

THE STATES assembled on Tuesday 14th November 2017, at 09.30 a.m. under the Presidency of the Deputy Bailiff, Timothy John Le Cocq, Esquire.

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

Connétable Alan Simon Crowcroft of St. Helier – en défaut (défaut raised at 9.37 a.m.) Deputy Richard John Rondel of St. Helier – ill

Prayers

Subordinate enactments tabled

The following enactments were tabled, namely –

Food Safety (Eat Safe Rating) (Jersey) Order 2017. *Minister for the Environment.*

R&O.111/2017.

Road Traffic (St. Peter) (Amendment No. 9) (Jersey) Order 2017.

R&O.114/2017.

 ${\it Minister for Infrastructure}.$

Lodging Houses (General Provisions) (Amendment No. 22) (Jersey) Order 2017. *Minister for Housing*.

R&O.115/2017.

minister for housing.

EU Legislation (Sanctions – Ukraine) (Amendment No. 2) (Jersey) Order 2017. *Minister for External Relations*.

R&O.116/2017.

-

Documents presented

Health and Social Care System: a new governance model (P.60/2017) – amendment (P.60/2017 Amd.) – comments.

P.60/2017. Amd.Com.

Presented: 13th November 2017.

Minister for Health and Social Services.

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

P.68/2017. Com.

Presented: 14th November 2017. *Corporate Services Scrutiny Panel.*

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

P.84/2017. Com.

Presented: 13th November 2017.

Privileges and Procedures Committee.

Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment (P.84/2017) – second amendment (P.84/2017 Amd.(2)) – comments.

P.84/2017. Amd.(2).

Presented: 7th November 2017.

Com.

Chairmen's Committee.

P.84/2017. Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment (P.84/2017) – third amendment (P.84/2017 Amd.(3)) – amendment Amd.(3). (P.84/2017 Amd.(3)Amd.) – comments. Amd.Com. Presented: 13th November 2017. Privileges and Procedures Committee.

Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment P.84/2017. (P.84/2017) – fourth amendment (P.84/2017 Amd.(4)) – comments. Amd.(4). Presented: 13th November 2017. Com.

Privileges and Procedures Committee.

JT Group Limited: restructuring of enterprise (P.96/2017) – comments. P.96/2017. Presented: 13th November 2017. Com. Council of Ministers.

Land Transactions under Standing Order 168(3) –

R.120/2017.

- (a) acquisition of land at Silver Sands, La Grande Route de la Côte, St. Clement;
- (b) Beau Sejour, Mont Millais, St. Helier sale;
- (c) First and Second Floor, F.B. Playing Fields Main Pavilion, La Grande Route de St. Clement, St. Clement – lease.

Presented: 9th November 2017.

Minister for Infrastructure.

Legislative Scrutiny: proposals for further consideration. R.121/2017.

Presented: 14th November 2017.

Privileges and Procedures Committee.

Land Transactions under Standing Order 168(3) – Georgetown Car Park, La Route du R.122/2017. Fort, St. Saviour – lease.

Presented: 14th November 2017.

Minister for Infrastructure.

Notification of lodged propositions

Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment P.84/2017. (P.84/2017) – amendment (P.84/2017 Amd.) – amendment. Amd.Amd.

Lodged: 8th November 2017.

Senator P.F.C. Ozouf.

Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment P.84/2017. (P.84/2017) – third amendment (P.84/2017 Amd.(3)) – amendment. Amd.(3). Lodged: 9th November 2017. Amd.

Senator P.F.C. Ozouf.

Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment P.84/2017. (P.84/2017) – fourth amendment. Amd.(4)

Lodged: 9th November 2017.

Senator P.F.C. Ozouf.

Draft Budget Statement 2018 (P.90/2017): amendment. P.90/2017. Lodged: 14th November 2017. Amd. Connétable of St. Helier.

Draft Budget Statement 2018 (P.90/2017): second amendment.

Lodged: 14th November 2017.

