



**THE STATES assembled on Tuesday  
16th April 2013, at 09.30 a.m. under  
the Presidency of the Deputy Bailiff,  
William James Bailhache, Esquire.**

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

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

Connétable John Le Sueur Gallichan of Trinity – ill  
Deputy John Alexander Nicholas Le Fondré of St. Lawrence – excused attendance  
Deputy Edward James Noel of St. Lawrence – en défaut

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Prayers read by the Greffier of the States

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#### **Subordinate enactments tabled**

The following enactments were tabled, namely –

Employment (Minimum Wage) (Amendment No. 6) (Jersey) Order 2013. <i>Minister for Social Security.</i>	R&O.39/2013.
Social Security (General Benefit) (Amendment No. 5) (Jersey) Order 2013. <i>Minister for Social Security.</i>	R&O.40/2013.
Social Security (Old Age Pensions and Survivor's Benefit) (Amendment) (Jersey) Order 2013. <i>Minister for Social Security.</i>	R&O.41/2013.
Community Provisions (Restrictive Measures – Iran) (Amendment No. 3) (Jersey) Order 2013. <i>Deputy Chief Minister, for and on behalf of Chief Minister.</i>	R&O.42/2013.
Motor Traffic (Third-Party Insurance) (Expenses Limits) (Amendment) (Jersey) Order 2013. <i>Minister for Health and Social Services.</i>	R&O.43/2013.
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 10) (Jersey) Order 2013. <i>Minister for Social Security.</i>	R&O.44/2013.
Community Provisions (Restrictive Measures – Zimbabwe) (No. 6) (Amendment No. 7) (Jersey) Order 2013. <i>Chief Minister.</i>	R&O.45/2013.

Social Security (2013 Old Age Pension Adjustment) (Jersey) Order 2013. <i>Minister for Social Security.</i>	R&O.46/2013.
Income Support (General Provisions) (Amendment No. 10) (Jersey) Order 2013. <i>Minister for Social Security.</i>	R&O.47/2013.
Community Provisions (Restrictive Measures – North Korea) (Jersey) Order 2013. <i>Chief Minister.</i>	R&O.48/2013.
Road Traffic (St. Helier) (Amendment No. 27) (Jersey) Order 2013. <i>Minister for Transport and Technical Services.</i>	R&O.49/2013.

### Documents presented or laid

Referendum on States reform: minimum turnout threshold (P.39/2013) – comments. Presented: 15th April 2013. <i>Privileges and Procedures Committee.</i>	P.39/2013. Com.
Tourism Development Fund: report for 2012. Presented: 22nd March 2013. <i>Minister for Economic Development.</i>	R.25/2013.
Prison Board of Visitors: Annual Report 2012. Presented: 28th March 2013. <i>Minister for Home Affairs.</i>	R.26/2013.
Jersey Director of Civil Aviation: Annual Report for 2012. Presented: 16th April 2013. <i>Chief Minister.</i>	R.27/2013.
Jersey Employment Tribunal Review: Report to the States. Presented: 16th April 2013. <i>Minister for Social Security.</i>	R.28/2013.
States of Jersey Development Company Limited: Annual Report and Consolidated Financial Statements for the year ended 31st December 2012. Presented: 16th April 2013. <i>Minister for Treasury and Resources.</i>	R.29/2013.
Customs and Immigration Service: Annual Report 2012. Presented: 16th April 2012. <i>Minister for Home Affairs.</i>	R.30/2013.
Green Street Police HQ: Traffic and Parking (S.R.3/2013) – response of the Minister for Planning and Environment. Presented: 12th April 2013. <i>Minister for Planning and Environment.</i>	S.R.3/2013. Res.
Green Street Police HQ: Traffic and Parking (S.R.3/2013) – response of the Minister for Transport and Technical Services. Presented: 15th April 2013. <i>Minister for Transport and Technical Services.</i>	S.R.3/2013. Res.(2)

Jersey Innovation Fund. S.R.4/2013.  
Presented: 27th March 2013.  
*Economic Affairs Scrutiny Panel.*

Starter Home Deposit Loan Scheme. S.R.5/2013.  
Presented: 4th April 2013.  
*Corporate Services Scrutiny Panel.*

