

THE STATES assembled on Tuesday 21st February 2012, at 09.30 a.m. under the Presidency of the Bailiff, Michael Cameron St. John Birt, 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 – ill Deputy Geoffrey Peter Southern of St. Helier – en défaut (défaut raised at 9.38 a.m.) Deputy Shona Pitman of St. Helier – en défaut (défaut raised at 9.36 a.m.)

Prayers read by the Deputy Greffier of the States

Subordinate enactments tabled

The following enactments were tabled, namely –

Road Racing (Hill Climbs and Sprints) (Jersey) Order 2012. R&O.19/2012. *Minister for Transport and Technical Services.*

Sand Racing (Jersey) Order 2012. R&O.20/2012. *Minister for Transport and Technical Services*.

Royal Court (Amendment No. 13) Rules 2012.

Superior Number of the Royal Court.

R&O.21/2012.

Community Provisions (Restrictive Measures – Côte d'Ivoire) (Amendment No. 5) (Jersey) Order 2012. *Chief Minister.*

Collective Investment Funds (Certified Funds – Fees) (Jersey) Order 2012. R&O.23/2012. *Minister for Economic Development.*

Documents presented or laid

Privileges and Procedures Committee.

Electoral Commission: composition and terms of reference (P.5/2012) – Minority
Report of Deputies J.A. Martin of St. Helier and M. Tadier of St. Brelade.

Add. Presented: 15th February 2012.

45 Price code: C

Care Inspectorate: Inspection of services for looked-after children. R.14/2012. Presented: 7th February 2012. Minister for Health and Social Services. Disposal of foul sewage: Consultation Paper. R.15/2012. Presented: 8th February 2012. Minister for Planning and Environment. Government Actuary's Report on the financial condition of the Social Security Fund R.16/2012. as at 31st December 2009. Presented: 8th February 2012. Minister for Social Security. States of Jersey Law 2005: delegation of functions – Home Affairs – revised R.17/2012. delegations February 2012. Presented: 9th February 2012. Minister for Home Affairs. Jersey Police Complaints Authority: report for 2011. R.18/2012. Presented: 9th February 2012. Minister for Home Affairs. States of Jersey Law 2005: delegation of functions – Social Security – appointment of R.19/2012. Determining Officers. Presented: 10th February 2012. Minister for Social Security. States of Jersey Law 2005: delegation of functions – Economic Development – R.20/2012. financial authorities for Jersey Harbours and Jersey Airport. Presented: 10th February 2012. Minister for Economic Development. States of Jersey Law 2005: delegation of functions – Education, Sport and Culture – R.21/2012. revised delegations February 2012. Presented: 13th February 2012. Minister for Education, Sport and Culture. Protection of employment land: Consultation Paper. R.22/2012. Presented: 16th February 2012. Minister for Planning and Environment. The Lord Portsea Gift Fund: report for 2009 and 2010. R.23/2012. Presented: 17th February 2012. Minister for Education, Sport and Culture. Land Transactions under Standing Order 168(3) – R.24/2012. (a) Thorp House Warehouse, Rouge Bouillon, St. Helier – lease; (b) 1 La Ferme du Marais, La Rue du Pont, St. Mary – Assisted House Purchase property. Presented: 20th February 2012.

Minister for Treasury and Resources.

Notification of lodged propositions

Electoral Commission: composition and terms of reference (P.5/2012) – amendment (P.5/2012 Amd.) – amendment. Amd.Amd. Lodged: 9th February 2012.

Deputy R.G. Le Hérissier of St. Saviour.

Electoral Commission: composition and terms of reference (P.5/2012) – second amendment. P.5/2012. Amd.(2)

Lodged: 21st February 2012. *Deputy J.H. Young of St. Brelade.*

Draft Civil Partnerships (Consequential Amendments) (Jersey) Regulations 201-. Lodged: 7th February 2012.

 ${\it Chief Minister}.$

Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of Japan.

Lodged: 9th February 2012.

Chief Minister.

Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of the Republic of Poland.

Lodged: 9th February 2012.

Chief Minister.

Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of the Republic of India. Lodged: 9th February 2012.

Chief Minister.

Planning Applications Panel: appointment of member. P.16/2012.

P.15/2012.

Lodged: 14th February 2012.

Minister for Planning and Environment.