Connétable of Grouville.

P.90/2017.

Amd.(2)

Draft Budget Statement 2018 (P.90/2017): third amendment.

P.90/2017.

Lodged: 14th November 2017.

Amd.(3)

Deputy S.Y. Mézec of St. Helier.

Draft Public Employees (Pensions) (Deferred Pensions, Transfer Payments and Refund of Contributions) (Miscellaneous Amendments) (Jersey) Regulations 201- (P.93/2017): Amd. amendment.

Lodged: 14th November 2017.

Chief Minister.

Draft Finance (2018 Budget) (Jersey) Law 201- (P.98/2017): amendment.

Lodged: 14th November 2017.

Connétable of St. Helier.

P.98/2017.

Amd.

Draft Public Finances (Amendment No. 5) (Jersey) Law 201-. P.111/2017.

Lodged: 7th November 2017.

Minister for Treasury and Resources.

Draft Connétables (Amendment No. 2) (Jersey) Law 201-. P.112/2017.

Lodged: 14th November 2017.

Privileges and Procedures Committee.

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 Connétables (Amendment No. 2) (Jersey) Law 201-. P.110/2017. Lodged: 31st October 2017, *Privileges and Procedures Committee*.

Written Questions

(see Official Report/Hansard)

- 1. The Chief Minister tabled an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding people contracted to work for the States.
- 1(585) 2. The Chief Minister tabled an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding work being undertaken with the Design Council.
- 1(586) 3. The Chief Minister tabled an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding the loan provided to Logfiller Limited from the Jersey Innovation Fund.
- 1(587) 4. The Minister for Health and Social Services tabled an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding the waiting-list for gastric bypass surgery.
- 1(588) 5. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding requests to use departmental underspends to reduce waiting-lists for gastric bypass surgery.

1(589) 6. The Minister for Health and Social Services tabled an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding the use of underspends to reduce waiting-lists for gastric bypass surgery.

- 1(590) 7. The Minister for Health and Social Services tabled an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding the manner in which his Department put children at the centre of its work.
- 1(591) 8. The Minister for the Environment tabled an answer to a question asked by the Deputy of Grouville regarding the public planning inquiry into the Future Hospital.
- 9. The Minister for Social Security tabled an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding projections for income yield from Social Security contributions.
- 1(593) 10. The Minister for Social Security tabled an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding the potential cost of extending the Maternity Allowance period.
- 11. The Minister for External Relations tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the Convention on the Elimination of all forms of Discrimination Against Women.
- 1(595) 12. The Chief Minister tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the appointment of women to judicial positions.
- 1(596) 13. The Chief Minister tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding his policy position in respect of legislation on smacking children.
- 1(597) 14. The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding nursing vacancies.
- 1(598) 15. The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. Ouen regarding the sale of apartments at College Gardens, Rouge Bouillon.
- 16. The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. Ouen regarding the sale of apartments at the proposed Horizon development in La Rue de l'Etau.
- 1(600) 17. The Minister for Health and Social Services tabled an answer to a question asked by the Deputy of St. Ouen regarding governance within the health and social care system.
- 1(601) 18. The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the review of the Social Security contributory system.
- 1(602) 19. The Chief Minister tabled an answer to a question asked by the Deputy of St. John regarding the cost of using U.K. Commissioners in the Royal Court.
- 1(603) 20. The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the recruitment and retention of staff.
- 1(604) 21. The Minister for Infrastructure tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding traffic safety around the Millennium Town Park.

Oral Questions

(see Official Report/Hansard)

1. Deputy M. Tadier of St. Brelade asked a question of the Chairman of the Privileges and Procedures Committee regarding the results of a Commonwealth Parliamentary Association benchmarking exercise completed in 2016.