Starter Home Deposit Loan Scheme (S.R.5/2013): response of the Minister for Treasury and Resources. S.R.5/2013.  
Presented: 16th April 2013. Res.  
*Minister for Treasury and Resources.*

Housing Transformation Programme Review. S.R.6/2013.  
Presented: 15th April 2013.  
*Health, Social Security and Housing Scrutiny Panel.*

### Notification of lodged propositions

Draft Restriction on Smoking (Advertising, Promotion and Display) (Jersey) Regulations 201- (P.17/2013): amendment. P.17/2013.  
Lodged: 9th April 2013. Amd.  
*Minister for Health and Social Services.*

The Reform of Social Housing (P.33/2013): amendment. P.33/2013.  
Lodged: 16th April 2013. Amd.  
*Health, Social Security and Housing Scrutiny Panel.*

The Reform of Social Housing (P.33/2013): second amendment. P.33/2013.  
Lodged: 16th April 2013. Amd.(2)  
*Deputy G.P. Southern of St. Helier.*

The Reform of Social Housing (P.33/2013): third amendment. P.33/2013.  
Lodged: 16th April 2013. Amd.(3)  
*Deputy J.A.N. Le Fondré of St. Lawrence.*

Referendum on States reform: minimum turnout threshold (P.39/2013) – amendment. P.39/2013.  
Lodged: 4th April 2013. Amd.  
*Connétable of St. John.*

Victoria and George V Cottage Homes (Repeal of General Principles). P.44/2013.  
Lodged: 28th March 2013.  
*Minister for Housing.*

Draft Procureurs du Bien Public (Terms of Office) (Jersey) Law 201-. P.45/2013.  
Lodged: 2nd April 2013.  
*Comité des Connétables.*

Ratification of the Agreement between the Government of Jersey and the Government of the Isle of Man for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income. P.46/2013.  
Lodged: 3rd April 2013.  
*Chief Minister.*

- Ratification of the Agreement between the Government of Jersey and the States of Guernsey for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income. P.47/2013.  
Lodged: 3rd April 2013.  
*Chief Minister.*
- Draft Unlawful Public Entertainments (Jersey) Regulations 201-. P.48/2013.  
Lodged: 8th April 2013.  
*Minister for Home Affairs.*
- Manual Workers' Joint Council: Employers' Side membership. P.49/2013.  
Lodged: 10th April 2013.  
*States Employment Board.*
- Draft Taxation (Accounting Records) (Jersey) Regulations 201-. P.50/2013.  
Lodged: 15th April 2013.  
*Chief Minister.*
- Chief Minister and Chairman of Comité des Connétables: monthly meetings. P.51/2013.  
Lodged: 16th April 2013.  
*Deputy M. Tadier of St. Brelade.*

### **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 –

- Draft Taxation (Implementation) (Amendment) (Jersey) Law 201-. P.30/2013.  
Lodged: 22nd February 2013.  
*Chief Minister.*

### **Written Questions**

*(see Official Report/Hansard)*

The Minister for Transport and Technical Services tabled an answer to a question asked by the Connétable of St. John regarding updates to the Road Traffic (Jersey) Law 1956 relating to tractors.

The Chief Minister tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the publication of public sector salaries over £100,000.

The Minister for Home Affairs tabled an answer to a question asked by the Connétable of St. John regarding a reduction in Jersey's contribution to U.K. defence.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Connétable of St. John regarding the costs associated with using salt on the roads when it snowed.

H.M. Attorney General tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding legal protection for Planning Application Panel members.

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 to the Island.

The Minister for Housing tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the redevelopment of Le Squez.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the evaluation of projects for fiscal stimulus.

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 bus service.

H.M. Attorney General tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding public officials who fail to investigate allegations against colleagues.

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

H.M. Attorney General tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the status of the Police Association as a public body.

The Minister for Housing tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the impact of the Housing Transformation Programme rent increase proposals on both inflation and deflation.

The Minister for Social Security tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the sustainability of Income Support expenditure.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the accountability of the Board of JT.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding the current operational status of the Energy from Waste plant.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the impact of index-linking social rents on underlying inflation.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding future demands for social rented accommodation.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding fair rents for the full range of social rental properties.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding increased rental income.

The Chairman of the Comité des Connétables tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding attendance at Parish Meetings.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding housing projects completed with fiscal stimulus funding.

