



**THE STATES assembled on Tuesday
14th March 2017, at 09.30 a.m. under
the Presidency of the Bailiff,
William James Bailhache, Esquire.**

**His Excellency the Lieutenant Governor,
Air Chief Marshall Sir Stephen Dalton, G.C.B., LL.D. (Hon.), D.Sc. (Hon.), B.Sc., F.R.Ae.S.,
C.C.M.I. was present.**

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

Connétable John Edward Le Maistre of Grouville – excused attendance (arrived in the Chamber at 2.18 p.m.)
Deputy Richard John Rondel of St. Helier – ill
Deputy Simon Muir Brée of St. Clement – en défaut

Prayers read by the Acting Dean of Jersey

Welcome to His Excellency the Lieutenant Governor

The Bailiff introduced Air Chief Marshall Sir Stephen Dalton, G.C.B., LL.D. (Hon.), D.Sc. (Hon.), B.Sc., F.R.Ae.S., C.C.M.I., the newly appointed Lieutenant Governor of Jersey, to the Assembly. Connétable Leonard Norman of St. Clement, Chairman of the Privileges and Procedures Committee, then welcomed His Excellency and Lady Dalton on behalf of all the members of the States, whereupon His Excellency replied accordingly.

Welcome to Distinguished Guests

The Bailiff, on behalf of all members, welcomed the distinguished guests who were present in the public galleries on the occasion of His Excellency the Lieutenant Governor's address to the Assembly, including Ms. Elaine Cobb, Head of the Crown Dependencies Team at the Ministry of Justice.

Welcome to the Acting Dean of Jersey

The Bailiff, on behalf of all members, welcomed to the States the Acting Dean of Jersey, Reverend Paul Brookes, who had recently been sworn into office until such time as a new Dean of Jersey had been appointed.

Deputy Louise Mary Catherine Doublet of St. Saviour – welcome back

The Bailiff, on behalf of all members, welcomed Deputy Louise Mary Catherine Doublet of St. Saviour back to the Assembly following a period of absence due to family reasons.

Adjournment

THE STATES, following the statements made by the Chairman of the Privileges and Procedures Committee and His Excellency the Lieutenant Governor, adjourned until 11.00 a.m.

Subordinate enactments tabled

The following enactments were tabled, namely –

Taxation (Agreements with European Union Member States) (Suspension and Termination of Agreement with Austria) (Jersey) Order 2017. <i>Minister for External Relations.</i>	R&O.23/2017.
Road Traffic (St. Mary) (Amendment No. 2) (Jersey) Order 2017. <i>Minister for Infrastructure.</i>	R&O.26/2017.
Companies (Transfers of Shares – Exemptions) (Amendment No. 3) (Jersey) Order 2017. <i>Chief Minister.</i>	R&O.27/2017.

Documents presented

Television Licence Fee: exemption for Jersey residents aged 75 and over (P.117/2016) – comments. Presented: 13th March 2017. <i>Chief Minister.</i>	P.117/2016. Com.
Funding for Family Nursing and Home Care services – petition (P.122/2016) – comments. Presented: 13th March 2017. <i>Minister for Health and Social Services.</i>	P.122/2016. Com.
Concessionary busfares for the disabled: costs to be met by the States (P.9/2017) – comments. Presented: 13th March 2017. <i>Minister for Infrastructure.</i>	P.9/2017. Com.
Electoral Reform (P.10/2017): comments. Presented: 13th March 2017. <i>Privileges and Procedures Committee.</i>	P.10/2017. Com.
Finance Law Delegation Report for the 6 month period ended 30th June 2016. Presented: 22nd February 2017. <i>Minister for Treasury and Resources.</i>	R.22/2017.
Land Transactions under Standing Order 168(3) – Howard Davis Park, Rose Garden Tea Room, St. Clement’s Road, St. Saviour – lease. Presented: 28th February 2017. <i>Minister for Infrastructure.</i>	R.23/2017.
Review of the lettings market in Jersey: call for evidence. Presented: 2nd March 2017. <i>Minister for Housing.</i>	R.24/2017.

Jersey Advisory and Conciliation Service: appointment of Board member. Presented: 6th March 2017. <i>Minister for Social Security.</i>	R.25/2017.
Director of Civil Aviation: Annual Report 2016. Presented: 14th March 2017. <i>Minister for External Relations.</i>	R.26/2017.
Health and Social Care Commission: appointment of Chairman. Presented: 14th March 2017. <i>Minister for Home Affairs.</i>	R.27/2017.
Public Lotteries: report for 2016. Presented: 14th March 2017. <i>Minister for Economic Development, Tourism, Sport and Culture.</i>	R.28/2017.
Service Users of Home Care. Presented: 27th February 2017. <i>Health and Social Security Scrutiny Panel.</i>	S.R.1/2017.

