

THE STATES assembled on Friday 16th September 2011, at 09.30 a.m. under the Presidency of the Bailiff, Michael Cameron St. John Birt Esquire.

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

Senator Terence John Le Main – en défaut

Senator Frederick Ellver Cohen – en défaut (défaut raised at 10.30 a.m.)

Senator James Leslie Perchard – en défaut

Senator Alan John Henry Maclean – en défaut (défaut raised at 9.40 a.m.)

Connétable Daniel Joseph Murphy of Grouville – excused attendance

Connétable Graeme Frank Butcher of St. John - ill

Deputy Judith Ann Martin of St. Helier – en défaut (défaut raised at 9.37 a.m.)

Deputy Jacqueline Ann Hilton of St. Helier – ill

Deputy Shona Pitman of St. Helier – en défaut (défaut raised at 9.37 a.m.)

Deputy Daniel John Arabin Wimberley of St. Mary – en défaut (défaut raised at 11.10 a.m.)

Deputy Trevor Mark Pitman of St. Helier – en défaut (défaut raised at 9.40 a.m.)

Prayers read by the Greffier of the States

Royal Wedding Jersey Charity Appeal

The Bailiff advised the Assembly that the Royal Wedding Jersey Charity Appeal (launched on the occasion of the marriage of H.R.H. Prince William and Miss Catherine Middleton in accordance with the Royal couple's wishes to receive donations in support of their preferred charities in lieu of more traditional wedding gifts) had raised £15,286.31 for 3 local charities (Holidays for Heroes Jersey, Brighter Futures and the Jersey Association of Carers Incorporated).

Documents presented or laid

States of Jersey Property Holdings and the States of Jersey Development Company Limited: structures, operations, protocols and controls (P.127/2011) – comments.

P.127/2011. Com.

Presented: 16th September 2011. *Minister for Treasury and Resources.*

Arrangement of public business

THE STATES, adopting a proposition of the Chairman of the Privileges and Procedures Committee, agreed that the day's meeting would continue until all of the remaining items of public business had been debated.

THE STATES, adopting a proposition of the Chairman of the Privileges and Procedures Committee, agreed that the next scheduled meeting of the Assembly should be brought forward to 1st November 2011, with the meeting on 8th November 2011 designated as a continuation meeting, principally for consideration of the Draft Budget 2012.

691 Price code: C

Members present voted as follows –

POUR: 37 CONTRE: 7 ABSTAIN: 0

Senator T.A. Le Sueur Senator P.F. Routier Senator P.F.C. Ozouf Senator B.E. Shenton Senator A. Breckon Senator S.C. Ferguson Senator A.J.H. Maclean Senator B.I. Le Marquand Senator F. du H. Le Gresley Connétable of St. Ouen Connétable of St. Martin Connétable of St. Saviour Connétable of St. Clement Connétable of St. Peter Connétable of St. Lawrence

Connétable of St. Mary

Deputy R.C. Duhamel (S)

Deputy of St. Martin

Deputy R.G. Le Hérissier (S)

Deputy J.B. Fox (H)

Deputy J.A. Martin (H)

Deputy of St. Ouen

Deputy of Grouville

Deputy P.V.F. Le Claire (H)

Deputy J.A.N. Le Fondré (L)

Deputy of Trinity

Deputy S. Pitman (H)

Deputy K.C. Lewis (S)

Deputy I.J. Gorst (C)

Deputy M. Tadier (B)

Deputy A.E. Jeune (B)

Deputy T.M. Pitman (H)

Deputy E.J. Noel (L)

Deputy M.R. Higgins (H)

Deputy A.K.F. Green (H)

Deputy D.J. De Sousa (H)

Deputy J.M. Maçon (S)

Connétable of Trinity Connétable of Grouville Connétable of St. Brelade Deputy of St. Peter

Deputy S.S.P.A. Power (B)

Deputy of St. John Deputy T.A. Vallois (S)

Goods and Services Tax: exemption or zero-rating for health foods P.81/2011

THE STATES commenced consideration of a proposition of Deputy Shona Pitman of St. Helier concerning exempting or zero-rating healthy foods from Goods and Services Tax as amended by her own amendments that in paragraph (a) for the words "3 months" there should be substituted the words "12 months" and in paragraph (b) for the words "1st January 2012" there should be substituted the words "1st January 2013" and for the words "Budget 2012" there should be substituted the words "Budget 2013".

THE STATES, adopting paragraph (a) of a proposition of Deputy Shona Pitman of St. Helier, as amended, agreed to request the Minister for Health and Social Services to present to the Assembly within 12 months a report listing those foodstuffs that could be defined as 'healthy foods'.

