

THE STATES assembled on Tuesday 30th April 2013, at 09.30 a.m. under the Presidency of the Bailiff, Sir Michael Birt.

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

Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 9.41 a.m.)

Senator Ian Joseph Gorst – en défaut (défaut raised at 9.41 a.m.)

Senator Sir Philip Martin Bailhache – ill

Connétable Daniel Joseph Murphy of Grouville – en défaut

Connétable Stephen William Pallett of St. Brelade – ill

Deputy Geoffrey Peter Southern of St Helier – en défaut (défaut raised at 9.41 a.m.)

Deputy Trevor Mark Pitman of St. Helier – en défaut (défaut raised at 9.36 a.m.)

Deputy Tracey Anne Vallois of St. Saviour - ill

Deputy Andrew Kenneth Francis Green of St. Helier – excused attendance

Deputy Jeremy Martin Maçon of St. Saviour - ill

Prayers

Dean of Jersey - return

The Bailiff welcomed the Dean of Jersey, The Reverend Robert Key, back to the Assembly following the reinstatement of his Commission by the Bishop of Winchester. The Bailiff also thanked the Vice-Dean, The Reverend Geoffrey Houghton, for his services during the last 2 months.

Referendum Result

The Bailiff, in accordance with Article 12(4) of the Referendum (Reform of States Assembly) (Jersey) Act 2013, reported the result of the referendum held on Wednesday 24th April as follows –

There were 16,624 valid ballot papers.

There were 155 invalid ballot papers (spoilt papers).

The total numbers of valid first choice votes for each option were as follows –

Option A – 6,581

Option B - 6,804

Option C - 3,239.

As none of the 3 options obtained more than half of the valid first choice votes, Option C was discarded. The total number of valid second choice votes from the discarded Option C votes cast for each of the remaining 2 options was –

Option A – 126

Option B - 1,386.

129 Price code: B

The aggregate number of valid first and second choice votes cast for each of the 2 remaining options was therefore –

Option A - **6,707** Option B - **8,190.**

Liberation Day - filming in the Chamber

THE STATES agreed that the media should be permitted to film the proceedings on Thursday 9th May 2013, on the occasion of the 68th anniversary of the Liberation of the Island.

Subordinate enactments tabled

The following enactments were tabled, namely –

Community Provisions (Restrictive Measures – Syria) (Amendment No. 10) (Jersey) R&O.51/2013. Order 2013.

Deputy Chief Minister, for and on behalf of Chief Minister.

Advocates and Solicitors (Qualifying Examination) (Amendment No. 7) Rules 2013. R&O.52/2013. *Superior Number of the Royal Court.*

Petty Debts Court (Amendment) Rules 2013. R&O.53/2013. Superior Number of the Royal Court.

Road Racing (International Festival of Motoring) (Jersey) Order 2013. R&O.54/2013. *Minister for Transport and Technical Services*.

Road Racing (Motor Vehicle Rally) (Jersey) Order 2013. R&O.55/2013. *Minister for Transport and Technical Services.*

Sand Racing (No. 2) (Amendment) (Jersey) Order 2013. R&O.56/2013. *Minister for Transport and Technical Services.*

Community Provisions (Restrictive Measures – North Korea) (Amendment) (Jersey) R&O.57/2013. Order 2013. Chief Minister.

Community Provisions (Restrictive Measures – Libya) (Amendment No. 14) (Jersey) R&O.58/2013. Order 2013. *Chief Minister.*

Community Provisions (Restrictive Measures – Syria) (Amendment No. 11) (Jersey) R&O.59/2013. Order 2013. *Chief Minister.*

Community Provisions (Restrictive Measures – Egypt) (Amendment) (Jersey) Order 2013.

Chief Minister.

Documents presented or laid

Jersey Music Service: introduction of 'user pays' charges (P.36/2013) – comments.

Presented: 29th April 2013.

Com.

Education and Home Affairs Scrutiny Panel.

Land Transactions under Standing Order 168(3) – R.31/2013.

(a) 74 La Colomberie, St. Helier – lease;

(b) V32B, Victoria Pier – lease;

(c) E10, Elizabeth Terminal – lease.

Presented: 18th April 2013.

Minister for Treasury and Resources.

Progress Report by the Minister for Treasury and Resources on the Response to the R.32/2013. Fiscal Policy Panel Annual Report April 2013.

Presented: 19th April 2013.

Minister for Treasury and Resources.

