



**THE STATES assembled on Tuesday
11th September 2012, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
William James Bailhache, Esquire.**

**His Excellency the Lieutenant Governor,
General Sir John McColl, K.C.B., C.B.E., D.S.O.
was present.**

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

Senator Sarah Craig Ferguson – absent on States business
Senator Ian Joseph Gorst – absent on States business
Deputy James Gordon Reed of St. Ouen – absent on States business
Deputy Patrick Dennis Ryan of St. John – en défaut (défaut raised at 9.40 a.m.)

Prayers

H.R.H. The Duke of Gloucester – visit

The Deputy Bailiff reminded the Assembly that H.R.H. The Duke of Gloucester would be visiting the Island on 16th September 2012 in his capacity as Grand Prior of the Order of St. John's Ambulance.

Electoral College

The Deputy Bailiff reminded the Assembly that an Electoral College would be held at 9.30 a.m. on 13th September 2012 in order to elect a new Jurat.

Subordinate enactments tabled

The following enactments were tabled, namely –

Community Provisions (Restrictive Measures – Côte D'Ivoire) (Amendment No. 7) R&O.87/2012.
(Jersey) Order 2012.
Chief Minister.

Motor Traffic (Cabs – Fares and Charges) (Amendment No. 3) (Jersey) Order 2012. R&O.90/2012.
Minister for Transport and Technical Services.

Road Traffic (St. Brelade) (Amendment No. 17) (Jersey) Order 2012. R&O.91/2012.
Minister for Transport and Technical Services.

Town Criterium (Jersey) Order 2012. R&O.92/2012.
Minister for Transport and Technical Services.

Community Provisions (Restrictive Measures – Somalia) (Amendment) (Jersey) Order 2012. <i>Chief Minister.</i>	R&O.93/2012.
Road Racing (Festival of Speed) (Jersey) Order 2012. <i>Minister for Transport and Technical Services.</i>	R&O.94/2012.
Jersey International Air Display (Jersey) Order 2012. <i>Minister for Transport and Technical Services.</i>	R&O.95/2012.
Income Support (General Provisions) (Amendment No. 8) (Jersey) Order 2012. <i>Minister for Social Security.</i>	R&O.96/2012.
Road Traffic (Public Parking Places) (Amendment No. 7) (Jersey) Order 2012. <i>Minister for Transport and Technical Services.</i>	R&O.97/2012.
Endangered Species (CITES) (Designation and Appointment) (Jersey) Order 2012. <i>Minister for Planning and Environment.</i>	R&O.98/2012.
Endangered Species (CITES) (Fees) (Jersey) Order 2012. <i>Minister for Planning and Environment.</i>	R&O.99/2012.
Community Provisions (Restrictive Measures – Syria) (Amendment No. 6) (Jersey) Order 2012. <i>Deputy Chief Minister, for and on behalf of the Chief Minister.</i>	R&O.100/2012.
Education (Discretionary Grants – Amounts) (Amendment No. 4) (Jersey) Order 2012. <i>Minister for Education, Sport and Culture.</i>	R&O.101/2012.
Veterinary Surgeons (General Provisions) (Jersey) Order 2012. <i>Minister for Planning and Environment.</i>	R&O.102/2012.
Control of Borrowing (Amendment No. 15) (Jersey) Order 2012. <i>Deputy Chief Minister for and on behalf of Minister for Economic Development.</i>	R&O.103/2012.

Documents presented or laid

Committee of Inquiry: resignation of the Comptroller and Auditor General (P.68/2012) – comments. Presented: 10th September 2012. <i>Council of Ministers.</i>	P.68/2012. Com.
Protection of Freedoms Act 2012: extension of provisions to Jersey by Order in Council (P.71/2012) – addendum. Presented: 6th August 2012. <i>Chief Minister.</i>	P.71/2012. Add.
States of Jersey Law 2005: delegation of functions – Planning and Environment – July 2012 revised delegations. Presented: 23rd July 2012. <i>Minister for Planning and Environment.</i>	R.93/2012.