Members present voted as follows –

POUR: 34 CONTRE: 10 ABSTAIN: 1

Senator P.F. Routier Senator F.E. Cohen Senator A. Breckon Senator F. du H. Le Gresley

Connétable of St. Helier Connétable of Trinity Connétable of St. Brelade

Connétable of St. Saviour Connétable of St. Clement

Connétable of St. Clement Connétable of St. Peter

Connétable of St. Lawrence

Deputy R.C. Duhamel (S)

Deputy of St. Martin

Deputy R.G. Le Hérissier (S)

Deputy J.B. Fox (H)

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy of St. Ouen

Deputy of Grouville

Deputy P.V.F. Le Claire (H)

Deputy of Trinity

Deputy S. Pitman (H)

Deputy K.C. Lewis (S)

Deputy I.J. Gorst (C)

Deputy of St. John

Deputy M. Tadier (B)

Deputy of St. Mary

Deputy T.M. Pitman (H)

Deputy A.T. Dupré (C)

Deputy T.A. Vallois (S)

Deputy M.R. Higgins (H)

Deputy A.K.F. Green (H)

Deputy D.J. De Sousa (H)

Deputy J.M. Maçon (S)

Senator T.A. Le Sueur Senator P.F.C. Ozouf Senator S.C. Ferguson Senator A.J.H. Maclean Connétable of Grouville Connétable of St. Martin Deputy J.A.N. Le Fondré (L) Deputy S.S.P.A. Power (B) Deputy A.E. Jeune (B) Deputy E.J. Noel (L) Connétable of St. Mary

THE STATES rejected paragraph (b) of a proposition of Deputy Shona Pitman of St. Helier, as amended, that the healthy foods as listed by the Minister for Health and Social Services should be exempted or zero-rated for the purposes of Goods and Services Tax (GST) from 1st January 2013, and to request the Minister for Treasury and Resources to bring forward for approval the necessary legislation as part of the Budget 2013 proposals to give effect to the decision.

Members present voted as follows -

POUR: 20 CONTRE: 24 ABSTAIN: 0

Senator F.E. Cohen Senator T.A. Le Sueur Senator A. Breckon Senator P.F. Routier Senator F. du H. Le Gresley Senator P.F.C. Ozouf Deputy R.C. Duhamel (S) Senator S.C. Ferguson Deputy of St. Martin Senator A.J.H. Maclean Deputy R.G. Le Hérissier (S) Connétable of St. Helier Deputy J.A. Martin (H) Connétable of Trinity Deputy G.P. Southern (H) Connétable of Grouville Connétable of St. Brelade Deputy P.V.F. Le Claire (H) Deputy S. Pitman (H) Connétable of St. Martin Deputy K.C. Lewis (S) Connétable of St. Saviour Deputy I.J. Gorst (C) Connétable of St. Clement Deputy M. Tadier (B) Connétable of St. Peter Deputy of St. Mary Connétable of St. Lawrence Deputy T.M. Pitman (H) Connétable of St. Mary Deputy T.A. Vallois (S) Deputy J.B. Fox (H) Deputy M.R. Higgins (H) Deputy of St. Ouen Deputy A.K.F. Green (H) Deputy of Grouville Deputy D.J. De Sousa (H) Deputy J.A.N. Le Fondré (L) Deputy J.M. Maçon (S) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy A.E. Jeune (B) Deputy A.T. Dupré (C) Deputy E.J. Noel (L)

States of Jersey Property Holdings and the States of Jersey Development Company Limited: structures, operations, protocols and controls P.127/2011

THE STATES, adopting a proposition of Senator Sarah Craig Ferguson, requested the Minister for Treasury and Resources to –

- (a) make no changes to the approved areas of responsibility, internal structures and reporting lines of Jersey Property Holdings (as laid down in the Report and Proposition P.93/2005) or the States of Jersey Development Company Ltd. (as laid down in the Report and Proposition P.73/2010) without referring any proposed changes to the States for prior approval; and
- (b) ensure that the protocols and controls covering the transfer of property from Jersey Property Holdings to the States of Jersey Development Company Limited as set out in the proposition "Property and Infrastructure Regeneration: the States of Jersey Development Company Limited" (P.73/2010) adopted by the States on 13th October 2010 (an extract of which was reproduced at Appendix 1 of the attached report) would be implemented consistently with that proposition.