Notification of lodged propositions

Television Licence Fee: exemption for Jersey residents aged 75 and over (P.117/2016) – amendment. Lodged: 7th March 2017. <i>Deputy M. Tadier of St. Brelade.</i>	P.117/2016. Amd.
Electoral Reform (P.10/2017): amendment. Lodged: 27th February 2017. <i>Deputy J.M. Maçon of St. Saviour.</i>	P.10/2017. Amd.
Parish Rates: payment by the States of Jersey. Lodged: 21st February 2017. <i>Connétable of St. Helier.</i>	P.12/2017.
Draft Public Elections (Amendment of Law) (Jersey) Regulations 201-. Lodged: 21st February 2017. <i>Comité des Connétables.</i>	P.13/2017.
E-Petitions. Lodged: 1st March 2017. <i>Deputy S.M. Wickenden of St. Helier.</i>	P.14/2017.
Draft Public Finances (Amendment No. 5) (Jersey) Law 201-. Lodged: 7th March 2017. <i>Minister for Treasury and Resources.</i>	P.15/2017.
JT (Jersey) Limited: administrative charges. Lodged: 9th March 2017. <i>Deputy G.P. Southern of St. Helier.</i>	P.16/2017.
Draft Main Roads (Classification) (No. 29) (Jersey) Act 201-. Lodged: 13th March 2017. <i>Minister for Infrastructure.</i>	P.17/2017.

Draft States of Jersey (Amendment No. 9) Law 201-
Lodged: 14th March 2017.
Privileges and Procedures Committee.

P.18/2017.

Environment, Housing and Infrastructure Scrutiny Panel – appointment of member

In accordance with Standing Order 125(7) the Chairman of the Environment, Housing and Infrastructure Scrutiny Panel indicated that he wished to increase the size of the Panel to 4 members, including the Chairman, and nominated Deputy Montfort Tadier of St. Brelade as a member of the Panel.

There being no other nominations, the Bailiff declared that Deputy Montfort Tadier of St. Brelade had been duly appointed as a member of the Environment, Housing and Infrastructure Scrutiny Panel.

Written Questions

(see Official Report/Hansard)

- 1(140) 1. The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of Grouville regarding the desalination plant.
- 1(141) 2. The Minister for Education tabled an answer to a question asked by the Deputy of St. John regarding a review of early years education.
- 1(142) 3. The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of Grouville regarding development of the former Jersey College for Girls building.
- 1(143) 4. The Minister for Education tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the turnover of primary school teaching staff.
- 1(144) 5. The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the impact of rises in the Retail Prices Index on the disposable income of households reliant upon Income Support.
- 1(145) 6. The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding applications by employers for additional staff with registered and licensed status.
- 1(146) 7. The Chief Minister tabled an answer to a question asked by Deputy J.A. Hilton of St. Helier regarding the feeding of seagulls.
- 1(147) 8. The Minister for Health and Social Services tabled an answer to a question asked by Deputy J.A. Hilton of St. Helier regarding an independent audit of the Children's Service.
- 1(148) 9. The Minister for Social Security tabled an answer to a question asked by Deputy J.A. Hilton of St. Helier regarding Long-Term Incapacity Allowance.
- 1(149) 10. The Minister for Infrastructure tabled an answer to a question asked by Deputy J.A. Hilton of St. Helier regarding vacant residential property attached to Rouge Bouillon School.
- 1(150) 11. The Chief Minister tabled an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding legislation to allow for same-sex marriage.
- 1(151) 12. The Minister for Infrastructure tabled an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding gym facilities provided by the Department of Infrastructure for its workers.
- 1(152) 13. The Minister for Economic Development, Tourism, Sport and Culture tabled an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding the Jersey Aircraft Registry.

