

Tuesday 9th December 2014 CONSOLIDATED

A. COMMUNICATIONS BY THE PRESIDING OFFICER

В. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)	
Financial Services (Investment Business (Qualifying Segregated Managed Accounts – Exemption)) (Jersey) Order 2014. Chief Minister.	R&O.182/2014.
Economic Development (2015 Fees) (Jersey) Order 2014. Minister for Economic Development.	R&O.189/2014.
Royal Court (Amendment No. 18) Rules 2014 Superior Number of the Royal Court.	R&O.190/2014.
Petty Debts Court (Amendment No. 2) Rules 2014 Superior Number of the Royal Court.	R&O.191/2014.
EU Legislation (Sanctions – Somalia) (Jersey) Order 2014. Minister for External Relations.	R&O.192/2014.
EU Legislation (Sanctions – Syria) (Jersey) Order 2014. Minister for External Relations.	R&O.193/2014.
EU Legislation (Sanctions – Ukraine) (Jersey) Order 2014. Minister for External Relations.	R&O.194/2014.
EU Legislation (Sanctions – Libya) (Jersey) Order 2014. Minister for External Relations.	R&O.195/2014.
Employment (Qualifying Period) (Jersey) Order 2014. Minister for Social Security.	R&O.196/2014.
Planning and Environment (2015 Fees) (Jersey) Order 2014. Minister for Planning and Environment.	R&O.197/2014.
DOCUMENTS PRESENTED OR LAID	

C.

*	Bedrocan BV: possession for treatment purposes – petition (P.126/2014) –	P.126/2014.
	comments.	Com.(2)
	Presented: 8th December 2014.	
	Minister for Health and Social Services.	

Bedrocan BV: possession for treatment purposes – petition (P.126/2014) – P.126/2014. * comments. Com.(3) Presented: 8th December 2014.

H.M. Attorney General.

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*	Sativex: possession for treatment purposes – petition (P.127/2014) – comments. Presented: 8th December 2014. Minister for Health and Social Services.	P.127/2014. Com.(2)
*	Cannabis: possession of cannabis for treatment purposes – petition (P.128/2014) – comments. Presented: 8th December 2014. Minister for Health and Social Services.	P.128/2014. Com.(2)
*	Council of Ministers' meetings: public access – comments. Presented: 8th December 2014. Council of Ministers.	P.163/2014. Com.
	Code of Audit Practice. Presented: 28th November 2014. Comptroller and Auditor General.	R.169/2014.
	Equal Marriage and Partnership: Options Paper Report – November 2014. Presented: 28th November 2014. <i>Council of Ministers</i> .	R.170/2014.
	States Investment Strategies. Presented: 3rd December 2014. Minister for Treasury and Resources.	R.171/2014.
	Land Transactions under Standing Order 168(3) – Le Braye Café, Le Braye Slip South Bunker and Le Braye Slip North Bunker, La Grande Route des Mielles, St. Brelade – lease. Presented: 3rd December 2014. Minister for Treasury and Resources.	R.172/2014.
	States of Jersey Law 2005: delegation of functions – Health and Social Services – revised delegations December 2014. Presented: 4th December 2014. Minister for Health and Social Services.	R.173/2014.
	States of Jersey Law 2005: delegation of functions – Planning and Environment – revised delegations November 2014. Presented: 4th December 2014. Minister for Planning and Environment.	R.174/2014.
	The Lord Portsea Gift Fund: report for 2012 and 2013. Presented: 5th December 2014. Minister for Education, Sport and Culture.	R.175/2014.
D.	NOTIFICATION OF LODGED PROPOSITIONS	
*	Jersey Arts Trust: re-appointment of Chairman. Lodged: 5th December 2014. Minister for Education, Sport and Culture.	P.167/2014.
*	Armed Forces Covenant and Community Covenant. Lodged: 9th December 2014. Minister for Home Affairs.	P.168/2014.