Prescription charges and income support for primary health costs. P.17/2012.

Lodged: 17th February 2012.

Deputy G.P. Southern of St. Helier.

Draft Civil Partnership (Jersey) Law 2012 (Appointed Day) Act 201-. P.18/2012.

Lodged: 20th February 2012.

Chief Minister.

Draft Employment (Jersey) Law 2003 (Amendment Nos. 5, 6 and 7) (Appointed Day) P.19/2012.

Lodged: 20th February 2012.

Minister for Social Security.

Withdrawal of lodged propositions

THE STATES noted that, in accordance with Standing Order 34(1), the proposers of the following propositions lodged "au Greffe" had informed the Greffier of the States that they had been withdrawn –

Machinery of Government: review by Privileges and Procedures Committee.

P.187/2011.

Lodged: 29th November 2011.

Deputy G.C.L. Baudains of St. Clement.

Prescription charges and income support for primary health costs.

P.17/2012.

Lodged: 17th February 2012.

Deputy G.P. Southern of St. Helier.

Written Questions

(see Official Report/Hansard)

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Minister for Planning and Environment regarding the provision of public transport and 'Hoppa' style services from the Belvedere (Old Jersey Dairy) and Chasse Brunet sites.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Transport and Technical Services regarding the operation of the Energy from Waste plant and the acceptance of Guernsey waste.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Transport and Technical Services regarding the St. Aubin treated sewage outfall.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Transport and Technical Services regarding the planned cessation of open-air composting.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Home Affairs regarding recent States of Jersey Police activities at the German Consul's property.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Economic Development regarding competition in the postal market.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Economic Development regarding the price of domestic heating oil.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding the reduction in the number of households claiming Income Support.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding the number of prescriptions and G.P. consultations.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Chief Minister regarding action to promote the right of Islanders to work in the European Union.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Health and Social Services regarding the sudden death of a former patient of the General Hospital.

Deputy M. Tadier of St. Brelade asked a question of the Chairman of the Comité des Connétables regarding warrant cards.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Home Affairs regarding the recommendations of the report by the Howard League for Penal Reform.

Deputy M. Tadier of St. Brelade asked a question of the Chairman of the Health, Social Security and Housing Scrutiny Panel regarding Income Support housing rebate.

The Deputy of Grouville asked a question of the Minister for Transport and Technical Services regarding the reduction in incentives to encourage low emission vehicles.

Deputy T.M. Pitman of St. Helier asked a question of the Chief Minister regarding formal meetings with the former Chief Officer of Police.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Home Affairs regarding the retirement date of the former Chief Officer of Police.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Home Affairs regarding the publication of documents in connexion with the historic abuse enquiry.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Economic Development regarding the development of a casino in Jersey.

Deputy S. Pitman of St. Helier asked a question of the Minister for Home Affairs regarding the 'Interim report' of the Metropolitan Police into the handling of the historic abuse enquiry.

Deputy S. Pitman of St. Helier asked a question of the Chief Minister regarding work undertaken by Matt Tapp Associates.

Deputy S. Pitman of St. Helier asked a question of the Chief Minister regarding the commissioning of Matt Tapp Associates without a formal contract.

The Connétable of St. Helier asked a question of the Minister for Transport and Technical Services regarding the Millennium Town Park.

The Connétable of St. Helier asked a question of the Minister for Treasury and Resources regarding the redevelopment of the former Jersey College for Girls site.

The Connétable of St. Helier asked a question of the Minister for Transport and Technical Services regarding the Sustainable Transport Policy.

Deputy T.M. Pitman of St. Helier asked a question of the Chief Minister regarding the engagement of Matt Tapp Associates.

Oral Questions

(see Official Report/Hansard)

Deputy R.J. Rondel of St. Helier asked a question of the Minister for Treasury and Resources regarding the amount received by the Treasury from GST placed on food items for the years 2010 and 2011.

Deputy M.R. Higgins of St. Helier asked a question of the Chief Minister regarding the delay in making compensation payments to the victims of abuse at Haut de la Garenne.

Deputy S. Pitman of St. Helier asked a question of the Chief Minister regarding the establishment of a Committee of Inquiry into historic child abuse.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Connétable of St. Clement, rapporteur for the Comité des Connétables, regarding the processing of applications for Sunday Trading licences.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Home Affairs regarding the rights of the public to be informed by the police if their neighbours keep weapons in their homes.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Economic Development regarding the staff at Indigo Lighthouse.

