



**THE STATES assembled on Tuesday
10th December 2013, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
William James Bailhache, Esquire.**

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

Senator Philip Francis Cyril Ozouf – absent on States business
Senator Ian Joseph Gorst – excused attendance (arrived in the Chamber at 9.49 a.m.)
Senator Sir Philip Martin Bailhache – absent on States business
Connétable Leonard Norman of St. Clement – ill
Connétable Juliette Gallichan of St. Mary – absent on States business
Connétable Sadie Anthea Rennard of St. Saviour – en défaut (défaut raised at 9.38 a.m.)
Deputy Judith Ann Martin of St. Helier – en défaut (défaut raised at 9.49 a.m.)
Deputy John Alexander Nicholas Le Fondré of St. Lawrence – ill
Deputy Shona Pitman of St. Helier – en défaut (défaut raised at 9.36 a.m.)
Deputy Trevor Mark Pitman of St. Helier – en défaut (défaut raised at 9.40 a.m.)
Deputy Jeremy Martin Maçon of St. Saviour – ill
Deputy James Patrick Gorton Baker of St. Helier – absent on States business
Deputy Kristina Louise Moore of St. Peter – ill

Prayers

Mr. Nelson Mandela – tribute

The Deputy Bailiff advised the Assembly that he had sent a letter to the South African High Commissioner in London, on behalf of the Assembly and the people of Jersey, to convey sympathy for the recent death of former President Nelson Mandela.

Subordinate enactments tabled

The following enactments were tabled, namely –

Community Provisions (Restrictive Measures – Iran) (Amendment No. 5) (Jersey) Order 2013. R&O.151/2013.
Minister for External Relations.

Transport and Technical Services (Driver and Vehicle Standards – 2014 Fees) (Jersey) Order 2013. R&O.155/2013.
Minister for Transport and Technical Services.

Documents presented or laid

States of Jersey Financial Reporting Manual (December 2013). R.150/2013.
Presented: 10th December 2013.
Minister for Treasury and Resources.

Land Transactions under Standing Order 168(3) – R.151/2013.
 (a) Former Le Coin Flats, Charles Street, St. Helier – boundary with Curry’s Warehouse;
 (b) Pumping Station, Five Oaks, Prince’s Tower Road, St. Saviour – transfer of land.
 Presented: 10th December 2013.
Minister for Treasury and Resources.

Notification of lodged propositions

Draft Public Employees (Retirement) (Amendment and Validation) (Jersey) Law 201-. P.159/2013.
 Lodged: 10th December 2013.
States Employment Board.

Elected Speaker of the States. P.160/2013.
 Lodged: 10th December 2013.
Connétable of St. Helier.

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 –

Legal aid reform and access to justice: working group. P.145/2013.
 Lodged: 1st November 2013.
Deputy M. Tadier of St. Brelade.

Written Questions

(see Official Report/Hansard)

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the impact of R&O.75/2012.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding engagement with young voters in 2014.

The Chairman of the Privileges and Procedures Committee tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding engagement with young voters in 2014.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the introduction of a harmonised maternity policy.

Oral Questions

(see Official Report/Hansard)

The Connétable of St. John asked a question of the Minister for Economic Development regarding the use of the former La Folie Inn building to train emergency services.

The Connétable of St. John asked a question of the Assistant Minister for Treasury and Resources regarding the tenders for the financial Quarter of the Esplanade.

Deputy M.R. Higgins of St. Helier asked a question of the Chief Minister regarding the compensation scheme for Historic Child Abuse victims and the number of claims settled, disputed, rejected and pending.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Transport and Technical Services regarding repairs to the Bellozanne Chimney.

Deputy T.M. Pitman of St. Helier asked a question of the Chief Minister regarding the use of the Data Protection (Jersey) Law 2005 to prosecute former Senator S. Syvret.

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Minister for Economic Development regarding the steps taken by his Department to encourage play.com to remain in Jersey.