- 1(615) 2. Deputy L.M.C. Doublet of St. Saviour asked a question of the Minister for Social Security regarding the latest part of the Social Security Review.
- 1(608) 3. The Connétable of St. Helier asked a question of the Minister for the Environment regarding the use of artificial fertiliser, herbicide and pesticide on Jersey fields.
- 1(613) 4. Deputy S.Y. Mézec of St. Helier asked a question of the Chief Minister regarding the introduction of a 'substance test' to assist Jersey in playing its part to prevent the operation of aggressive tax avoidance schemes.
- 1(611) 5. Deputy A.D. Lewis of St. Helier asked a question of the Minister for Infrastructure regarding commercial recycling facilities.
- 1(609) 6. Deputy M.R. Higgins of St. Helier asked a question of the Chief Minister regarding correspondence in respect of the prospective blacklisting by the European Union of Jersey as a financial services centre.
- 7. Deputy J.M. Maçon of St. Saviour asked a question of the Chief Minister regarding the making of an official statement on the response of the Council of Ministers to the recommendations of the Independent Jersey Care Inquiry.
- 1(606) 8. Deputy G.P. Southern of St. Helier asked a question of the Minister for Infrastructure regarding the Tunnell Street access to the Millennium Town Park.
- 9. Deputy M.R. Higgins of St. Helier asked a question of the Minister for Health and Social Services regarding complaints made by children or young people in Residential and Secure Services.
- 1(614) 10. Deputy M. Tadier of St. Brelade asked a question of the Minister for Treasury and Resources regarding the estimated annual gross income from the first completed building of the International Finance Centre.
- 1(605) 11. Deputy J.M. Maçon of St. Saviour asked a question of the Chairman of the States Employment Board regarding an independent review of the Serious Concerns Policy.
- 1(607) 12. Deputy G.P. Southern of St. Helier asked a question of the Chief Minister regarding the States' Workforce Modernisation programme.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for the Environment answered questions without notice from members.

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

Roll Call

During the period of questions without notice to the Minister for the Environment, the Deputy Bailiff, in accordance with Standing Order 56(1), directed that elected members be summoned as the Assembly was inquorate. In accordance with Standing Order 56(2), having allowed such time as he considered reasonable for elected members to return to the Chamber, the Deputy Bailiff asked the Greffier to call the roll, as he believed that the States remained inquorate.

The following members were present in the Chamber for this second roll call –

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator I.J. Gorst

Senator P.M. Bailhache

Connétable of St. Lawrence

Connétable of St. Mary

Connétable of St. Martin

Connétable of Grouville

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy J.A. Hilton (H)

Deputy of Trinity

Deputy K.C. Lewis (S)

Deputy J.M. Maçon (S)

Deputy of St. Martin

Deputy R.G. Bryans (H)

Deputy K.G. Bryans (II)

Deputy S.Y. Mézec (H) Deputy A.D. Lewis (H)

Deputy of St. Ouen

Deputy S.M. Wickenden (H)

Deputy S.M. Bree (C)

Deputy M.J. Norton (B)

Deputy T.A. McDonald (S)

Deputy of St. Mary

Deputy P.D. McLinton (S)

Arrangement of public business for the present meeting

THE STATES noted that Senator Sarah Craig Ferguson had informed the Greffier, in accordance with Standing Order 30(2), that her proposition entitled 'JT Group Limited: restructuring of enterprise' (P.96/2017) would be deferred from the present meeting to 16th January 2018.

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

THE STATES commenced consideration of a proposition of the Council of Ministers entitled 'Health and Social Care System: a new governance model' (P.60/2017) and adopted an amendment of the Health and Social Security Scrutiny Panel (P.60/2017 Amd.) that after the words "for a 3-year trial period", there should be inserted the words, "commencing no earlier than April 2018".