The Connétable of St. John asked a question of the Minister for Transport and Technical Services regarding the warranty for the works undertaken on the Airport road.

Deputy J.A. Hilton of St. Helier asked a question of the Chief Minister regarding the residency requirements for the recruitment of an Economist in the public sector.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding the reduction of G.P. consultation costs.

Deputy J.A. Hilton of St. Helier asked a question of the Assistant Minister for Health and Social Services regarding compulsory drug testing for parents with drug addictions.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Health and Social Services regarding the 'increased risk to the organisation' caused by pharmacy services cuts.

Deputy M.R. Higgins of St. Helier asked a question of the Minister for Economic Development regarding the costs of court action relating to the abolition of low value consignment relief.

Deputy T.M. Pitman of St. Helier asked a question of the Chief Minister regarding the raid on the German Consul's home last year.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Home Affairs regarding the reasons for the suspension of the former Chief Officer of Police.

Deputy S. Pitman of St. Helier asked a question of the Minister for Education, Sport and Culture regarding the cost of damages caused by vandals at Springfield Stadium.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Housing answered questions without notice from members.

The Minister for Planning and Environment answered questions without notice from members.

Urgent oral question

(see Official Report/Hansard)

Deputy G.P. Southern of St. Helier asked the following urgent oral question of the Minister for Social Security -

"Is the Minister aware that the Employment Forum has commissioned the company "Island Analysis" to conduct a survey (currently underway) into the possible introduction of a "youth rate", set below the minimum wage in Jersey?

Does the Minister accept that in any survey of opinion questions must be thoroughly vetted to ensure balance if the survey is to be valid, and, if so, is he satisfied that all questions on the employee survey, and in particular questions 9, 10 and 12, are fair and balanced and not leading or misleading?

Will the Minister agree to request the Forum to suspend this survey activity until the questions have been checked by the Statistics Unit for balance?"

Draft States of Jersey (Transfer of Functions No. 5) (Economic Development to Chief Minister) (Jersey) Regulations 201- P.196/2011

THE STATES commenced consideration of the Draft States of Jersey (Transfer of Functions No. 5) (Economic Development to Chief Minister) (Jersey) Regulations 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 Regulations 1 to 6.

THE STATES, in pursuance of Articles 29 and 50 of the States of Jersey Law 2005, made Regulations entitled the States of Jersey (Transfer of Functions No. 5) (Economic Development to Chief Minister) (Jersey) Regulations 2012.

Draft Civil Aviation (Amendment of Law) (Jersey) Regulations 201- P.197/2011

THE STATES commenced consideration of the Draft Civil Aviation (Amendment of Law) (Jersey) Regulations 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 Regulations 1 and 2.

Members present voted as follows –

POUR: 41 CONTRE: 1 ABSTAIN: 0

Senator P.F. Routier

Connétable of St. John

Senator P.F.C. Ozouf

Senator A. Breckon

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Senator I.J. Gorst

Senator L.J. Farnham

Senator P.M. Bailhache

Connétable of Trinity

Connétable of Grouville

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

Deputy R.C. Duhamel (S)

Deputy R.G. Le Hérissier (S)

Deputy J.A. Martin (H)

Deputy of Grouville

Deputy J.A. Hilton (H)

Deputy of Trinity

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

Deputy S. Pitman (H)

Deputy K.C. Lewis (S)

Deputy M. Tadier (B)

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)

Deputy G.C.L. Baudains (C)

Deputy of St. John

Deputy J.H. Young (B)

Deputy S.J. Pinel (C)

Deputy of St. Mary

Deputy of St. Martin

Deputy of St. Peter

Deputy R.J. Rondel (H)

THE STATES, in pursuance of Article 10 of the Civil Aviation (Jersey) Law 2008, made Regulations entitled the Civil Aviation (Amendment of Law) (Jersey) Regulations 2012.

Draft Social Security (Amendment of Law No. 2) (Jersey) Regulations 201- P.1/2012

THE STATES commenced consideration of the Draft Social Security (Amendment of Law No. 2) (Jersey) Regulations 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 Regulations 1 to 8.