The Reform of Social Housing (P.33/2013) and States of Jersey Housing R.33/2013.

Transformation Programme: Full Business Case (R.15/2013): Note from Professor

Christine Whitehead, O.B.E. Presented: 19th April 2013.

Minister for Housing.

Ministerial Responsibilities: Ministers and Assistant Ministers. R.34/2013.

Presented: 22nd April 2013.

Chief Minister.

Control of Housing and Work: Consultation Findings Report and draft Fees Order. R.35/2013.

Presented: 23rd April 2013.

Chief Minister.

Control of Housing and Work: draft Exemptions Order. R.36/2013.

Presented: 23rd April 2013.

Chief Minister.

States Assembly Annual Report 2012. R.37/2013.

Presented: 26th April 2013.

Privileges and Procedures Committee.

States of Jersey Law 2005: delegation of functions – Planning and Environment – R.38/2013. revised delegations April 2013.

Presented: 26th April 2013.

Minister for Planning and Environment.

Machinery of Government Review Sub-Committee: Interim Report April 2013. R.39/2013.

Presented: 30th April 2013.

Privileges and Procedures Committee.

Land Transactions under Standing Order 168(3) – R.40/2013.

(a) 2 Dorset Street, St. Helier (Shop) – lease;

(b) Langtry Gardens, St. Saviour's Hill, St. Saviour – Bus Shelter.

Presented: 30th April 2013.

Minister for Treasury and Resources.

Jersey Innovation Fund (S.R.4/2013) – response of the Minister for Economic S.R.4/2013. Development.

Presented: 30th April 2013.

Minister for Economic Development.

£200,000 Grant to Film Company. P.A.C.2/2013.

Presented: 25th April 2013. *Public Accounts Committee*.

Notification of lodged propositions

Draft Discrimination (Jersey) Law 201- (P.6/2013) – amendment.

Lodged: 30th April 2013.

Amd.

Minister for Social Security.

The Reform of Social Housing (P.33/2013): fifth amendment.

Lodged: 30th April 2013.

Deputy J.A.N. Le Fondré of St. Lawrence.

P.33/2013.

Amd.(5)

Draft Control of Housing and Work (Jersey) Law 2012 (Appointed Day) Act 201- (P.42/2013): amendment. Amd. Lodged: 23rd April 2013. *Chief Minister.*

Draft Register of Names and Addresses (Jersey) Law 2012 (Appointed Day) Act 201-(P.43/2013): amendment. Amd. Lodged: 23rd April 2013.

Chief Minister.

Draft Control of Housing and Work (Business Licences – Annual Charges for Registered Persons) (Jersey) Regulations 201-.

Lodged: 23rd April 2013.

Chief Minister.

Draft Control of Housing and Work (Transitional and Consequential Provisions) P.53/2013. (No. 2) (Jersey) Regulations 201-.

Lodged: 23rd April 2013.

Chief Minister.

Draft Education (Amendment No. 2) (Jersey) Law 201-. P.54/2013.

Lodged: 23rd April 2013.

Minister for Education, Sport and Culture.

Approval of the Memorandum of Understanding between the Government of Jersey and Her Majesty's Revenue and Customs of the United Kingdom of Great Britain and Northern Ireland relating to co-operation in tax matters.

Lodged: 30th April 2013.

Chief Minister.

Draft Taxation (Implementation) (Disclosure Facility) (Jersey) Regulations 201-. P.56/2013. Lodged: 30th April 2013.

Chief Minister.

Written Questions

(see Official Report/Hansard)

The Chief Minister tabled an answer to a question asked by the Connétable of St. John regarding the appointments of the Directors of Human Resources and Organisation Development.

The Minister for Economic Development tabled an answer to a question asked by the Connétable of St. John regarding attendance at the Paris Agricultural Show.

The Minister for Home Affairs tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding breaches of the Data Protection (Jersey) Law 2005 by police officers or their civilian staff.

The Chief Minister tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding Data Protection complaints and requests relating to the States of Jersey Police.

The Chief Minister tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding requests since 2005 made under Article 53 of the Data Protection (Jersey) Law 2005.

The Minister for Home Affairs tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding complaints made against the Chief Officer and Deputy Chief Officer of the States of Jersey Police since 2004.