Draft Act annulling the Employment (Qualifying Period) (Jersey) Order 2014.
 Lodged: 9th December 2014.
 Deputy G.P. Southern of St. Helier.

★ Jersey Financial Services Commission: appointment of Commissioner. Lodged: 9th December 2014.
Chief Minister. P.170/2014.

E. WITHDRAWAL OF LODGED PROPOSITIONS

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

- (i) Election of a Member and an Associate Member to represent the States of Jersey on the British-Irish Parliamentary Assembly (see Note).
- (ii) Nomination of Deputy J.A. Martin of St. Helier as a member of the Environment, Housing and Technical Services Scrutiny Panel.
- (iii) Resignation of Deputy S.M. Wickenden of St. Helier as a member of the Education and Home Affairs Scrutiny Panel.
- * (iv) Nomination of Deputy K.C. Lewis of St. Saviour as a member of the Corporate Services Scrutiny Panel.

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

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

- 1. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding management of the Consolidated Fund.
- 2. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding tax revenues.
- 3. The Minister for Economic Development will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding tax revenues.
- 4. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding proposals to deliver 2% budget reductions across all departments.
- 5. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the benefits administered by the Department.
- 6. H.M. Attorney General will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the power to directly file or instigate charges in the Magistrate's Court.
- 7. The Minister for Home Affairs will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding Operation Rectangle.



- 8. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding truancy.
- The Minister for Health and Social Services will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding burials.
- The Minister for Planning and Environment will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding nuisance caused by feeding seagulls.
- 11. The Minister for Health and Social Services will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding nuisance caused by feeding seagulls.
- 12. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding taxi plates.
- 13. The Chairman of the Comité des Connétables will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the provision of Christmas lunches for senior citizens.
- 14. The Minister for Home Affairs will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding truancy.
- 15. The Minister for Treasury and Resources will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding tax rates.

(b) - Oral Questions

(120 minutes)

- Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Health and Social Services –
 - "Will the Minister inform members what contracts have been agreed with which third sector or private companies to deliver residential support or health care services in the community as per P.82/2012 and will he inform members what mechanisms are in place to ensure contracts are subject to robust tendering processes; contain SLAs which ensure value for money, and that tenders are not dependant on poor terms and conditions for employees?"
- 2. Deputy J.A. Hilton of St. Saviour will ask the following question of the Minister for Treasury and Resources
 - "In view of the recent decision by the States of Jersey Development Company to renew the planning permit for the proposed Zephyrus scheme of flats, does the Minister feel it now appropriate to review this so as to direct the company to allocate the site area to public use such as a hospital?"
- 3. Deputy L.M.C. Doublet of St. Saviour will ask the following question of the Minister for Health and Social Services
 - "What percentage of women who request a home birth are medically eligible and what is the criteria for this, and could the Minister detail what provision is available for women in Jersey to have the birth plan they want?"
- 4. Deputy S.Y. Mézec of St. Helier will ask the following question of the Chief Minister
 - "When will the Chief Minister bring a sustainable long-term population policy to the Assembly for consideration and will this include the need for inward migration of up to 150 graduates annually as indicated by representatives of the finance sector?"



5. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Health and Social Services –

"With regard to Social Services will the Minister explain to members the duty of care officers have to the vulnerable people they deal with and explain the circumstances, if any, in which the duty of care owed to staff overrides the duty of care to a vulnerable person."

6. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Planning and Environment –

"Following the decision earlier this year to designate the former Odeon Cinema as a Class 1 listed building, what steps will the Minister take, if any, to ensure that the building is maintained in an acceptable condition by its current owners?"

7. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Treasury and Resources –

"Will the Minister release the notes/minutes of the quarterly meetings held between the Minister and the representatives of Jersey Telecom throughout the period over which the Gigabit project was developed and agreed, that is, from 2011 to date, and if not why not?"

8. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Education, Sport and Culture –

"Will the Minister state what progress is being made towards Chinese language tuition in schools and what steps, if any, are being taken with Ministerial colleagues for the establishment of a Confucius Institute or similar in the Island?"

9. Deputy S.Y. Mézec of St. Helier will ask the following question of the Chief Minister –

"What timetable does the Chief Minister envisage for the creation of the new post of Minister for Finance, Digital and Competition, and will any changes to the 'Troy Rule' be recommended to facilitate this?"

10. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Home Affairs –

"What are the procedures of the Police if independent expert witnesses opine that clear child protection concerns and risks to children are present, but these expert views conflict with those of their officers or representatives?"

11. Deputy J.A. Hilton of St. Helier will ask the following question of the Minister for Treasury and Resources –

"In light of the indications by the previous Minister that the States of Jersey Development Company had to have substantial interest by companies in pre-letting the majority of the gross areas in the proposed Building 1 or 4 that were approved by the previous Minister for Planning and Environment, before proceeding to construction on the Esplanade car park site, can the Minister confirm that this is still the case?"

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

1st question period – Minister for Education, Sport and Culture

2nd question period – Minister for Health and Social Services



J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS

9th December 2014

Presented: 22nd September 2014

Chief Minister.

	Bedrocan BV: possession for treatment purposes – petition. Lodged: 16th July 2014. Deputy M. Tadier of St. Brelade.	P.126/2014.
	Bedrocan BV: possession for treatment purposes – petition (P.126/2014) – comments. Presented: 9th September 2014. Minister for Health and Social Services.	P.126/2014. Com.
*	Bedrocan BV: possession for treatment purposes – petition (P.126/2014) – comments. Presented: 8th December 2014. Minister for Health and Social Services.	P.126/2014. Com.(2)
*	Bedrocan BV: possession for treatment purposes – petition (P.126/2014) – comments. Presented: 8th December 2014. H.M. Attorney General.	P.126/2014. Com.(3)
	Sativex: possession for treatment purposes – petition. Lodged: 16th July 2014. Deputy M. Tadier of St. Brelade.	P.127/2014.
	Sativex: possession for treatment purposes – petition (P.127/2014) – comments. Presented: 8th September 2014. Minister for Health and Social Services.	P.127/2014. Com.
*	Sativex: possession for treatment purposes – petition (P.127/2014) – comments. Presented: 8th December 2014. Minister for Health and Social Services.	P.127/2014. Com.(2)
	Cannabis: possession of cannabis for treatment purposes – petition. Lodged: 16th July 2014. Deputy M. Tadier of St. Brelade.	P.128/2014.
	Cannabis: possession of cannabis for treatment purposes – petition (P.128/2014) – comments. Presented: 8th September 2014. <i>Minister for Health and Social Services</i> .	P.128/2014. Com.
*	Cannabis: possession of cannabis for treatment purposes – petition (P.128/2014) – comments. Presented: 8th December 2014. Minister for Health and Social Services.	P.128/2014. Com.(2)

Draft Financial Services Commission (Amendment No. 6) (Jersey) Law 201-. P.151/2014.