- 1(153) 14. The Minister for Social Security tabled an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding the cost of subsidising G.P. visits.
- 1(154) 15. The Minister for Education tabled an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding expenditure on student grants.
- 1(155) 16. The Chief Minister tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding complaints made to the Chief Minister and his Department regarding actions of the Planning Department.
- 1(156) 17. H.M. Attorney General tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the provision of records from the Department of Health and Social Services.
- 1(157) 18. The Minister for Health and Social Services tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding waiting times for people needing to see a consultant.
- 1(158) 19. H.M. Attorney General tabled an answer to a question asked by the Deputy of St. Ouen regarding the lawfulness of charges levied by telecommunications operators in Jersey.
- 1(159) 20. The Chief Minister tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the number of registration cards issued under the Control of Housing and Work (Jersey) Law 2012.
- 1(160) 21. The Chief Minister tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding economic inequality in Jersey.
- 1(161) 22. The Minister for Education tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding secondary school teachers in Jersey.
- 1(162) 23. The Minister for Social Security tabled an answer to a question asked by Deputy J.A. Hilton of St. Helier regarding the cost of Income Support.

Oral Questions

(see Official Report/Hansard)

- 1(163) 1. Deputy M. Tadier of St. Brelade asked a question of the Minister for Social Security regarding the impact of her Department's policies on households reliant upon Income Support.
- 1(137) 2. Deputy M.R. Higgins of St. Helier asked a question of H.M. Solicitor General regarding the responsibilities of H.M. Attorney General for prosecutions in the Island.
- 1(164) 3. Deputy G.P. Southern of St. Helier asked a question of the Minister for Education regarding changes in primary school teacher turnover rates and overall primary school staffing numbers.
- 1(138) 4. Deputy J.A. Martin of St. Helier asked a question of the Chairman of the Comité des Connétables regarding the management of elections for Deputies in the new districts recently agreed by the Assembly.
- 1(170) 5. Deputy S.Y. Mézec of St. Helier asked a question of the Minister for Housing regarding the prospect of banning letting agent fees.
- 1(166) 6. The Connétable of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding whether Ports of Jersey had entered into any leases with Jersey Gas as part of the relocation of the Island's gas supply infrastructure.

- 1(167) 7. The Connétable of St. Helier asked a question of the Minister for the Environment regarding his Department's policy in respect of the use of brownfield sites.
- 1(139) 8. Deputy J.A. Martin of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding operating losses of JT on its subsidy for senior citizens.
- 1(165) 9. Deputy G.P. Southern of St. Helier asked a question of the Minister for Health and Social Services regarding a service level agreement in respect of funding for Family Nursing and Home Care.
- 1(171) 10. Deputy L.M.C. Doublet of St. Saviour asked a question of the Chief Minister regarding the application of policies in States of Jersey work places to assist breastfeeding mothers in their return to work.
- 1(169) 11. Deputy M. Tadier of St. Brelade asked a question of the Chief Minister regarding Senator A.J.H. Maclean and Senator L.J. Farnham and their positions as Ministers following the publication of 'Jersey Innovation Fund' (R.3/2017).
- 1(172) 12. Deputy L.M.C. Doublet of St. Saviour asked a question of the Minister for Social Security regarding the progress of consultation undertaken by the Employment Forum on family-friendly legislation and policies.
- 1(168) 13. Deputy M.R. Higgins of St. Helier asked a question of H.M. Solicitor General regarding the actions that would be taken against a States Department in instances where criminal charges had been brought in the Magistrate's Court without the knowledge, consent or assistance of the Law Officers' Department.

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.

Urgent Oral Questions

(see Official Report/Hansard)

Deputy Jacqueline Ann Hilton of St. Helier asked the following question of the Chief Minister which the Bailiff had allowed in accordance with Standing Order 15 relating to urgent oral questions –

“Given the Independent Jersey Care Inquiry has announced there will be another delay in the publication of its report, will the Chief Minister inform members what information he has about the delay and when he is expecting the report to be published; and will he confirm whether the Chief Minister's Department has been in dialogue with the committee of inquiry?”

Deputy Russell Labey of St. Helier asked the following question of the Minister for External Relations which the Bailiff had allowed in accordance with Standing Order 15 relating to urgent oral questions –

“Given that 'External Relations: Common Policy' (R.86/2015) states “*that it is not Government policy to seek independence from the United Kingdom*” – and if the Minister for External Relations was accurately quoted in Saturday's Jersey Evening Post – what discussions have taken place both within the Council of Ministers and with the U.K. Government to use the Brexit negotiations as an opportunity to pursue a policy of greater independence?”

Arrangement of public business for the present meeting

THE STATES noted that Deputy Montfort Tadier of St. Brelade had informed the Greffier, in accordance with Standing Order 30(2), that his proposition entitled ‘Television Licence Fee: exemption of Jersey residents aged 75 and over’ (P.117/2016) would be deferred from the present meeting to 28th March 2017.