H.M. Attorney General tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding referrals from either the States of Jersey Police or the Data Protection Commissioner regarding data protection breaches.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding returns to the Treasury from income derived through public services.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Connétable of St. Lawrence regarding vehicular access through Coronation Park.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the impact of the rent proposals within the Housing Transformation Programme.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the influence on Census figures on the proposals contained within the Housing Transformation Programme.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the protection of those in receipt of the rent component of Income Support from the impact of proposed rent increases.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding CTPlus Jersey's recognition of the trade union Unite.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the date when codes of practice covering the Transfer of Undertakings Protection of Employment will be introduced.

The Chief Minister tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the use of 'zero-hour' contracts.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the cost of offshore wind-monitoring masts.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the decrease in bus usage since CTPlus replaced Connex.

The Minister for Economic Development tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the supply of super-unleaded fuel.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the impact on future housing supply of the Jersey Development Company's 2012 report.

The Chief Minister tabled an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding the cost of consultancy reports associated with the various Machinery of Government reviews since 1999.

Oral Questions

(see Official Report/Hansard)

Deputy M. Tadier of St. Brelade asked a question of the Minister for Health and Social Services regarding concerns raised about levels of care at Highlands Care Home in the past 2 years.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Housing regarding the mismatch between the projections contained within the Reform of Social Housing (P.33/2013) and population projections produced in 2012 following the 2011 Census results.

Deputy M.R. Higgins of St. Helier asked a question of the Minister for Home Affairs regarding complaints investigated by the Jersey Police Complaints Authority, the Deputy Chief of the States of Jersey Police and the Professional Standards Department.

Deputy S. Pitman of St. Helier asked a question of the Minister for Transport and Technical Services regarding CTPlus' official recognition of the union.

Deputy T.M. Pitman of St. Helier asked a question of the Chief Minister regarding the Assistant Chief Minister (with responsibility for External Relations) and his access to confidential documents central to the suspension of the Dean's Commission.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Transport and Technical Services regarding amendments to the current Motor Traffic (Third Party Insurance) (Jersey) Law 1948 relating to driving an uninsured vehicle.

The Connétable of St. John asked a question of the Minister for Treasury and Resources regarding a recent 'spam attack' on Jersey Mail.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Transport and Technical Services regarding changes to bus routes from 31st March 2013.

Deputy R.J. Rondel of St. Helier, having declared an interest in accordance with Standing Order 106(1)(b), asked a question of the Minister for Treasury and Resources regarding increasing tax rates for the largest U.K. retailers operating in the Island.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Chief Minister regarding the way in which the success of the public sector reform project would be measured.

Deputy S. Pitman of St. Helier asked a question of the Chairman of Privileges and Procedures Committee regarding the dual role of the Bailiff.

The Connétable of St. John asked a question of the Minister for Economic Development regarding the employment licence granted to the Jersey Rugby Club.

Deputy G.C.L. Baudains of St. Clement asked a question of the Chairman of Privileges and Procedures Committee regarding the way in which the States Assembly would be constituted with 42 members.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Home Affairs regarding the States of Jersey Police's action in relation to 3 plots to kill Islanders since 2010.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Transport and Technical Services regarding the dispute over union recognition at CTPlus.

Deputy M.R. Higgins of St. Helier asked a question of the Chief Minister regarding action taken by the Data Protection Commissioner relating to a complaint against the States of Jersey Police.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Social Security answered questions without notice from members.

The Chief Minister answered questions without notice from members.

Draft Restriction on Smoking (Advertising, Promotion and Display) (Jersey) Regulations 201-P.17/2013

THE STATES commenced consideration of the Draft Restriction on Smoking (Advertising, Promotion and Display) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

POUR: 43 CONTRE: 2 ABSTAIN: 0

Senator P.F. Routier Senator S.C. Ferguson
Senator P.F.C. Ozouf Deputy G.C.L. Baudains (C)
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

Connétable of St. Helier

Connétable of Trinity

Connétable of St. Clement

Connétable of St. Peter

Connétable of St. Lawrence

Connétable of St. Mary

Connétable of St. John

Connétable of St. Ouen

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 M.R. Higgins (H)

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

Deputy R.J. Rondel (H)

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 28.

THE STATES, adopting an amendment of the Minister for Health and Social Services, agreed that after Regulation 28 there should be inserted the following Regulation –

"29 Application of Regulations to the territorial sea

These Regulations do not apply to a vessel of any description that is within the territorial sea adjacent to Jersey.".

THE STATES adopted Regulation 29, which was renumbered as Regulation 30, following the insertion of new Regulation 29.