	Draft Employment (Minimum Wage) (Amendment No. 11) (Jersey) Regulations 201	P.157/2014.
	Lodged: 21st October 2014. Minister for Social Security.	
	Draft Proceeds of Crime (Amendment – Financial Intelligence) (Jersey) Law 201 Lodged: 21st October 2014. <i>Chief Minister</i> .	P.158/2014.
	Draft Freedom of Information (Exemptions – Amendment of Law) (Jersey) Regulations 201 Lodged: 29th October 2014. Chief Minister.	P.162/2014.
	Draft Freedom of Information (Jersey) Law 2011 (Appointed Day) Act 201 Lodged: 23rd September 2014. <i>Chief Minister</i> .	P.153/2014.
	Council of Ministers' meetings: public access. Lodged: 3rd November 2014. Deputy M. Tadier of St. Brelade.	P.163/2014.
*	Council of Ministers' meetings: public access – comments. Presented: 8th December 2014. Council of Ministers.	P.163/2014. Com.
	Draft Air Navigation (Jersey) Law 2014 (Appointed Day) Act 201 Lodged: 11th November 2014. <i>Minister for External Relations</i> .	P.164/2014.
	Jersey Employment and Discrimination Tribunal: appointment of members. Lodged: 11th November 2014. Minister for Social Security.	P.165/2014.
	Planning Applications Panel: appointment of members. Lodged: 11th November 2014. Minister for Planning and Environment.	P.166/2014.
M.	ARRANGEMENT OF PUBLIC BUSINESS	
	20th January 2015	
	Gas Place: petition. Lodged: 24th September 2014. Connétable of St. Helier.	P.156/2014.
*	Draft Criminal Justice (Insane Persons) (Amendment) (Jersey) Law 201 Lodged: 27th October 2014. Chief Minister.	P.160/2014.
*	Jersey Arts Trust: re-appointment of Chairman. Lodged: 5th December 2014. Minister for Education, Sport and Culture.	P.167/2014.
*	Armed Forces Covenant and Community Covenant. Lodged: 9th December 2014. Minister for Home Affairs.	P.168/2014.



Draft Act annulling the Employment (Qualifying Period) (Jersey) Order 2014.
 Lodged: 9th December 2014.
 Deputy G.P. Southern of St. Helier.

★ Jersey Financial Services Commission: appointment of Commissioner.

Lodged: 9th December 2014.

Chief Minister.

P.170/2014.

M.N. DE LA HAYE, O.B.E. Greffier of the States

8th December 2014

Note -

An asterix * in the left-hand margin denotes either a new item added to this Order Paper since the principal Order Paper was published on 4th December 2014, or an item which has been moved or re-issued.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.196/2014.

This Order extends the qualifying period for protection against unfair dismissal from 26 weeks to 52 weeks where an employee commences employment on or after 1st January 2015.

The Order was made on 5th December 2014 and comes into force on 12th December 2014.

R&O.197/2014.

This Order uprates, by an average of 2.5%, fees chargeable under a variety of enactments relating to planning and the environment. Such fees were last increased by the Planning and Environment (2014 Fees) (Jersey) Order 2013.

Articles 1 to 6 are concerned with legislation relating to animal husbandry and welfare, and uprate fees chargeable under (respectively) the Artificial Insemination of Domestic Animals (Bovine Semen) (Jersey) Order 2008, the Animal Welfare (Licence Fee) (Jersey) Order 2008, Schedule 3 to the Dangerous Wild Animals (Jersey) Law 1999, the Schedule to the Endangered Species (CITES) (Fees) (Jersey) Order 2012, the Community Provisions (Bovine Embryos) (Fees) (Jersey) Order 2011, and the Community Provisions (Welfare of Animals during Transport) (Fees) (Jersey) Order 2014.

Article 7 uprates the fee chargeable under the High Hedges (Application Fee) (Jersey) Order 2008. Article 8 amends the Planning and Building (Fees) (Jersey) Order 2008: it replaces the tables prescribing fees in relation to certain proposed development, and proposed building work, in Schedules 1 and 2 to that Order respectively.

Article 9 replaces the table prescribing fees in Schedule 1 to the Waste Management (Jersey) Order 2008, and Article 10 uprates fees under the Water Resources (Charges) (Jersey) Order 2009.

Article 11 provides for the citation of this Order, and for its commencement on 1st January 2015 except for Articles 7 and 8 which will come into force on 12th January 2014.

The Order was made on 5th December 2014 and comes into force in accordance with Article 11.