The Chief Minister tabled an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding the roles played by senior civil servants in the reform of the Public Sector.

The Minister for Housing tabled an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding the development of social housing units since the beginning of rent rebate/abatement.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding increases in bowel diseases.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding the funding of the Integrated Care Record Project.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the proposed transfer of land at the Plémont Holiday Village either to public ownership or to an appropriate body or trust for public access.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the proposed transfer of land from the owners of the Plémont Holiday Village to an appropriate body or trust.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the findings of the 2012 Housing Affordability Survey and the Better Life Index 2013.

### **Oral Questions**

*(see Official Report/Hansard)*

Deputy G.P. Southern of St. Helier asked a question of the Chief Minister regarding the introduction of a Jersey equivalent to Transfer of Undertakings Protection of Employment (TUPE) Regulations.

Deputy M.R. Higgins of St. Helier asked a question of the Minister for Economic Development regarding the full costs of the legal action against H.M. Government over the removal of Low Value Consignment Relief.

Deputy J.H. Young of St. Brelade asked a question of the Minister for Planning and Environment regarding the shortfall in the supply of Category 'A' and affordable homes.

Deputy M. Tadier of St. Brelade asked a question of the Chairman of the Comité des Connétables regarding the continuation of the unpaid role of Constable if no longer *ex officio* members of the States in the future.

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Minister for Treasury and Resources regarding the number of domestic connections required to ensure the viability of the Gigabit project.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Transport and Technical Services regarding the quality of road resurfacing and trench reinstatement by utility companies.

The Connétable of St. John asked a question of the Minister for Treasury and Resources regarding the use of Departmental underspends to extend mains drains across the Island.

The Connétable of Grouville asked a question of the Chief Minister regarding the Foreign Account Tax Compliance Act agreements between the United Kingdom and United States governments.

Deputy T.A. Vallois of St. Saviour asked a question of the Minister for Treasury and Resources regarding the reform of the public sector.

Deputy J.A. Hilton of St. Helier asked a question of the Minister for Economic Development regarding the use of non-locally qualified licences.

Deputy T.M. Pitman of St. Helier asked a question of the Chairman of the Privileges and Procedures Committee regarding complaints from the public relating to alleged data protection breaches involving the Assistant Chief Minister.

Deputy R.G. Le Hérisssier of St. Saviour asked a question of the Minister for Economic Development regarding the McKinsey study into the future of Jersey's finance industry.

The Connétable of St. John asked a question of the Minister for Health and Social Services regarding succession planning for the Chief Ambulance Officer's position.

Deputy M.R. Higgins of St. Helier asked a question of the Chairman of the Privileges and Procedures Committee regarding the Venice Commission's guidelines on voter equity.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Housing regarding the rationale underpinning the use of 90% of market rents as the basis for social or affordable rents in Jersey.

### **Roll call**

The Deputy Bailiff, in accordance with Standing Order 56(2), directed that elected members be summoned as the Assembly was inquorate. In accordance with Standing Order 56(2), having allowed such time as he considered reasonable for elected members to return to the Chamber, the Presiding Officer asked the Greffier to take the roll using the electronic voting system, as he believed that the States remained inquorate. The following members who had been marked as present earlier the morning were absent from the Chamber for this second roll call –

Senator A. Breckon  
Senator S.C. Ferguson  
Senator A.J.H. Maclean  
Senator B.I. Le Marquand  
Senator L.J. Farnham  
Connétable of St. Helier  
Connétable of St. Clement  
Connétable of St. Lawrence  
Connétable of St. Mary  
Connétable of St. John  
Connétable of St. Ouen  
Connétable of St. Brelade  
Deputy R.G. Le Hérisssier (S)  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy of Trinity

Deputy K.C. Lewis (S)  
 Deputy T.M. Pitman (H)  
 Deputy T.A. Vallois (S)  
 Deputy M.R. Higgins (H)  
 Deputy A.K.F. Green (H)  
 Deputy J.M. Maçon (S)  
 Deputy of St. John  
 Deputy of St. Mary

After the roll had been taken, the States remained inquorate and the Deputy Bailiff, in accordance with Standing Order 56(3)(2), suspended the meeting for 5 minutes.

### **Oral Questions**

*(see Official Report/Hansard)*

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Treasury and Resources regarding the appointment of members to the Board of JT.

