



**THE STATES assembled on Tuesday
26th February 2019, 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 –

Senator Sarah Craig Ferguson – en défaut (défaut raised at 9.40 a.m.)
Connétable Deidre Wendy Mezbourian of St. Lawrence – excused attendance
Connétable Sadie Anthea Le Sueur-Rennard of St. Saviour – excused attendance (arrived in the Chamber at 10.35 a.m.)
Deputy Carolyn Fiona Labey of Grouville – en défaut (défaut raised at 9.40 a.m.)

Prayers

Commonwealth Parliamentary Association – Jersey Branch: Annual General Meeting

The Deputy Bailiff advised members that the Annual General Meeting of the Jersey Branch of the Commonwealth Parliamentary Association would take place at 5.45 p.m. that day in the States Chamber.

Subordinate enactments tabled

The following enactments were tabled, namely –

Road Traffic (Public Parking Places – Charges) (Amendment No. 3) (Jersey) Order 2019. <i>Minister for Infrastructure.</i>	R&O.13/2019.
Road Traffic (Speed Limits) (Amendment No. 11) (Jersey) Order 2019. <i>Minister for Infrastructure.</i>	R&O.14/2019.

Documents presented

Public Elections (Expenditure and Donations) (Jersey) Law 2014: proposed amendments (P.6/2019) comments. Presented: 21st February 2019. <i>Privileges and Procedures Committee.</i>	P.6/2019. Com.
Public Elections (Expenditure and Donations) (Jersey) Law 2014: proposed review (P.7/2019) comments. Presented: 21st February 2019. <i>Privileges and Procedures Committee.</i>	P.7/2019. Com.
Draft Revenue Administration (Jersey) Law 201- (P.122/2018): amendment (P.122/2018 Amd.) – comments. Presented: 25th February 2019. <i>Minister for Treasury and Resources.</i>	P.122/2018. Amd.Com.

States of Jersey Complaints Board: findings – complaint by Mr. B. Huda against the Minister for Health and Social Services regarding an unresolved complaint and allegations of racism (R.148/2018) – response of the Minister for Health and Social Services (R.148/2018 Res.) – response of the Complaints Board. Presented: 12th February 2019. <i>Privileges and Procedures Committee.</i>	R.148/2018. Res.Res.
Arm’s Length Organisations – Visit Jersey (R.149/2018) – Executive responses. Presented: 19th February 2019. <i>Public Accounts Committee.</i>	R.149/2018. Res.
Review of Jersey Electricity’s Proposed Standby Charge for Commercial Embedded Generators (NERA report for the Department of the Environment). Presented: 18th February 2019. <i>Minister for the Environment.</i>	R.15/2019.
Land Transactions under Standing Order 168(3) – Goose Green Marsh Car Park – Co-op Beaumont Development, St. Peter. Presented: 18th February 2019. <i>Minister for Infrastructure.</i>	R.16/2019. (re-issue)
Jersey Advisory and Conciliation Service: Annual Report 2018. Presented: 20th February 2019. <i>Minister for Social Security.</i>	R.17/2019.
Land Transactions under Standing Order 168(3) – acquisition of land at “Jocelyn”, La Grande Route de la Côte, St. Clement. Presented: 26th February 2019. <i>Minister for Infrastructure.</i>	R.18/2019.
Draft Revenue Administration (Jersey) Law. Presented: 22nd February 2019. <i>Corporate Services Scrutiny Panel.</i>	S.R.3/2019.
Retail in Jersey (S.R.18/2018): response of the Minister for Economic Development, Tourism, Sport and Culture. Presented: 19th February 2019. <i>Minister for Economic Development, Tourism, Sport and Culture.</i>	S.R.18/2018. Res.(2)

Notification of lodged propositions

Draft European Union (Financial Services – Miscellaneous Amendments) (Jersey) Regulations 201- (P.11/2019): amendment. Lodged: 26th February 2019. <i>Minister for External Relations.</i>	P.11/2019. Amd.
Jersey Law Revision Board: appointment of member. Lodged: 15th February 2019. <i>Chief Minister.</i>	P.19/2019.
Consolidated Fund: increase in States expenditure in 2019. Lodged: 15th February 2019. <i>Deputy G.P. Southern of St. Helier.</i>	P.20/2019.