APPOINTMENTS

(See Item F)

BRITISH-IRISH PARLIAMENTARY ASSEMBLY

Following the recent elections it is necessary to appoint a Member and an Associate Member to represent the States of Jersey on the British-Irish Parliamentary Assembly (BIPA). Deputy J.A.N. Le Fondré was appointed as Member during the term of the last States Assembly with former Senator A. Breckon as the Associate Member. The Associate Member is invited to attend meetings of BIPA if the Member is unavailable.

Nominations will firstly be invited from the floor at this meeting for the position of Member and each nomination will need to be seconded (Standing Order 102). If there is more than one nomination a secret ballot will be held. If no candidate receives a majority of votes cast in the ballot the candidate with the lowest number of votes will withdraw from the contest and a further secret ballot will be held. This process will be repeated as necessary until one candidate receives a majority of votes cast.

Nominations will then be invited from the floor for the position of Associate Member. The selection process will be identical to the process set out above.

Those appointed will remain in office until the 2018 elections.

BACKGROUND INFORMATION

Jersey was invited to join the British-Irish Inter-Parliamentary Body (as BIPA was known until 2008) in 2000 although Jersey's initial involvement was limited. The history of the Body, which can be seen on its website (www.britishirish.org) is as follows.

Prior to the late 1980s there had been relatively little contact between the Oireachtas (the collective name for the bicameral Irish Parliament) in Dublin and the Parliament at Westminster. Members of the two parliaments met each other occasionally at the Plenaries of the Inter-Parliamentary Union and the Council of Europe, and Clerks sometimes found themselves working together at inter-parliamentary assemblies, but there was very little in the way of bilateral relations between the two institutions.

The initial proposal for an inter-parliamentary forum (which arose from a Joint Studies Report made to the meeting of British and Irish Heads of Government in 1981 which suggested an East-West "parliamentary tier") was made in 1983 by Mr Peter Temple-Morris, MP for Leominster and Mr Jim Tunney TD, Leas Cheann-Comhairle (or Deputy Presiding Officer) of Dáil Éireann (the Lower House of the Oireachtas). But it was not until 1990 that the Body was established, at first under the auspices of the British and Irish Groups of the Inter-Parliamentary Union. It met for the first time at the House of Commons on 26th February 1990.

The aim of the Body from the outset was to promote mutual understanding and respect between Members of the two parliaments. Inevitably, much of the work of the Body since its inception has been set in the context of the situation in Northern Ireland and the various peace initiatives to bring an end to that conflict. Relations between the two Governments in London and Dublin are a crucial part of that process, and the Body has seen its role as providing support in those endeavours.

For the first 10 years of its life, the Body consisted of 25 Members from each parliament, with twenty Associate Members from each side who could replace Full Members either at Plenary sessions or at Committee meetings. The delegations were nominated with a view to maintaining balance between the various political parties. However, national representation has been relevant only for the purposes of the quorum and the tabling of certain motions and amendments; and there has never been an occasion on which the delegations voted along national lines. From its inception the ethos of the Body has been to act



as an organic whole; in the Plenary, for example, Members sit in alphabetical order rather than as delegations of their respective legislatures.

BIPA has changed quite radically since the constitutional changes in the United Kingdom in the late 1990s with the re-establishment of the Scottish Parliament and the creation of the National Assembly for Wales and the Northern Ireland Assembly. In addition the Belfast ('Good Friday') Agreement provided for a British-Irish Council which brings together senior politicians from Dublin, Westminster, the devolved institutions in Belfast, Cardiff and Edinburgh, and the three Crown Dependencies. Paragraph 11 of Strand 3 of the Agreement, on the subject of the British-Irish Council, states that 'the elected institutions of the members will be encouraged to develop inter-parliamentary links, perhaps building on the British-Irish Inter-Parliamentary Body'.