Funding for Family Nursing and Home Care services – petition P.122/2016

THE STATES commenced consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier entitled ‘Funding for Family Nursing and Home Care services – petition’ (P.122/2016) and, noting that 2,026 petitioners had signed a petition for which the Jersey Branch of Unite the Union was responsible, requested the Minister for Health and Social Services to maintain the present funding for Family Nursing and Home Care services until a funding-stream through the Long-Term Care (LTC) Fund and Income Support Personal Care level 4 component was approved by the Assembly and put in place to cater for potential demand.

Members present voted as follows –

POUR: 37**CONTRE: 0****ABSTAIN: 0**

Senator P.F. Routier
 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
 Connétable of St. Lawrence
 Connétable of St. Ouen
 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 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 of St. Ouen
 Deputy L.M.C. Doublet (S)
 Deputy R. Labey (H)
 Deputy T.A. McDonald (S)

Deputy of St. Mary
 Deputy G.J. Truscott (B)
 Deputy P.D. McLinton (S)

Draft Criminal Justice (Compensation Orders) (Amendment No. 3) (Jersey) Law 201- P.2/2017

THE STATES commenced consideration of the Draft Criminal Justice (Compensation Orders) (Amendment No. 3) (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 3.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Criminal Justice (Compensation Orders) (Amendment No. 3) (Jersey) Law 201-.

Draft Water Pollution (Amendment No. 3) (Jersey) Law 201- P.3/2017

THE STATES commenced consideration of the Draft Water Pollution (Amendment No. 3) (Jersey) Law 201- and adopted the principles.

Members present voted as follows –

POUR: 39

Senator P.F. Routier
 Senator A.J.H. Maclean
 Senator L.J. Farnham
 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 St. Saviour
 Connétable of Grouville
 Connétable of St. John
 Connétable of Trinity
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 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 R.G. Bryans (H)

CONTRE: 2

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

ABSTAIN: 0

Deputy of St. Peter
 Deputy A.D. Lewis (H)
 Deputy of St. Ouen
 Deputy L.M.C. Doublet (S)
 Deputy M.J. Norton (B)
 Deputy T.A. McDonald (S)
 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 Articles 1 to 9.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Water Pollution (Amendment No. 3) (Jersey) Law 201-.

Members present voted as follows –

POUR: 40**CONTRE: 2****ABSTAIN: 0**

Senator P.F. Routier
 Senator A.J.H. Maclean
 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
 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 G.P. Southern (H)
 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 R.G. Bryans (H)
 Deputy of St. Peter
 Deputy A.D. Lewis (H)
 Deputy of St. Ouen
 Deputy L.M.C. Doublet (S)
 Deputy M.J. Norton (B)

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

Deputy T.A. McDonald (S)
 Deputy of St. Mary
 Deputy G.J. Truscott (B)
 Deputy P.D. McLinton (S)

Draft Income Support (Amendment No. 2) (Jersey) Law 201- P.5/2017

THE STATES commenced consideration of the Draft Income Support (Amendment No. 2) (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 4.

Unavailability of electronic voting system

The electronic voting system being unavailable, members were informed that, in accordance with the provisions of Standing Order 93, any recorded voting required be undertaken for the remainder of the meeting by roll call votes.

Draft Income Support (Amendment No. 2) (Jersey) Law 201- P.5/2017

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Income Support (Amendment No. 2) (Jersey) Law 201-.

Members present voted as follows –

POUR: 42

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A.J.H. Maclean
 Senator L.J. Farnham
 Senator P.M. Bailhache
 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 St. Saviour
 Connétable of Grouville
 Connétable of St. John
 Connétable of Trinity
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)

CONTRE: 1

Senator S.C. Ferguson

ABSTAIN: 0

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 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 R. Labey (H)
Deputy M.J. Norton (B)
Deputy T.A. McDonald (S)
Deputy of St. Mary
Deputy G.J. Truscott (B)
Deputy P.D. McLinton (S)

States of Jersey Complaints Panel: re-appointment of members P.8/2017

THE STATES commenced consideration of a proposition of the Privileges and Procedures Committee entitled ‘States of Jersey Complaints Panel: re-appointment of members’ (P.87/2017) and, in accordance with Article 5(2) of the Administrative Decisions (Review) (Jersey) Law 1982, re-appointed the following persons as members of the States of Jersey Complaints Panel, from whom members of Complaints Boards could be drawn, for a period of 5 years –

Mrs. Janice Eden
Mr. John Moulin.

Adjournment

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

THE STATES rose at 4.56 p.m.

DR. M. EGAN

Greffier of the States