Land Transactions under Standing Order 168(3) – St. Mary’s School House, La Rue Verte, St. Mary – lease. Presented: 24th July 2012. <i>Minister for Treasury and Resources.</i>	R.94/2012.
Environment Department: Draft Supplementary Planning Guidance – community engagement in the planning process. Presented: 24th July 2012. <i>Minister for Planning and Environment.</i>	R.95/2012.
Jersey Safety Council: Report and Financial Statements for the year ended 31st December 2011. Presented: 24th July 2012. <i>Minister for Social Security.</i>	R.96/2012.
Births, Marriages and Deaths in 2011: statement. Presented: 25th July 2012. <i>Minister for Home Affairs.</i>	R.97/2012.
Property Plan and States Rental Waiting List: Update Report for 2011. Presented: 25th July 2012. <i>Minister for Housing.</i>	R.98/2012.
Jersey Appointments Commission: Annual Report for 2011. Presented: 7th August 2012. <i>Chief Minister.</i>	R.99/2012.
Land Transactions under Standing Order 168(3) – (a) Residential property for a Group Care Home – Casa Mia, La Route de la Haule, St. Lawrence; (b) Beach House, Green Island, St. Clement – right to access through the sea-wall. Presented: 8th August 2012. <i>Minister for Treasury and Resources.</i>	R.100/2012.
Environment Department: Draft Supplementary Planning Guidance – Design Guidance for St. Helier – draft for consultation. Presented: 9th August 2012. <i>Minister for Planning and Environment.</i>	R.101/2012.
States of Jersey Complaints Board: findings – complaint against a decision of the Minister for Education, Sport and Culture. Presented: 13th August 2012. <i>Privileges and Procedures Committee.</i>	R.102/2012.
States of Jersey Law 2005: delegation of functions – Economic Development – Harbours (Inshore Safety) (Jersey) Regulations 2012. Presented: 13th August 2012. <i>Minister for Economic Development.</i>	R.103/2012.
Census 2011: Report. Presented: 13th August 2012. <i>Chief Minister.</i>	R.104/2012.

Jersey Child Care Trust: appointment of Chairperson. Presented: 16th August 2012. <i>Minister for Education, Sport and Culture.</i>	R.105/2012.
Jersey Tourism: A Year in Review 2011. Presented: 17th August 2012. <i>Minister for Economic Development.</i>	R.106/2012.
Organisations receiving grants of over £100,000: 2010 Accounts. Presented: 30th August 2012. <i>Minister for Treasury and Resources.</i>	R.107/2012.
States of Jersey Complaints Board: findings – complaint against a decision of the Minister for Education, Sport and Culture (R.102/2012) – response of the Minister. Presented: 7th September 2012. <i>Privileges and Procedures Committee.</i>	R.108/2012.
States Members' Remuneration Review Body: appointment of members. Presented: 7th September 2012. <i>Privileges and Procedures Committee.</i>	R.109/2012.
Land Transactions under Standing Order 168(3) – (a) Former St. Aubin's Market (NatWest Bank), St. Brelade – lease; (b) The Fire House, Western Fire Station, La Route des Quennevais, St. Brelade – lease; (c) E43 Elizabeth Terminal, E10 Elizabeth Terminal and SC01 Alcoves St. Catherine – lease. Presented: 11th September 2012. <i>Minister for Treasury and Resources.</i>	R.111/2012.
Meetings of the States in 2013. Presented: 7th September 2012. <i>Privileges and Procedures Committee.</i>	R.110/2012.
Housing Transformation Programme Review: Interim Report. Presented: 17th August 2012. <i>Health, Social Security and Housing Scrutiny Panel.</i>	S.R.5/2012.
Tourism Development Fund (S.R.3/2012): response of the Minister for Treasury and Resources. Presented: 4th September 2012. <i>Minister for Treasury and Resources.</i>	S.R.3/2012. Res.
Introduction of Tasers in Jersey (S.R.4/2012): response of the Minister for Home Affairs. Presented: 23rd August 2012. <i>Minister for Home Affairs.</i>	S.R.4/2012. Res.
Management of Bus Contracts: Following up the investigations of the Comptroller and Auditor General. Presented: 2nd August 2012. <i>Public Accounts Committee.</i>	P.A.C.2/2012.

Compromise Agreements: Following up the investigations of the Comptroller and Auditor General (P.A.C.1/2012) – response of the States Employment Board. P.A.C.1/2012.
Presented: 6th September 2012. Res.
States Employment Board.

Notification of lodged propositions

Committee of Inquiry: resignation of the Comptroller and Auditor General (P.68/2012) – amendment. P.68/2012.
Lodged: 4th September 2012. Amd.
Deputy J.A.N. Le Fondré of St. Lawrence.

Medium Term Financial Plan 2013 – 2015. P.69/2012.
Lodged: 23rd July 2012.
Council of Ministers.

Incorporation of Ports of Jersey. P.70/2012.
Lodged: 27th July 2012.
Minister for Economic Development.

Protection of Freedoms Act 2012: extension of provisions to Jersey by Order in Council. P.71/2012.
Lodged: 31st July 2012.
Chief Minister.