Draft Explosives (Amendment) (Jersey) Law 201-. Lodged: 18th February 2019. <i>Minister for Home Affairs.</i>	P.21/2019.
Rate Appeal Board: re-appointment of members. Lodged: 19th February 2019. <i>Minister for Treasury and Resources.</i>	P.22/2019.
Draft Access to Justice (Jersey) Law 201-. Lodged: 25th February 2019. <i>Chief Minister.</i>	P.23/2019.
Justice and Home Affairs: cessation of restructure. Lodged: 26th February 2019. <i>Deputy of St. John.</i>	P.24/2019.
Investment Appraisal Board: 2 week notice period. Lodged: 26th February 2019. <i>Deputy J.M. Maçon of St. Saviour.</i>	P.25/2019.

Planning Committee – appointment of member

In accordance with Standing Order 125A(7) the Chairman of the Planning Committee nominated Deputy Kirsten Francis Morel of St. Lawrence as a member of the Planning Committee.

There being no other nominations, the Deputy Bailiff declared that Deputy Kirsten Francis Morel of St. Lawrence had been duly appointed as a member of the Planning Committee.

Written Questions

(see Official Report/Hansard)

- WQ.104/2019** 1. The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. Peter regarding the Ville du Manoir housing project.
- WQ.105/2019** 2. The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. Peter regarding the Income Tax paid by High Value Residents.
- WQ.107/2019** 3. The Minister for Infrastructure tabled an answer to a question asked by the Deputy of St. Peter regarding legal representation used by the Future Hospital team.
- WQ.108/2019** 4. H.M. Attorney General tabled an answer to a question asked by the Connétable of St. Lawrence regarding the impact of the proposed Justice and Home Affairs Target Operating Model.
- WQ.109/2019** 5. The Minister for Home Affairs tabled an answer to a question asked by the Connétable of St. Lawrence regarding consultation with the Jersey Police Authority during development of the proposed Justice and Home Affairs Target Operating Model.
- WQ.110/2019** 6. The Minister for Home Affairs tabled an answer to a question asked by the Connétable of St. Lawrence regarding the development of the proposed Justice and Home Affairs Target Operating Model.

- WQ.111/2019** 7. The Minister for the Environment tabled an answer to a question asked by Deputy R.J. Ward of St. Helier regarding the prospect of a commitment that Jersey should become a carbon-neutral, or carbon-negative, Island.
- WQ.112/2019** 8. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy R.J. Ward of St. Helier regarding property sales in respect of the Waterfront development.
- WQ.113/2019** 9. The Minister for Education tabled an answer to a question asked by Deputy R.J. Ward of St. Helier regarding expenditure on consultants and external advisers.
- WQ.114/2019** 10. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy K.G. Pamplin of St. Saviour regarding the cost of rebranding the executive branch of the machinery of government as the Government of Jersey.
- WQ.115/2019** 11. The Minister for Health and Social Services tabled an answer to a question asked by Deputy K.G. Pamplin of St. Saviour regarding the maintenance costs of medical facilities, excluding the Jersey General Hospital.
- WQ.116/2019** 12. H.M. Attorney General tabled an answer to a question asked by Deputy K.G. Pamplin of St. Saviour regarding the Sexual Offences (Jersey) Law 2018.
- WQ.117/2019** 13. The Minister for Home Affairs tabled an answer to a question asked by Deputy K.G. Pamplin of St. Saviour regarding the policing costs in relation to Jersey's 'high-demand families'.
- WQ.118/2019** 14. The Chairman of the States Employment Board tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the use of fixed-term contracts, zero-hours agreements and agency workers in the public sector.
- WQ.119/2019** 15. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the funding bids submitted by the Jersey Arts Centre and the Jersey Opera House.
- WQ.120/2019** 16. The Minister for Social Security tabled an answer to a question asked by Deputy K.F. Morel of St. Lawrence regarding consultation undertaken by the Employment Forum on legislation relating to parental leave.
- WQ.121/2019** 17. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the price comparison between the services offered by Jersey Post and its counterparts in other jurisdictions.
- WQ.122/2019** 18. The Minister for Health and Social Services tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding policy in respect of patients diagnosed with dementia.
- WQ.123/2019** 19. The Minister for Health and Social Services tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the Department's policy in relation to long-term health conditions.
- WQ.124/2019** 20. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the payment of fees under Regulation of Care legislation.
- WQ.125/2019** 21. The Minister for Health and Social Services tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding diagnoses of autism.
- WQ.126/2019** 22. The Minister for Health and Social Services tabled an answer to a question asked by Deputy K.G. Pamplin of St. Saviour regarding diagnoses of patients with brain tumours.