Members present voted as follows –

POUR: 34 CONTRE: 4 ABSTAIN: 0

Senator P.F. Routier Senator P.F.C. Ozouf Senator A.J.H. Maclean Senator I.J. Gorst Senator L.J. Farnham Senator A.K.F. Green Senator S.C. Ferguson Connétable of St. Clement Connétable of St. Peter Connétable of St. Lawrence

Deputy G.P. Southern (H) Deputy M. Tadier (B) Deputy S.Y. Mézec (H)

Deputy J.A. Martin (H)

Connétable of St. Ouen Connétable of St. Brelade

Connétable of St. Mary

Connétable of St. Martin

Connétable of St. Saviour Connétable of St. John

Connétable of Trinity

Deputy of Grouville Deputy of Trinity

Deputy K.C. Lewis (S)

Deputy J.M. Macon (S

Deputy J.M. Maçon (S) Deputy of St. Martin

Deputy R.G. Bryans (H)

Deputy of St. Peter

Deputy A.D. Lewis (H)

Deputy of St. Ouen

Deputy L.M.C. Doublet (S)

Deputy S.M. Wickenden (H)

Deputy S.M. Bree (C)

Deputy T.A. McDonald (S)

Deputy of St. Mary

Deputy G.J. Truscott (B)

Deputy P.D. McLinton (S)

THE STATES, resuming consideration of the proposition of the Council of Ministers, as amended, rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier that, in accordance with Standing Order 83(1)(a), the matter should be referred back to the Council of Ministers in order that further information relating to the proposition could be provided to the Assembly.

Members present voted as follows -

POUR: 24 CONTRE: 24 ABSTAIN: 0

Senator S.C. Ferguson Connétable of St. Helier Connétable of St. Lawrence Connétable of St. Mary Connétable of St. Saviour Connétable of Grouville Connétable of St. John Connétable of Trinity Deputy J.A. Martin (H) Deputy G.P. Southern (H) Senator P.F. Routier Senator P.F.C. Ozouf Senator A.J.H. Maclean Senator I.J. Gorst Senator L.J. Farnham Senator P.M. Bailhache Senator A.K.F. Green Connétable of St. Clement Connétable of St. Peter Connétable of St. Ouen

Deputy of Grouville Connétable of St. Brelade Deputy J.A.N. Le Fondré (L) Connétable of St. Martin Deputy K.C. Lewis (S) Deputy J.A. Hilton (H) Deputy M. Tadier (B) Deputy of Trinity Deputy E.J. Noel (L) Deputy of St. John Deputy M.R. Higgins (H) Deputy S.J. Pinel (C) Deputy J.M. Maçon (S) Deputy of St. Martin Deputy S.Y. Mézec (H) Deputy R.G. Bryans (H) Deputy L.M.C. Doublet (S) Deputy of St. Peter Deputy R. Labey (H) Deputy A.D. Lewis (H) Deputy S.M. Wickenden (H) Deputy of St. Ouen Deputy M.J. Norton (B) Deputy S.M. Bree (C) Deputy T.A. McDonald (S) Deputy of St. Mary Deputy G.J. Truscott (B) Deputy P.D. McLinton (S)

THE STATES noted that, as there was an equality of votes, the matter had been determined in the negative in accordance with Article 16(2) of the States of Jersey Law 2005.

THE STATES, resuming consideration of the proposition of the Council of Ministers, as amended, acceded to a request by the Minister for Health and Social Services, as rapporteur, in accordance with Standing Order 69(4), that the proposition be withdrawn.

Suspension of meeting

The Deputy Bailiff, during consideration of the proposition of the Council of Ministers entitled 'Health and Social Care System: a new governance model' (P.60/2017), suspended the meeting, in accordance with Standing Order 46, in order to allow time for H.M. Attorney General to consider questions which had been raised by the Assembly during the debate on the proposition.