THE STATES, in pursuance of Articles 50 and 51 of the Social Security (Jersey) Law 1974, made Regulations entitled the Social Security (Amendment of Law No. 2) (Jersey) Regulations 2012.

Members present voted as follows -

POUR: 45 CONTRE: 1 ABSTAIN: 0

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Senator I.J. Gorst

Senator L.J. Farnham

Senator P.M. Bailhache

Connétable of St. Helier

Connétable of Trinity

Connétable of Grouville

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

Deputy R.C. Duhamel (S)

Deputy R.G. Le Hérissier (S)

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy of St. Ouen

Deputy of Grouville

Deputy J.A. Hilton (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 M. Tadier (B)

Deputy T.M. Pitman (H)

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)

Deputy G.C.L. Baudains (C)

Deputy of St. John

Deputy J.H. Young (B)

Deputy S.J. Pinel (C)

Deputy of St. Mary

Deputy of St. Martin

Deputy of St. Peter

Deputy R.J. Rondel (H)

Senator A. Breckon

Manual Workers' Joint Council: Employers' Side membership P.3/2012

THE STATES, in accordance with their Act dated 9th November 1961, as amended, concerning the membership of the Manual Workers' Joint Council, approved the nomination of 5 of the 6 representatives of the States to serve as members of the Employers' Side of the Council for 2012, as follows –

Senator P.F. Routier, M.B.E.

Deputy J.A. Martin of St. Helier

Mr. J. Rogers, Chief Executive Officer, Transport and Technical Services

Mrs. J. Garbutt, Chief Executive Officer, Health and Social Services

Mr. M. Lundy, Director, Education, Sport and Culture.

Law Revision Board: appointment of member P.7/2012

THE STATES, in accordance with Article 2(1)(a) of the Law Revision (Jersey) Law 2003, appointed Deputy G.C.L. Baudains of St. Clement as a member of the Law Revision Board.

Draft Fire and Rescue Service (Jersey) Law 2011 (Appointed Day) Act 201- P.9/2012

THE STATES, in pursuance of Article 35(2) of the Fire and Rescue Service (Jersey) Law 2011, made an Act entitled the Fire and Rescue Service (Jersey) Law 2011 (Appointed Day) Act 2012.

Strategic Plan 2012 - Green Paper R.5/2012

THE STATES sat 'in committee' in order to discuss the report entitled 'Strategic Plan 2012 – Green Paper' (R.5/2012), presented by the Council of Ministers on 16th January 2012.

Arrangement of public business for future meetings

THE STATES rejected a proposition of Deputy Michael Roderick Higgins of St. Helier that consideration of the proposition of the Privileges and Procedures Committee entitled 'Electoral Commission: composition and terms of reference' (P.5/2011) should be deferred until 20th March 2012.

Members present voted as follows –

POUR: 13 CONTRE: 28 ABSTAIN: 1

Senator A. Breckon Senator P.F. Routier Deputy J.A. Martin (H) Senator P.F.C. Ozouf Deputy G.P. Southern (H) Senator A.J.H. Maclean Deputy of Grouville Senator F. du H. Le Gresley Deputy J.A.N. Le Fondré (L) Senator I.J. Gorst Deputy S. Pitman (H) Senator L.J. Farnham Deputy K.C. Lewis (S) Senator P.M. Bailhache Deputy T.M. Pitman (H) Connétable of Trinity Deputy T.A. Vallois (S) Connétable of St. Peter Deputy M.R. Higgins (H) Connétable of St. Lawrence Deputy J.M. Maçon (S) Connétable of St. Mary Deputy of St. John Connétable of St. John

Deputy M. Tadier (B)

Deputy R.J. Rondel (H) Connétable of St. Ouen

Connétable of St. Brelade Connétable of St. Martin Connétable of St. Saviour Deputy R.C. Duhamel (S) Deputy of St. Ouen Deputy J.A. Hilton (H) Deputy of Trinity

Deputy S.S.P.A. Power (B)
Deputy E.J. Noel (L)
Deputy G.C.L. Baudains (C)
Deputy J.H. Young (B)
Deputy S.J. Pinel (C)

Deputy of St. Mary Deputy of St. Martin Deputy of St. Peter

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

6th March 2012

Committee of Inquiry: payments on premature cessation of employment contracts. P.2/2012.