Connétable of St. Peter

Members present voted as follows –

POUR: 42 CONTRE: 0 ABSTAIN: 1

Senator T.A. Le Sueur

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator F.E. Cohen

Senator A. Breckon

Senator S.C. Ferguson

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Connétable of St. Ouen

Connétable of Trinity

Connétable of Grouville

Connétable of St. Brelade

Connétable of St. Saviour

Connétable of St. Clement

Connétable of St. Lawrence

Connétable of St. Mary

Connetable of St. Mary

Deputy R.C. Duhamel (S)

Deputy of St. Martin

Deputy R.G. Le Hérissier (S)

Deputy J.B. Fox (H)

Deputy of St. Ouen

Deputy of Grouville

Deputy of St. Peter

Deputy P.V.F. Le Claire (H)

Deputy J.A.N. Le Fondré (L)

Deputy of Trinity

Deputy S.S.P.A. Power (B)

Deputy S. Pitman (H)

Deputy K.C. Lewis (S)

Deputy I.J. Gorst (C)

Deputy of St. John

Deputy M. Tadier (B)

Deputy A.E. Jeune (B)

Deputy of St. Mary

Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)

Deputy T.A. Vallois (S)

Deputy M.R. Higgins (H)

Deputy A.K.F. Green (H)

Deputy D.J. De Sousa (H)

Deputy J.M. Maçon (S)

1(1)(k) Category Residents: referendum P.130/2011

THE STATES rejected a proposition of Deputy Trevor Mark Pitman of St. Helier to agree that a referendum in accordance with the Referendum (Jersey) Law 2002 should be held on the issue of whether or not the current preferential tax rates offered to new 1(1)(k) category residents should be abolished and be replaced with a flat taxation rate for all and that the text of the question should be —

"Do you agree that preferential taxation rates at 1% for any earnings over £650,000 for wealthy immigrants should be abolished?

Senator F. du H. Le Gresley

YES		NO		"
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and to request the Chief Minister to take the necessary steps to implement the referendum.

Members present voted as follows –

	POUR: 5	CONTRE: 39	ABSTAIN: 1
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Deputy G.P. Southern (H) Deputy S. Pitman (H) Deputy M. Tadier (B) Deputy of St. Mary Deputy T.M. Pitman (H)

Senator T.A. Le Sueur Senator P.F. Routier Senator P.F.C. Ozouf Senator F.E. Cohen Senator A. Breckon Senator S.C. Ferguson Senator A.J.H. Maclean Senator B.I. Le Marquand

Connétable of St. Ouen Connétable of St. Helier Connétable of Trinity Connétable of Grouville Connétable of St. Brelade Connétable of St. Martin Connétable of St. Saviour Connétable of St. Clement Connétable of St. Peter Connétable of St. Lawrence Connétable of St. Mary Deputy R.C. Duhamel (S) Deputy of St. Martin

Deputy R.G. Le Hérissier (S) Deputy J.B. Fox (H)

Deputy of St. Ouen Deputy of Grouville Deputy of St. Peter

Deputy J.A.N. Le Fondré (L)

Deputy of Trinity

Deputy S.S.P.A. Power (B)

Deputy K.C. Lewis (S)

Deputy I.J. Gorst (C)

Deputy of St. John

Deputy A.E. Jeune (B)

Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)

Deputy T.A. Vallois (S)

Deputy M.R. Higgins (H)

Deputy A.K.F. Green (H)

Deputy J.M. Maçon (S)

Pan-Island Data Protection Commissioner P.133/2011

THE STATES, adopting a proposition of the Chief Minister, approved the creation of a Pan-Island Data Protection Commissioner and agreed to amend the current terms and conditions of the Data Protection Commissioner for Jersey to allow engagement as the Data Protection Commissioner under the Data Protection (Bailiwick of Guernsey) Law 2001.

Members present voted as follows -

POUR: 37 CONTRE: 2 ABSTAIN: 0

Deputy S. Pitman (H)

Deputy M.R. Higgins (H)

Senator T.A. Le Sueur

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator F.E. Cohen

Senator A. Breckon

Senator S.C. Ferguson

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Connétable of Trinity

Connétable of Grouville

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. Saviour

Connétable of St. Clement

Connétable of St. Peter

Connétable of St. Mary

Deputy R.C. Duhamel (S)

Deputy of St. Martin

Deputy R.G. Le Hérissier (S)

Deputy J.B. Fox (H)

Deputy G.P. Southern (H)

Deputy of St. Ouen

Deputy J.A.N. Le Fondré (L)

Deputy of Trinity

Deputy S.S.P.A. Power (B)