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

THE STATES commenced consideration of the Draft Asian Infrastructure Investment Bank (Immunities and Privileges) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

POUR: 41 CONTRE: 6 ABSTAIN: 0

Senator P.F. Routier
Senator P.F.C. Ozouf
Senator A.J.H. Maclean
Senator I.J. Gorst
Senator L.J. Farnham
Senator P.M. Bailhache
Senator A.K.F. Green
Senator S.C. Ferguson
Connétable of St. Helier
Connétable of St. Clement
Connétable of St. Lawrence
Connétable of St. Mary
Connétable of St. Ouen
Connétable of St. Brelade

Connétable of St. Saviour Deputy G.P. Southern (H) Deputy M. Tadier (B) Deputy of St. John Deputy R. Labey (H) Deputy T.A. McDonald (S)

Connétable of St. Martin

Connétable of Grouville

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 M.R. Higgins (H)

Deputy J.M. Maçon (S)

Deputy S.J. Pinel (C)

Deputy of St. Martin

Deputy R.G. Bryans (H)

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 S.M. Wickenden (H)

Deputy S.M. Bree (C)

Deputy M.J. Norton (B)

Deputy of St. Mary

Deputy G.J. Truscott (B)

Deputy P.D. McLinton (S)

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 adopted Regulation 3.

Members present voted as follows -

POUR: 40 CONTRE: 7 ABSTAIN: 0

Senator P.F. Routier Senator P.F.C. Ozouf Senator A.J.H. Maclean Senator I.J. Gorst Senator L.J. Farnham Senator P.M. Bailhache

Senator A.K.F. Green

Senator S.C. Ferguson Connétable of St. Helier

Connétable of St. Clement

Connétable of St. Peter

Connetable 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 Trinity

Deputy J.A. Martin (H) Deputy of Grouville Deputy of St. John Deputy J.M. Maçon (S) Deputy R. Labey (H) Deputy T.A. McDonald (S)

Connétable of St. Saviour

Deputy G.P. Southern (H)

Deputy M. Tadier (B)

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 M.R. Higgins (H)

Deputy S.J. Pinel (C)

Deputy of St. Martin

Deputy R.G. Bryans (H)

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 S.M. Wickenden (H)

Deputy S.M. Bree (C)

Deputy M.J. Norton (B)

Deputy of St. Mary

Deputy G.J. Truscott (B)

Deputy P.D. McLinton (S)

THE STATES adopted Regulations 4 to 7.

THE STATES, in pursuance of Article 12 of the Privileges and Immunities (Diplomatic, Consular, etc.) (Jersey) Law 1998, made Regulations entitled the Asian Infrastructure Investment Bank (Immunities and Privileges) (Jersey) Regulations 2017.

Members present voted as follows –

POUR: 41 CONTRE: 6 ABSTAIN: 0

Senator P.F. Routier Senator P.F.C. Ozouf Senator A.J.H. Maclean Senator I.J. Gorst Senator L.J. Farnham

Senator P.M. Bailhache

Schatol 1.W. Dannache

Senator A.K.F. Green

Senator S.C. Ferguson

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 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)

Connétable of St. Saviour Deputy G.P. Southern (H) Deputy M. Tadier (B) Deputy of St. John Deputy R. Labey (H) Deputy T.A. McDonald (S)

Deputy M.R. Higgins (H)

Deputy J.M. Maçon (S)

Deputy S.J. Pinel (C)

Deputy of St. Martin

Deputy R.G. Bryans (H)

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 S.M. Wickenden (H)

Deputy S.M. Bree (C)

Deputy M.J. Norton (B)

Deputy of St. Mary

Deputy G.J. Truscott (B)

Deputy P.D. McLinton (S)

Changes in Presidency

The Deputy Bailiff retired from the Chamber during consideration of the Draft Asian Infrastructure Investment Bank (Immunities and Privileges) (Jersey) Regulations 201-, and the meeting continued under the presidency of Dr. Mark Egan, Greffier of the States.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 15th November 2017 to continue consideration of the outstanding items of public business.

THE STATES rose at 5.34 p.m.

L.-M. HART

Deputy Greffier of the States

Re-issue Note

These Minutes are re-issued to correct the page numbers, which were incorrect as originally published. The text of the Minutes is unchanged.