services –

“Given the praise of the Probation Service by the Independent Jersey Care Inquiry in R.59/2017 and the recommendation of the Inquiry that the high standards and best practice of that service should be shared with other services which care for children, what, if anything, has the Minister done to facilitate the implementation of this recommendation and how will his Department demonstrate that this has occurred and will continue to occur on an ongoing basis?”

6. Deputy J.M. Maçon of St. Saviour will ask the following question of H.M. Attorney General –

“Under Jersey law, what is the status of living wills and what significance, if any, do the Island’s courts give to living wills?”

7. Deputy J.M. Maçon of St. Saviour will ask the following question of the Chairman of the States Employment Board –

“In view of the recommendations of the Independent Jersey Care Inquiry in R.59/2017, will contracts issued by the States of Jersey contain a clause that employees may be expected to undertake a secondment; what work, if any, has the States Employment Board done to build partnerships with other authorities to enable States of Jersey staff to participate in inspections in other jurisdictions and to learn best practice; how will the States of Jersey demonstrate that this has happened; and if no work has been undertaken by the Board on this matter, why not?”

8. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Infrastructure –

“Will the Minister inform members whether the safety plan from Parsons Brinkerhoff which suggested automatic rising bollards for access to the Millennium Park from Tunnell Street and Robin Place was considered by his Department, in conjunction with the St. Helier Roads Committee or separately; who was responsible for the decision to reject the suggestion, on what grounds was it rejected, and when did this occur?”

9. The Deputy of St. John will ask the following question of the Chairman of the Privileges and Procedures Committee –

“Will the Chairman advise whether any consideration has been given to requiring election candidates or elected members of the States of Jersey to undergo a Disclosure and Barring Service (DBS) check and, if not, why not?”



10. The Deputy of St. John will ask the following question of the Minister for Home Affairs –

“Will the Minister advise what the policy of the States of Jersey Police is in respect of corresponding with alleged victims of, or complainants about, alleged criminal activity when a decision has been made not to continue with a case; how long has this policy been in place and what was the previous policy, if any?”

11. The Deputy of St. John will ask the following question of H.M. Attorney General –

“Will H.M. Attorney General advise what the policy of his Department is for corresponding with alleged victims of crime when it is decided that a case will no longer be pursued as a criminal matter?”

12. The Deputy of St. John will ask the following question of the Chairman of the States Employment Board –

“Given the functions of the States Employment Board, as set out under Article 8 of the Employment of States of Jersey Employees (Jersey) Law 2005, and the requirement of Article 10A of that Law for chief officers to ensure compliance with codes of practice issued under Article 8, how does the States Employment Board ensure such compliance is maintained and meets employment and best practice expectations?”

13. The Deputy of St. John will ask the following question of the Minister for Education –

“Will the Minister set out the changes made to staffing arrangements, budgets and curriculum at Highlands College since he was elected as Minister in 2014?”

14. Deputy M. Tadier of St. Brelade will ask the following question of the Chief Minister –

“Will the Chief Minister request confirmation from the Viscount’s Department of how many inquests (following sudden death) have taken place since January 2016; what the average waiting time is for inquests to be completed; how many inquests have taken more than three months to complete; and how many have taken more than six months?”

15. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Housing –

“Further to the response to Written Question 1(497), will the Minister –

- (a) provide her assessment of whether the figures shown for rent levels of all new tenancies for Andium Homes (post-July 2014) can be categorised as ‘affordable’ for those in the lowest household income quintiles (i.e. with incomes below £23,900) or whether these households are consequently placed in housing stress;
- (b) provide an assessment of whether the increases in rent levels of up to 30% for around 1,300 Andium tenants will either cause hardship for many or raise significantly the tax revenues required to fund the Income Support housing component;
- (c) clarify whether the average rents shown will rise over time to 90% of the private sector rent levels indicated in the second table of that response and, if not, what levels will apply;
- (d) explain how the restoration of the rent tribunal system levels can reduce high rents given that properties let for a term of less than 9 years on a written contract made under Article 7 and



properties in respect of which the States or any administration of the States is either the lessor or the lessee are exempt?"

16. Deputy L.M.C. Doublet of St. Saviour will ask the following question of the Minister for the Environment –

“Can the Minister outline and reference what evidence he has, particularly in regard to nitrate levels, to assure the public that Jersey’s mains water supply is safe for consumption for:

- (a) adults and children over the age of 2;
- (b) pregnant women;
- (c) children under the age of 2;
- (d) breastfed babies under 6 months whose mothers drink Jersey tap water; and
- (e) formula-fed babies under 6 months whose main source of nutrition is powdered milk made with boiled Jersey tap water?"

17. Deputy J.A.N. Le Fondré of St. Lawrence will ask the following question of the Minister for Infrastructure –

“With regard to the International Conference on Sea Lettuce Management being held on 5th and 6th October 2017, will the Minister outline –

- (a) the total cost of arranging and running the conference (including any entertainment, and grants and contributions to attendees and / or speakers);
- (b) whether any practical solution or result has arisen, or is likely to arise, from this investment; and
- (c) whether there has been any liaison with French academics or researchers (for example, at Caen or Rennes) researching this same subject?"

18. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Social Security –

“Will the Minister explain how the rules around the lower contribution threshold of £880 per month operate; is it her assessment that the rules operate fairly and, if not, what measures does she propose to improve matters?

Will she also advise whether a worker whose monthly contributions (in the relevant quarter to claim Short-Term Incapacity Allowance (STIA)) are £900, £700 and £900 (giving a quarterly total of £2,500) qualifies to receive STIA and whether an employee whose monthly contributions are £850, £850 and £850 (also giving a total of £2,550) fails to meet the threshold and does not therefore qualify for STIA?"

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

“Given that the Chair of the Employment Forum, when referring to the recommended rise in the minimum wage, has stated that “*on top of this, the Minister [for Social Security] asked the Forum to recommend the highest rate that it can for April 2018*”, will the Chief Minister inform members what actions, if any, he took to promote this aim and what communications, if any, took place between his officers and the Employment Forum on this matter; and will he advise how he has ensured that any such actions or communications have not placed undue pressure on the Forum and called into question its political neutrality?"



ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

Questions without notice 2017

October 31st	Infrastructure	Chief Minister
November 14th	Environment	External Relations
November 28th	Social Security	Chief Minister
December 12th	Home Affairs	Treasury and Resources