Oral Questions*(see Official Report/Hansard)*

- OQ.52/2019** 1. Deputy K.G. Pamplin of St. Saviour asked a question of the Minister for Health and Social Services regarding the investigation of the Council of Ministers into end-of-life choices in Jersey.
- OQ.46/2019** 2. Deputy K.F. Morel of St. Lawrence asked a question of the Minister for Economic Development, Tourism, Sport and Culture regarding the rate of inflation in the Island and its impact on Jersey's economy.
- OQ.50/2019** 3. Deputy G.P. Southern of St. Helier asked a question of the Chairman of the States Employment Board regarding the use of zero-hours contracts in the public sector.
- OQ.47/2019** 4. Deputy R.J. Ward of St. Helier asked a question of the Chairman of the States Employment Board regarding the pay dispute with public sector workers.
- OQ.54/2019** 5. The Connétable of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding the delivery of purpose-built youth facilities in the north of St. Helier.
- OQ.55/2019** 6. The Connétable of St. Helier asked a question of the Minister for Infrastructure regarding the proposed merging of Liberation Square with Weighbridge Place.
- OQ.53/2019** 7. Deputy K.G. Pamplin of St. Saviour asked a question of the Chief Minister regarding the Government's response to reviews which had been commissioned by the Jersey Safeguarding Partnership Board.
- OQ.49/2019** 8. Deputy R.J. Ward of St. Helier asked a question of the Minister for Education regarding the Minister's policy position in respect of industrial action taken by members of the teaching profession over pay.
- OQ.48/2019** 9. Deputy K.F. Morel of St. Lawrence asked a question of the Minister for Social Security regarding the consultation undertaken in preparation of the Draft Employment (Amendment No. 11) (Jersey) Law 201- (P.17/2019).
- OQ.51/2019** 10. Deputy G.P. Southern of St. Helier asked a question of the Minister for Education regarding the prospect of vacancies for specialist secondary school teachers remaining unfilled in the new academic year.

Oral Questions without notice*(see Official Report/Hansard)*

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

The Chief Minister answered questions without notice from members.

Draft Revenue Administration (Jersey) Law 201- P.122/2018

THE STATES commenced consideration of the Draft Revenue Administration (Jersey) Law 201-.

THE STATES, adopting a proposition of Deputy Montfort Tadier of St. Brelade, agreed that, in accordance with Standing Order 83(1)(a), the matter should be referred back to the Minister for Treasury and Resources in order for further information relating to the proposition to be provided to the Assembly.

Members present voted as follows –

POUR: 21

Senator T.A. Vallois
 Connétable of St. Saviour
 Connétable of St. Brelade
 Connétable of Grouville
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. Martin
 Deputy M. Tadier (B)
 Deputy L.M.C. Doublet (S)
 Deputy R. Labey (H)
 Deputy S.M. Wickenden (H)
 Deputy G.J. Truscott (B)
 Deputy J.H. Young (B)
 Deputy K.F. Morel (L)
 Deputy of St. Peter
 Deputy of St. John
 Deputy M.R. Le Hegarat (H)
 Deputy S.M. Ahier (H)
 Deputy R.J. Ward (H)
 Deputy C.S. Alves (H)
 Deputy K.G. Pamplin (S)

CONTRE: 19

Senator L.J. Farnham
 Senator S.C. Ferguson
 Senator J.A.N. Le Fondré
 Senator K.L. Moore
 Senator S.W. Pallett
 Connétable of St. John
 Connétable of Trinity
 Connétable of St. Ouen
 Deputy J.A. Martin (H)
 Deputy of Grouville
 Deputy K.C. Lewis (S)
 Deputy J.M. Maçon (S)
 Deputy S.J. Pinel (C)
 Deputy of St. Ouen
 Deputy of St. Mary
 Deputy L.B.E. Ash (C)
 Deputy G.C.U. Guida (L)
 Deputy of Trinity
 Deputy J.H. Perchard (S)

ABSTAIN: 0**Public Elections (Expenditure and Donations) (Jersey) Law 2014: proposed amendments P.6/2019**

THE STATES commenced consideration of a proposition of Deputy John Hilary Young of St. Brelade entitled ‘Public Elections (Expenditure and Donations) (Jersey) Law 2014: proposed amendments’ (P.6/2019) and, adopting the proposition, requested the Privileges and Procedures Committee to bring forward for debate the necessary legislative changes to the Public Elections (Expenditure and Donations) (Jersey) Law 2014 to require the publication of candidates’ statutory declarations of election expenses on an appropriate public website after the expiry of the statutory period for such declarations, providing sufficient detail of the expenses declared.