Lodged: 11th January 2012. Deputy R.G. Le Hérissier of St. Saviour.

Draft Amendment (No. 18) of the Standing Orders of the States of Jersey. P.4/2012.

Lodged: 13th January 2012.

Privileges and Procedures Committee.

Electoral Commission: composition and terms of reference. P.5/2012.

Lodged: 13th January 2012.

Privileges and Procedures Committee.

Electoral Commission: composition and terms of reference (P.5/2012) – Minority P.5/2012. Report of Deputies J.A. Martin of St. Helier and M. Tadier of St. Brelade. Add.

Presented: 15th February 2012.

Privileges and Procedures Committee.

Electoral Commission: composition and terms of reference (P.5/2012) – amendment. P.5/2012. Lodged: 25th January 2012. Amd.

Deputy R.G. Le Hérissier of St. Saviour.

Electoral Commission: composition and terms of reference (P.5/2012) – amendment P.5/2012. (P.5/2012 Amd.) – amendment. Amd.Amd.

Lodged: 9th February 2012.

Deputy R.G. Le Hérissier of St. Saviour.

Electoral Commission: composition and terms of reference (P.5/2012) – second amendment. P.5/2012. Amd.(2)

Lodged: 21st February 2012. Deputy J.H. Young of St. Brelade.

Channel Islands Lottery: allocation of profits for 2011.

P.6/2012.

Lodged: 17th January 2012.

Minister for Economic Development.

Annulment of Road Traffic (St. Helier) (Amendment No. 23) (Jersey) Order 2011.

P.10/2012.

Lodged: 30th January 2012.

Deputy G.C.L. Baudains of St. Clement.

Income Tax: individual tax assessments.

P.11/2012.

Lodged: 31st January 2012.

Deputy G.P. Southern of St. Helier.

20th March 2012

Old Age Pension: method for increase.

P.164/2011.

Lodged: 3rd October 2011.

Senator A. Breckon.

Ex gratia payment: Mr. D. Turner.

P.166/2011.

Lodged: 4th October 2011.

Deputy M.R. Higgins of St. Helier.

Draft Civil Partnerships (Consequential Amendments) (Jersey) Regulations 201-.

P.12/2012.

Lodged: 7th February 2012.

Chief Minister.

Planning Applications Panel: appointment of member.

P.16/2012.

Lodged: 14th February 2012.

Minister for Planning and Environment.

Draft Civil Partnership (Jersey) Law 2012 (Appointed Day) Act 201-.

P.18/2012.

Lodged: 20th February 2012.

Chief Minister.

Draft Employment (Jersey) Law 2003 (Amendment Nos. 5, 6 and 7) (Appointed Day)

P.19/2012.

Act 201-.

Lodged: 20th February 2012.

Minister for Social Security.

17th April 2012

Election campaign period: restrictions.

P.174/2011.

Lodged: 21st October 2011.

Deputy R.G. Le Hérissier of St. Saviour.

Election campaign period: restrictions (P.174/2011) – comments.

P.174/2011.

Presented: 6th January 2012.

Com.

Privileges and Procedures Committee.

Standing Orders: Answers to Questions.

P.177/2011.

Lodged: 21st October 2011.

Deputy G.P. Southern of St. Helier.

Standing Orders: Answers to Questions (P.177/2011) – comments.

Presented: 6th January 2012.

Com.

Privileges and Procedures Committee.

Draft States of Jersey Police Force Law 201-. P.182/2011.

Lodged: 16th November 2011. *Minister for Home Affairs*.

Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of Japan.

Lodged: 9th February 2012.

Chief Minister.

Chief Minister.

Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of the Republic of Poland.

Lodged: 9th February 2012.

Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of the Republic of India.

Lodged: 9th February 2012. *Chief Minister*.

29th May 2012

Open ballot for Ministers and Chairmen. P.188/2011.

Lodged: 5th December 2011. *Deputy T.M. Pitman of St. Helier.*

Open ballot for Ministers and Chairmen (P.188/2011): comments.

P.188/2011.

Presented: 6th January 2012.

Com.

Privileges and Procedures Committee.

THE STATES rose at 5.15 p.m.

M.N. DE LA HAYE

P.15/2012.

Greffier of the States