Deputy K.C. Lewis (S)

Deputy I.J. Gorst (C)

Deputy of St. John

Deputy M. Tadier (B)

Deputy A.E. Jeune (B)

Deputy of St. Mary

Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)

Deputy T.A. Vallois (S)

Deputy A.K.F. Green (H)

Deputy J.M. Maçon (S)

Changes in Presidency

The Bailiff retired from the Chamber during consideration of the proposition of Deputy Trevor Mark Pitman of St. Helier entitled '1(1)(k) Category Residents: referendum' (P.130/2011) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States. Mr. Michael Nelson de la Haye, Greffier of the States, retired from the Chair during consideration of the proposition of the Chief Minister entitled 'Pan-Island Data Protection Commissioner' (P.133/2011) and the meeting continued under the Presidency of the Bailiff.

Arrangement of public business for the present meeting

THE STATES, adopting a proposition of the Chief Minister, agreed in accordance with Standing Order 26(7) to reduce the minimum lodging period in respect of his proposition entitled 'Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of the Argentine Republic' (P.137/2011), which was a matter of such urgency and importance that it would be prejudicial to Jersey to delay its debate.

Members present voted as follows –

POUR: 31 CONTRE: 6 ABSTAIN: 0

Senator T.A. Le Sueur Senator P.F. Routier Senator P.F.C. Ozouf Senator F.E. Cohen Senator A. Breckon Senator S.C. Ferguson Senator A.J.H. Maclean Senator B.I. Le Marquand Senator F. du H. Le Gresley Connétable of St. Brelade

Connétable of St. Brelade Connétable of St. Martin

Connétable of St. Saviour

Connétable of St. Clement

Connétable of St. Peter

Connétable of St. Lawrence

Connétable of St. Mary

Deputy R.C. Duhamel (S)

Deputy of St. Martin

Deputy J.B. Fox (H)

Deputy of St. Ouen

Deputy J.A.N. Le Fondré (L)

Deputy S.S.P.A. Power (B)

Deputy K.C. Lewis (S)

Deputy I.J. Gorst (C)

Deputy of St. John

Deputy A.E. Jeune (B)

Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)

Deputy A.K.F. Green (H)

Deputy J.M. Maçon (S)

Deputy R.G. Le Hérissier (S) Deputy G.P. Southern (H) Deputy S. Pitman (H) Deputy M. Tadier (B) Deputy T.A. Vallois (S)

Deputy M.R. Higgins (H)

Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of the Argentine Republic P.137/2011

THE STATES, adopting a proposition of the Chief Minister, ratified the Agreement for the exchange of information relating to tax matters between the Government of Jersey and the Government of the Argentine Republic as set out in the Appendix to the Report of the Chief Minister dated 9th August 2011.

Members present voted as follows –

POUR: 37 CONTRE: 2 ABSTAIN: 0

Deputy J.B. Fox (H)

Deputy M.R. Higgins (H)

Senator T.A. Le Sueur

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator F.E. Cohen

Senator A. Breckon

Senator S.C. Ferguson

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Connétable of Trinity

Connétable of Grouville

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. Saviour

Connétable of St. Clement

Connétable of St. Peter

Connétable of St. Lawrence

Connétable of St. Mary

Deputy R.C. Duhamel (S)

Deputy of St. Martin

Deputy R.G. Le Hérissier (S)

Deputy of St. Ouen

Deputy J.A.N. Le Fondré (L)

Deputy of Trinity

Deputy S.S.P.A. Power (B)

Deputy S. Pitman (H)

Deputy K.C. Lewis (S)

Deputy I.J. Gorst (C)

Deputy of St. John

Deputy M. Tadier (B)

Deputy A.E. Jeune (B)

Deputy of St. Mary

Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)

Deputy T.A. Vallois (S)

Deputy A.K.F. Green (H)

Deputy D.J. De Sousa (H)

Deputy J.M. Maçon (S)

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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) –