Draft Price Indicators (Amendment) (Jersey) Regulations 201-. P.72/2012.
Lodged: 31st July 2012.
Minister for Economic Development.

Use of Electronic Devices in the States Chamber: trial. P.73/2012.
Lodged: 31st July 2012.
Privileges and Procedures Committee.

Draft Taxation (Miscellaneous Provisions) (Jersey) Regulations 201-. P.74/2012.
Lodged: 9th August 2012.
Chief Minister.

Jersey Appointments Commission: appointment of Chairman. P.75/2012.
Lodged: 9th August 2012.
Chief Minister.

Draft Banking Business (Amendment No. 8) (Jersey) Law 201-. P.76/2012.
Lodged: 14th August 2012.
Minister for Economic Development.

Draft Banking (Depositors Compensation Supplementary Provisions) (Jersey) Regulations 201-. P.77/2012.
Lodged: 14th August 2012.
Minister for Economic Development.

Draft Banking Business (Depositors Compensation) (Amendment and Miscellaneous Provision) (Jersey) Regulations 201-. Lodged: 14th August 2012. <i>Minister for Economic Development.</i>	P.78/2012.
Draft Bankruptcy (Désastre) (Amendment No. 6) (Jersey) Law 201-. Lodged: 14th August 2012. <i>Minister for Economic Development.</i>	P.79/2012.
Historic Abuse Redress Scheme: approval by the States Assembly. Lodged: 3rd September 2012. <i>Deputy M.R. Higgins of St. Helier.</i>	P.80/2012.
Draft Social Security (Amendment No. 20) (Jersey) Law 2012 (Appointed Day) Act 201-. Lodged: 10th September 2012. <i>Minister for Social Security.</i>	P.81/2012.
Health and Social Services: A New Way Forward. Lodged: 11th September 2012. <i>Council of Ministers.</i>	P.82/2012.
Jersey Police Complaints Authority: appointment of Chairman and members. Lodged: 11th September 2012. <i>Minister for Home Affairs.</i>	P.83/2012.
Draft Health Care Registration (No. 4) (Jersey) Regulations 201-. Lodged: 11th September 2012. <i>Minister for Health and Social Services.</i>	P.84/2012.

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 –

Scrap Metal Contract: approval by States Assembly. Lodged: 25th June 2012. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.66/2012.
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Appointment of unelected members of the Public Accounts Committee

In accordance with the provisions of Standing Order 124(1), the following nominations were made by Deputy Tracey Ann Vallois of St. Saviour, Chairman of the Public Accounts Committee, as unelected members of the Public Accounts Committee –

Mr. John F. Mills C.B.E.
Mr. Ian Ridgway

There having been no further nominations in accordance with the provisions of Standing Order 124(2), the Deputy Bailiff declared that the above persons had been duly appointed as unelected members of the Public Accounts Committee.

Written Questions

(see Official Report/Hansard)

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding teachers' terms and conditions of service.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the performance of Atos.

The Chief Minister tabled an answer to a question asked by Deputy J.A.N. Le Fondré of St. Lawrence regarding the job description for the Chief Executive.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding growth predictions for the economy.

The Chief Minister tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the Historic Abuse Redress Scheme.

H.M. Attorney General tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the veto powers of the Royal family in relation to legislation.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the appointment of the Chairperson of the Jersey Child Care Trust.

H.M. Attorney General tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the full costs of the Low Value Consignment Relief case.

H.M. Attorney General tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding similar fact evidence.

The Minister for Economic Development tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding a breakdown of Jersey Tourism's advertising costs.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding monies received from the sale of public land at Quennevais Park and Clos des Sables.

The Minister for Economic Development tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding Low Value Consignment Relief and the fulfilment industry.

The Chief Minister tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the implementation of the Freedom of Information (Jersey) Law 2011.

The Minister for Home Affairs tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the release of the South Yorkshire Report into the conduct of States of Jersey Police Officers.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the use of Household Medical Accounts in the Income Support system.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Wilcox Report.

Oral Questions

(see Official Report/Hansard)

Deputy J.A. Martin of St. Helier asked a question of the Minister for Transport and Technical Services regarding the loss of parking at Green Street.

Deputy S. Pitman of St. Helier asked a question of the Minister for Home Affairs regarding the publication of the affidavit submitted to the Wiltshire investigation by the former Chief of Police.

Deputy J.H. Young of St. Brelade asked a question of the Minister for Social Security regarding proposals for labour intensive public sector infrastructure projects.

The Connétable of St. Mary asked a question of the Chairman of Privileges and Procedures regarding the response to a breach of the privileges of the Assembly.