Members present voted as follows –

POUR: 41

Senator I.J. Gorst
 Senator L.J. Farnham
 Senator J.A.N. Le Fondré
 Senator T.A. Vallois
 Senator K.L. Moore
 Senator S.W. Pallett
 Senator S.Y. Mézec
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Saviour
 Connétable of St. Brelade
 Connétable of Grouville
 Connétable of St. John
 Connétable of Trinity

CONTRE: 0**ABSTAIN: 2**

Deputy S.M. Wickenden (H)
 Deputy of Trinity

Connétable of St. Peter
Connétable of St. Mary
Connétable of St. Ouen
Connétable of St. Martin
Deputy J.A. Martin (H)
Deputy of Grouville
Deputy K.C. Lewis (S)
Deputy M. Tadier (B)
Deputy M.R. Higgins (H)
Deputy J.M. Maçon (S)
Deputy of St. Ouen
Deputy L.M.C. Doublet (S)
Deputy R. Labey (H)
Deputy of St. Mary
Deputy G.J. Truscott (B)
Deputy J.H. Young (B)
Deputy L.B.E. Ash (C)
Deputy K.F. Morel (L)
Deputy G.C.U. Guida (L)
Deputy of St. Peter
Deputy of St. John
Deputy M.R. Le Hegarat (H)
Deputy S.M. Ahier (H)
Deputy J.H. Perchard (S)
Deputy R.J. Ward (H)
Deputy C.S. Alves (H)
Deputy K.G. Pamplin (S)

Public Elections (Expenditure and Donations) (Jersey) Law 2014: proposed review P.7/2019

THE STATES commenced consideration of a proposition of Deputy Jeremy Martin Maçon of St. Saviour entitled ‘Public Elections (Expenditure and Donations) (Jersey) Law 2014: proposed review’ (P.7/2019) and, adopting an amendment of Deputy Judith Ann Martin of St. Helier (P.7/2019 Amd.), agreed that, in paragraph (1), after paragraph (d) there should be inserted the following new paragraph –

“(e) ensuring that all candidates make a declaration, even if elected unopposed;”,

and that the remaining paragraphs should be renumbered accordingly.

THE STATES resumed consideration of the proposition of Deputy Jeremy Martin Maçon of St. Saviour, as amended, and, adopting the proposition, requested the Privileges and Procedures Committee to –

- (1) undertake, as part of its current work responding to the report of the election observers, a review of the Public Elections (Expenditure and Donations) (Jersey) Law 2014 and how it had been implemented, focusing in particular on –
 - (a) introducing a process for confirmation to candidates that a declaration of expenditure had been submitted;
 - (b) introducing a validation process, by which candidates had an opportunity to correct any errors in their declaration;
 - (c) ensuring that candidates were reminded of the deadline for submitting their declaration at least 5 working days before the deadline to do so;

- (d) extending the ‘reasonable steps’ defence in Article 15 of the Law so that it encompassed illness (mental and physical), bereavement, and absence or incapacity due to medical treatment;
 - (e) ensuring that all candidates made a declaration, even if elected unopposed;
 - (f) introducing a means by which political parties could declare their election costs; and
 - (g) assessing the merits of extending the deadline of 15 working days for the submission of expenditure declarations, under Article 6 of the Law; and
- (2) consult on any recommendations arising from this review; and
- (3) bring forward amendments to the Public Elections (Expenditure and Donations) (Jersey) Law 2014 (and other legislation as necessary) to implement any recommendations arising from this review and to amend references within the Law to “election expenses” to “election costs”, in time for such changes to be enacted no later than the end of 2020.

Members present voted as follows –

POUR: 43

CONTRE: 0

ABSTAIN: 2

Senator I.J. Gorst
 Senator L.J. Farnham
 Senator J.A.N. Le Fondré
 Senator T.A. Vallois
 Senator K.L. Moore
 Senator S.W. Pallett
 Senator S.Y. Mézec
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Saviour
 Connétable of St. Brelade
 Connétable of Grouville
 Connétable of St. John
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Martin
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy S.J. Pinel (C)
 Deputy of St. Ouen
 Deputy L.M.C. Doublet (S)
 Deputy R. Labey (H)
 Deputy of St. Mary
 Deputy G.J. Truscott (B)
 Deputy J.H. Young (B)
 Deputy L.B.E. Ash (C)
 Deputy K.F. Morel (L)