THE STATES, in pursuance of Articles 1, 1C and 2 of the Restriction on Smoking (Jersey) Law 1973, made Regulations entitled the Restriction on Smoking (Advertising, Promotion and Display) (Jersey) Regulations 2013.

Draft Restriction on Smoking (Amendment No. 3) (Jersey) Law 201- P.18/2013

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

Members present voted as follows –

POUR: 38 CONTRE: 0 ABSTAIN: 0

Senator P.F. Routier

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator I.J. Gorst

Senator L.J. Farnham

Connétable of Trinity

Connétable of St. Clement

Connétable of St. Peter

Connétable of St. Lawrence

Connétable of St. Mary

Connétable of St. John

Connétable of St. Ouen

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 E.J. Noel (L)

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

Deputy R.J. Rondel (H)

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 6.

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

Members present voted as follows -

POUR: 36 CONTRE: 0 ABSTAIN: 0

Senator P.F. Routier

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator I.J. Gorst

Connétable of St. Helier

Connétable of Trinity

Connétable of St. Clement

Connétable of St. Peter

Connétable of St. Lawrence

Connétable of St. Mary

Connétable of St. John

Connétable of St. Ouen

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 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 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

Deputy R.J. Rondel (H)

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Chief Minister made a statement regarding a donation to the Commanding Officer of H.M.S. Iron Duke.

Jersey Music Service: introduction of 'user pays' charges P.36/2013

THE STATES commenced consideration of a proposition of the Minister for Education, Sport and Culture concerning the introduction of 'user pays' charges for the Jersey Music Service and rejected a proposition of Deputy Montfort Tadier of St. Brelade that, in accordance with Standing Order 83(1)(a), the matter should be referred back to the Minister for Education, Sport and Culture, in order that further information relating to the proposition could be provided to the Assembly.

Members present voted as follows –

POUR: 13 CONTRE: 28 ABSTAIN: 0

Senator A. Breckon
Senator S.C. Ferguson
Connétable of St. Mary
Connétable of St. Ouen
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy M. Tadier (B)
Deputy T.M. Pitman (H)
Deputy M.R. Higgins (H)
Deputy G.C.L. Baudains (C)
Deputy J.H. Young (B)
Deputy of St. Martin

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

Deputy R.G. Le Hérissier (S) Deputy of St. Ouen

Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)
Deputy E.J. Noel (L)
Deputy of St. John
Deputy J.P.G. Baker (H)
Deputy S.J. Pinel (C)
Deputy of St. Mary
Deputy R.G. Bryans (H)
Deputy of St. Peter

Deputy R.J. Rondel (H)

THE STATES, having resumed consideration of the proposition of the Minister for Education, Sport and Culture, adopted the proposition to refer to their Act dated 24th June 2003, in which they agreed that no new 'user pays' charges should be introduced without the prior approval of the States; and agreed that, in accordance with the proposals of the Comprehensive Spending Review Programme, a charging system should be introduced for the tuition and other support provided by the Jersey Music Service, with the level of charges to be set by the Minister for Education, Sport and Culture, as follows –

- (i) with effect from September 2013, charges to be levied for any new tuition and other support services provided by the Jersey Music Service;
- (ii) with effect from September 2014, charges to be levied for the existing tuition and other services provided by the Jersey Music Service.

Members present voted as follows -

POUR: 31 CONTRE: 9 ABSTAIN: 1

Senator P.F. Routier Senator P.F.C. Ozouf Senator S.C. Ferguson Senator A.J.H. Maclean Senator B.I. Le Marquand Senator F. du H. Le Gresley

Senator I.J. Gorst
Senator L.J. Farnham
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Clement
Connétable of St. Peter
Connétable of St. Ouen
Connétable of St. Martin
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy R.G. Le Hérissier (S)

Deputy of St. Ouen Deputy of Trinity

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

Deputy K.C. Lewis (S)

Deputy E.J. Noel (L)

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

Deputy R.J. Rondel (H)

Connétable of St. Mary

Senator A. Breckon Connétable of St. Lawrence Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy of Grouville Deputy M. Tadier (B) Deputy T.M. Pitman (H) Deputy M.R. Higgins (H) Deputy G.C.L. Baudains (C)

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(a), Deputy John Alexander Nicholas Le Fondré of St. Lawrence declared an interest and withdrew from the Chamber for the duration of the debate.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 1st May 2013 to consider the outstanding items of public business.

THE STATES rose at 5.32 p.m.

M.N. DE LA HAYE

Greffier of the States