The Connétable of St. John asked a question of the Minister for Economic Development regarding a Tourism grant of £56,000 to the Jersey Rugby Club.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Treasury and Resources regarding economic growth assumptions contained within the Medium Term Financial Plan.

Deputy T.M. Pitman of St. Helier asked a question of the Deputy Chief Minister regarding a review and update of the Royal Court (Jersey) Law 1948 relating to the election of Jurats.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Education, Sport and Culture regarding the teaching of German in the Island.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Treasury and Resources regarding the dependency of the Medium Term Financial Plan on economic growth predictions.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Transport and Technical Services regarding the movement of seaweed on St. Aubin's Bay and other beaches.

Deputy T.M. Pitman of St. Helier asked a question of the Chairman of the Electoral Commission regarding the authenticity of submissions to the Electoral Commission.

The Connétable of St. John asked a question of the Minister for Treasury and Resources regarding a review of quangos and the use of 'sponsorship' to circumvent Treasury directives to reduce public spending.

Deputy G.P. Southern of St. Helier asked a question of the Deputy Chief Minister regarding the involvement of Atos in the reform of the public sector.

Deputy J.H. Young of St. Brelade asked a question of the Minister for Planning and Environment regarding alternative uses for redundant historic buildings.

The Connétable of St. Mary asked a question of the Minister for Planning and Environment regarding the treatment of injurious weeds in accordance with the Weeds (Jersey) Law 1961.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Treasury and Resources regarding the importance of growth in the affordable housing and social housing sectors to stimulate the economy.

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

The Minister for Economic Development answered questions without notice from members.

The Deputy Chief Minister answered questions without notice from members.

Draft Residential Tenancy (Amendment) (Jersey) Law 201- P.67/2012

THE STATES commenced consideration of the Draft Residential Tenancy (Amendment) (Jersey) Law 201- and adopted the principles.

Members present voted as follows –

POUR: 36**CONTRE: 0****ABSTAIN: 0**

Senator P.F. Routier
 Senator A. Breckon
 Senator B.I. Le Marquand
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter

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 Residential Tenancy (Amendment) (Jersey) Law 201-.

Senators Philip Francis Cyril Ozouf, Bryan Ian Le Marquand, Lyndon John Farnham, the Connétable of St. John and Deputies Sean Seamus Patrick Augustine Power of St. Brelade, Edward James Noel of St. Lawrence, John Hilary Young of St. Brelade and the Deputy of St. Peter, in accordance with the provisions of Standing Order 106(b), declared an interest but remained in the Chamber for the duration of the debate.

Committee of Inquiry: resignation of the Comptroller and Auditor General P.68/2012

THE STATES commenced consideration of a proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement and, adopting an amendment of Deputy John Alexander Nicholas Le Fondré of St. Lawrence, agreed that in paragraph (b) after the words “Chief Minister” there should be inserted the words “in conjunction with the Chairman of the Public Accounts Committee”.

Members present voted as follows –

POUR: 21

Senator A. Breckon
 Senator F. du H. Le Gresley
 Connétable of Grouville
 Connétable of St. Lawrence
 Connétable of St. John
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy S. Pitman (H)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter

CONTRE: 20

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy of Grouville
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy of St. Mary

ABSTAIN: 1

Deputy T.A. Vallois (S)

THE STATES resumed consideration of a proposition of Gerard Clifford Lemmens Baudains of St. Clement, as amended, and rejected the proposal that a Committee of Inquiry should be established in accordance with Standing Order 146 to inquire into a definite matter of public importance, namely the circumstances surrounding the resignation of the Comptroller and Auditor General; and that the Chief Minister in conjunction with the Chairman of the Public Accounts Committee should be requested –

- (i) to take the necessary steps to select a suitable Chairman (who was not a member of the States) and 2 States members to undertake the Inquiry and to bring forward to the States for approval the necessary proposition relating to their appointment;
- (ii) to bring forward for approval by the States detailed terms of reference of the Committee of Inquiry.

Members present voted as follows –

POUR: 19

Senator A. Breckon
 Senator F. du H. Le Gresley
 Connétable of Grouville
 Connétable of St. Lawrence
 Connétable of St. John
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy S. Pitman (H)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy J.H. Young (B)
 Deputy R.J. Rondel (H)

CONTRE: 28

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter

ABSTAIN: 1

Connétable of St. Saviour

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 12th September 2012 to consider the outstanding items of public business.

THE STATES rose at 5.33 p.m.

M.N. DE LA HAYE

Greffier of the States