Deputy S.M. Wickenden (H)
 Deputy of Trinity

Deputy G.C.U. Guida (L)
 Deputy of St. Peter
 Deputy of St. John
 Deputy M.R. Le Hegarat (H)
 Deputy S.M. Ahier (H)
 Deputy J.H. Perchard (S)
 Deputy R.J. Ward (H)
 Deputy C.S. Alves (H)
 Deputy K.G. Pamplin (S)

Arrangement of public business for future meetings

THE STATES agreed the following arrangement of public business for future meetings proposed, as amended, by the Chairman of the Privileges and Procedures Committee in accordance with the provisions of Standing Order 88(3) –

12th March 2019

States Assembly Diversity Forum: establishment. Lodged: 5th November 2018. <i>Deputy L.M.C. Doublet of St. Saviour.</i>	P.135/2018.
Draft European Union (United Kingdom Exit – Animal Health and Welfare) (Jersey) Regulations 201-. Lodged: 28th January 2019. <i>Minister for the Environment.</i>	P.9/2019.
Draft European Union (Amendment – Withdrawal Agreement) (Jersey) Regulations 201-. Lodged: 28th January 2019. <i>Minister for External Relations.</i>	P.10/2019.
Draft European Union (Financial Services – Miscellaneous Amendments) (Jersey) Regulations 201-. Lodged: 28th January 2019. <i>Chief Minister.</i>	P.11/2019.
Draft European Union (Financial Services – Miscellaneous Amendments) (Jersey) Regulations 201- (P.11/2019): amendment. Lodged: 26th February 2019. <i>Minister for External Relations.</i>	P.11/2019. Amd.
Draft Immigration (Relevant Biometric Information) (Jersey) Regulations 201-. Lodged: 29th January 2019. <i>Minister for Home Affairs.</i>	P.12/2019.
Island Plan (revised) 2011: site to be rezoned for Category A housing – Field 632 and part of Field 559, La Route du Manoir, St. Peter. Lodged: 8th February 2019. <i>Connétable of St. Peter.</i>	P.13/2019.
‘Rental price caps law to limit rental prices to reasonable rents’ (e-petition) <i>(Consideration in-Committee)</i>	

26th March 2019

Draft European Union (Wines, Spirits, Milk and Dairies – Savings) (Jersey) Regulations 201-. P.14/2019.
Lodged: 11th February 2019.
Minister for External Relations.

Draft European Union (United Kingdom Exit – Alternative Investment Funds) (Jersey) Regulations 201-. P.15/2019.
Lodged: 11th February 2019.
Minister for External Relations.

Draft Restriction on Smoking (Warning Notices) (Amendment for UK Exit from EU) (Jersey) Regulations 201-. P.16/2019.
Lodged: 11th February 2019. (re-issue)
Minister for Health and Social Services.

Draft Employment (Amendment No. 11) (Jersey) Law 201-. P.17/2019.
Lodged: 12th February 2019.
Minister for Social Security.

Draft Commissioner for Children and Young People (Jersey) Law 201-. P.18/2019.
Lodged: 12th February 2019.
Minister for Children and Housing.

Jersey Law Revision Board: appointment of member. P.19/2019.
Lodged: 15th February 2019.
Chief Minister.

Consolidated Fund: increase in States expenditure in 2019. P.20/2019.
Lodged: 15th February 2019.
Deputy G.P. Southern of St. Helier.

Rate Appeal Board: re-appointment of members. P.22/2019.
Lodged: 19th February 2019.
Minister for Treasury and Resources.

Justice and Home Affairs: cessation of restructure. P.24/2019.
Lodged: 26th February 2019.
Deputy of St. John.

Investment Appraisal Board: 2 week notice period. P.25/2019.
Lodged: 26th February 2019.
Deputy J.M. Maçon of St. Saviour.

30th April 2019

Draft Explosives (Amendment) (Jersey) Law 201-. P.21/2019.
Lodged: 18th February 2019.
Minister for Home Affairs.

Draft Access to Justice (Jersey) Law 201-. P.23/2019.
Lodged: 25th February 2019.
Chief Minister.

Mr. Peter Monamy – farewell

The Deputy Bailiff, on behalf of all members, extended the Assembly's appreciation and best wishes to Mr. Peter Monamy, Senior Committee Clerk, on the occasion of his retirement after 42 years working for the States Greffe.

THE STATES rose at 2.55 p.m.

L.-M. HART

Deputy Greffier of the States