Deputy J.H Young of St. Brelade asked a question of the Minister for Treasury and Resources regarding the refurbishment of Maritime House for the occupation of the Jersey Property Holdings Department.

Deputy M. Tadier of St. Brelade asked a question of the Chief Minister regarding consultation between Ministers and Constables should the latter no longer be members of the Assembly in the future.

### **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.

### **Starter Home Deposit Loan Scheme P.131/2012**

THE STATES commenced consideration of a proposition of the Minister for Treasury and Resources concerning the Starter Homes Deposit Loan Scheme and rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier that, in accordance with Standing Order Order 83(1)(a), the matter should be referred back to the Minister for Treasury and Resources in order that further information relating to the proposition could be provided to the Assembly.

Members present voted as follows –

**POUR: 15**

Senator A. Breckon  
 Senator S.C. Ferguson  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of St. Martin  
 Deputy R.C. Duhamel (S)

**CONTRE: 29**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator B.I. Le Marquand  
 Senator F. du H. Le Gresley  
 Senator I.J. Gorst  
 Senator L.J. Farnham

**ABSTAIN: 0**



Deputy G.P. Southern (H)	Senator P.M. Bailhache
Deputy of St. Ouen	Connétable of St. Helier
Deputy S.S.P.A. Power (B)	Connétable of St. Clement
Deputy S. Pitman (H)	Connétable of St. Peter
Deputy M.R. Higgins (H)	Connétable of St. Lawrence
Deputy J.M. Maçon (S)	Connétable of St. Mary
Deputy G.C.L. Baudains (C)	Connétable of St. Ouen
Deputy J.H. Young (B)	Connétable of St. Brelade
Deputy R.J. Rondel (H)	Connétable of St. Saviour
	Deputy R.G. Le Hérisier (S)
	Deputy J.A. Martin (H)
	Deputy of Grouville
	Deputy of Trinity
	Deputy K.C. Lewis (S)
	Deputy T.A. Vallois (S)
	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

THE STATES, having resumed consideration of the proposition of the Minister for Treasury and Resources, agreed to refer to their Act dated 1st May 2012 in which they approved the Draft Strategic Plan, which, *inter alia*, set out a priority to “house our community” and to undertake an action to bring forward schemes to support first-time buyers, and approved, in accordance with the provisions of Article 2(1) of the Building Loans (Jersey) Law 1950, the transfer of £3 million from the Dwelling Houses Loans Fund to the Consolidated Fund for the purposes of providing cash balances for the operation of a Starter Home Deposit Loan Scheme for an initial trial period in accordance with the principles and processes outlined in paragraphs 1.6 to 4.2 of the Report of the Minister for Treasury and Resources dated 4th December 2012.

Members present voted as follows –

**POUR: 38**

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 St. Clement  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Connétable of St. John

**CONTRE: 9**

Senator A. Breckon  
 Senator S.C. Ferguson  
 Connétable of Grouville  
 Deputy R.C. Duhamel (S)  
 Deputy G.P. Southern (H)  
 Deputy of St. Ouen  
 Deputy M. Tadier (B)  
 Deputy T.M. Pitman (H)  
 Deputy M.R. Higgins (H)

**ABSTAIN: 0**

Connétable of St. Ouen  
Connétable of St. Brelade  
Connétable of St. Martin  
Connétable of St. Saviour  
Deputy R.G. Le Hérisier (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 T.A. Vallois (S)  
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

### **Island Plan 2011: wind-farms P.27/2013**

THE STATES commenced consideration of a proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement entitled 'Island Plan 2011: wind-farms' (P.27/2013) regarding the prohibition of utility-scale wind-farms in Jersey, on its offshore reefs or in its territorial waters.

### **Adjournment**

THE STATES adjourned, having agreed to reconvene on Wednesday 17th April 2013, to continue consideration of the proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement entitled 'Island Plan 2011: wind-farms' (P.27/2013) and the outstanding items of public business.

THE STATES rose at 5.29 p.m.

**M.N. DE LA HAYE**

*Greffier of the States*

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### **Re-issue Note**

These States Minutes are re-issued because there was an error in the page numbering of the original version of the Minutes of 20th March 2013, which has necessitated renumbering of the pages in the subsequent Minutes.