1st November 2011

 ${\it Minister for Economic Development.}$

Disciplinary and grievance hearings: right to a friend. Lodged: 7th June 2011. Deputy of St. Martin.	P.112/2011.
Disciplinary and grievance hearings: right to a friend (P.112/2011) – comments. Presented: 4th July 2011. Minister for Treasury and Resources.	P.112/2011. Com.
Disciplinary and grievance hearings: right to a friend (P.112/2011) – comments. Presented: 5th July 2011. States Employment Board.	P.112/2011. Com.(2)
Disciplinary and grievance hearings: right to a friend (P.112/2011) – comments. Presented: 5th July 2011. <i>Minister for Social Security</i> .	P.112/2011. Com.(3)
Clos des Sables: further development – petition. Lodged: 6th July 2011. Deputy M. Tadier of St. Brelade.	P.121/2011.
Clos des Sables: further development – petition (P.121/2011) – report of the Minister for Treasury and Resources. Presented: 31st August 2011. Minister for Treasury and Resources.	P.121/2011. Rpt.
Draft Policing of Parks (Amendment No. 3) (Jersey) Regulations 201 Lodged: 26th July 2011. <i>Minister for Transport and Technical Services</i> .	P.125/2011.
Draft Money Laundering and Weapons Development (Directions) (Jersey) Law 201 Lodged: 29th July 2011. Chief Minister.	P.128/2011.
Draft Money Laundering and Weapons Development (Directions) (Jersey) Law 201- (P.128/2011): amendment. Lodged: 15th September 2011 Chief Minister.	P.128/2011. Amd.
Jersey Financial Services Commission: extension of Commissioners' appointments. Lodged: 1st August 2011.	P.129/2011.

Draft Currency Notes (Variation of Maximum Denomination No. 2) (Jersey) P.131/2011. Regulations 201-. Lodged: 2nd August 2011. Minister for Treasury and Resources. Draft Motor Traffic (Third-Party Insurance) (Amendment No. 12) (Jersey) Law P.134/2011. 201-. Lodged: 8th August 2011. Minister for Transport and Technical Services. Draft Employment Tribunal (Amendment No. 2) (Jersey) Regulations 201-. P.135/2011. Lodged: 8th August 2011. Minister for Social Security. Draft Health Insurance (Amendment No. 14) (Jersey) Law 201-. P.136/2011. Lodged: 9th August 2011. Minister for Social Security. Ratification of the Agreement for the Exchange of Information relating to Tax P.138/2011. Matters between the Government of Jersey and the Government of the Czech Republic. Lodged: 11th August 2011. Chief Minister. Ratification of the Agreement for the Exchange of Information relating to Tax P.139/2011. Matters between the Government of Jersey and the Government of the Republic of South Africa. Lodged: 11th August 2011. Chief Minister. Draft Pharmacists and Pharmacy Technicians (Registration) (Amendment) (Jersey) P.140/2011. Law 201-. Lodged: 11th August 2011. Minister for Health and Social Services. P.141/2011. Draft Poisons (Jersey) Law 201-. Lodged: 11th August 2011. Minister for Health and Social Services. Draft Shipping (Amendment No. 3) (Jersey) Law 201-. P.143/2011. Lodged: 19th August 2011. Minister for Economic Development. Radon Gas Levels and Cancer Rates in Jersey. P.144/2011. Lodged: 19th August 2011. Deputy P.V.F. Le Claire of St. Helier. Radon Gas Levels and Cancer Rates in Jersey (P.144/2011): comments. P.144/2011. Presented: 15th September 2011. Com.

Minister for Health and Social Services.

States of Jersey Law 2005: removal of restrictions on number of Ministers and P.145/2011.

Assistant Ministers.

Lodged: 22nd August 2011.

Senator B.E. Shenton.

Road Fuel Prices: display. P.146/2011.

Lodged: 23rd August 2011.

Senator A. Breckon.

Land Development Tax or equivalent mechanisms. P.147/2011.

Lodged: 23rd August 2011.

Deputy of St. Mary.

States Members' Remuneration: expenses allowance. P.148/2011.

Lodged: 24th August 2011. *Deputy S. Pitman of St. Helier.*

Sunday trading legislation: additional considerations for the granting of a permit. P.149/2011.

Lodged: 25th August 2011.

Deputy of St. Mary.

Jersey Business Venture: future role. P.150/2011.

Lodged: 5th September 2011.

Senator A. Breckon.

Public Employees Contributory Retirement Scheme: Committee of Management – P.151/2011.

membership.

Lodged: 5th September 2011.

Chief Minister.

Draft Decimal Currency (Amendment No. 7) (Jersey) Law 201-. P.152/2011.

Lodged: 7th September 2011.

Minister for Treasury and Resources.

Draft Veterinary Surgeons (Amendment) (Jersey) Law 201-. P.154/2011.

Lodged: 9th September 2011.

Minister for Planning and Environment.

Driving Licences: theory test. P.155/2011.

Lodged: 15th September 2011.

Comité des Connétables.

THE STATES rose at 4.56 p.m.

M.N. DE LA HAYE

Greffier of the States