At the 22nd Plenary in Killarney in February 2001, the Body agreed to expand its membership

- the National Assembly for Wales, the Northern Ireland Assembly and the Scottish Parliament were each invited to nominate 5 Members and 4 Associate Members to the Body;
- the States of Guernsey, the States of Jersey and Tynwald were each invited to nominate one Member and one Associate:
- what used to be the Political Committee was redesignated "the Committee on Sovereign Matters" so that it could remain the preserve of Members from Westminster and the Oireachtas, while the other 3 Committees were expanded to include representatives from the new member institutions.

The running of the Body and the control of its business is in the hands of a Steering Committee consisting of 3 Members from Dublin, 3 from Westminster, and 3 from among the other participating institutions, led by the 2 Co-Chairmen, one from Westminster and one from Dublin. The 3 Crown Dependencies have one place on the Committee between them and this is filled on an annual rotation basis. Jersey has filled the Crown Dependency place on the Committee in 2014 and will next do so in 2017.

The Body is funded by grant-in-aid from the Treasury in London and the Department of Finance in Dublin. The day-to-day administration is carried out by the 2 Clerks, one from Dublin and one from Westminster, with assistance from several of their colleagues from both jurisdictions.

There are normally 2 Plenary sessions every year, of a day and a half or 2 days each, which provide a forum for the mutual exchange of views between parliamentarians. The practice to date has been to alternate Plenaries between Ireland and the UK (although one plenary was held in the Isle of Man in 2010) and they have usually been held at venues other than Dublin and London. Each Plenary has a Question Time at which a Minister from the host country answers Questions (of which notice is given in the Programme of Business) put by Members of both parliaments - which can lead to a Minister from one jurisdiction having to deal with extremely probing supplementaries from Members from the other. Apart from the Ministerial Statement and Questions, the main business is always a debate on a motion on Recent Political Developments. At first, those debates were held in private on the grounds that politicians from Ireland and Great Britain would feel inhibited about discussing sensitive issues with journalists in attendance. Once the Body found its feet, however, it became routine to hold all debates in public, even those on sensitive security issues; and a private sitting is now a very rare event - and then only to discuss domestic, organisational matters.

As noted above, the primary function of Plenary Sessions is to provide a forum for debate and the exchange of views, while the day-to-day work of the Body is carried out through its 4 Committees: Committee A deals with Sovereign (ie East-West) Matters, Committee B covers European Affairs, Committee C is concerned with Economic Affairs, and Committee D with Environmental and Social Affairs. Each Committee has a Chairman from one delegation and a Shadow Chairman from the other, so that the British and the Irish each have 2 full Chairmanships. They are supported by 4 Clerks from Westminster and, from the Irish side, 2 officers from the Department of Foreign Affairs. The Steering Committee assigns each full Member of the Body and each Associate to one of the 4 Committees,



normally by agreement with the person concerned, and with an eye both to party-political balance and equality of representation from the delegations. Jersey did not initially participate in Committee work but after his appointment in 2013 Deputy Le Fondré became a member of Committee C.

As stated above the total membership of the Body at present is –

- 25 members of the Oireachtas (plus up to 20 Associate members);
- 25 members of the UK Parliament (including peers) (plus up to 20 Associate members);
- 5 members of the National Assembly for Wales (plus up to 4 Associate members);
- 5 members of the Northern Ireland Assembly (plus up to 4 Associate members);
- 5 members of the Scottish Parliament (plus up to 4 Associate members);
- one member of Tynwald (plus one Associate member);
- one member of the States of Jersey (plus one Associate member);
- one member of the States of Guernsey (plus one Associate member).

In recent years Jersey has been represented by former Senator A. Breckon (2006 to 2012), the late Connétable D.J. Murphy of Grouville (2012 to 2013) and Deputy Le Fondré (2013 to date). All have attended Plenary sessions on a regular basis and have made useful contacts for the Island.

The cost of participation is not excessive with the only expense being the fares and hotel accommodation which are paid by each jurisdiction and not by the host. The External Relations Department has made an officer available to accompany Jersey's Member to recent plenary sessions and this has been done at the expense of that Department.