Senator A. Breckon asked a question of the Minister for Housing regarding the need for more States rental homes.

Deputy M.R. Higgins of St. Helier asked a question of the Minister for Home Affairs regarding the arrest and detention of the person known as HG on 26th September 2010.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Home Affairs regarding cyber-bullying complaints.

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Assistant Minister for Treasury and Resources regarding the use of JT and Jersey Competition Regulatory Authority funds on Court costs.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Economic Development regarding the sanctions available to the Jersey Competition Regulatory Authority.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding the coverage of financial support for unpaid carers.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding breaches of employment law by Jersey employers using zero-hours contracts.

Deputy M. Tadier of St. Brelade asked a question of the Assistant Minister for Treasury and Resources regarding plans for the use or disposal of the St. Saviour's Hospital buildings.

Deputy T.A. Vallois of St. Saviour asked a question of the Minister for Treasury and Resources regarding the delegation of Ministerial powers under the Public Finances (Jersey) Law 2005.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Home Affairs answered questions without notice from members.

The Minister for Transport and Technical Services answered questions without notice from members.

Minimum wage: amendment P.135/2013

THE STATES resumed consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier, the debate of which had commenced on 5th December 2013.

THE STATES rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier to request the Minister for Social Security, having sought the views of the Employment Forum as required by Article 18(1) of the Employment (Jersey) Law 2003, to make an Order fixing the minimum wage £6.77 per hour and, as this figure was different from the £6.63 recommended by the Forum, to report to the States as required by Article 18(4) of the Employment (Jersey) Law 2003.

Members present voted as follows –

POUR: 8

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

CONTRE: 32

Senator P.F. Routier
 Senator S.C. Ferguson
 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. Peter
 Connétable of St. Lawrence
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of Grouville
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisser (S)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy of St. John
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)

ABSTAIN: 0**Draft Employment (Minimum Wage) (Amendment No. 10) (Jersey) Regulations 201- P.131/2013**

THE STATES commenced consideration of the Draft Employment (Minimum Wage) (Amendment No. 10) (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, and in pursuance of Articles 17, 18 and 104 of the Employment (Jersey) Law 2003, adopted Regulations 1 and 2.

THE STATES made Regulations entitled the Employment (Minimum Wage) (Amendment No. 10) (Jersey) Regulations 2013.

Long-Term Care Scheme P.99/2013

THE STATES commenced consideration of a proposition of the Minister for Social Security regarding the introduction of a Long-Term Care Scheme (P.99/2013) and rejected an amendment of Deputy John Hilary Young of St. Brelade that after the words “dated 22nd August 2013” there should be inserted the words –

“except that in section 1.1 the words “They will require the LTC contribution rate to rise over the next 30 years to just under an estimated 3% by 2044.” shall be deleted and for Section 1.12 there shall be substituted the following section –

“1.12 The LTC contributions from taxpayers be based on a scale of percentage contributions relative to individual taxpayers’ total gross income for income tax purposes, taking no account of deductions of income tax allowances and marginal tax relief, with the scale calculated to increase the LTC percentage contribution payable by the taxpayer progressively from a nil contribution at a lower threshold of total gross income rising to the full (headline) LTC contribution percentage rate payable on total gross income at the level of an upper earnings cap.””

Members present voted as follows –

POUR: 12

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

CONTRE: 27

Senator P.F. Routier
 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. Peter
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of Grouville
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisier (S)
 Deputy of St. Ouen
 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 S.J. Pinel (C)
 Deputy of St. Mary
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)

ABSTAIN: 0

THE STATES rejected an amendment of Deputy Montfort Tadier of St. Brelade to the proposition of the Minister for Social Security regarding the introduction of a Long-Term Care Scheme (P.99/2013) that after the words “dated 22nd August 2013” there should be inserted the words –

“except that in section 1.12, delete the third paragraph which says –

‘Unlike income tax, an upper income limit will apply when calculating the LTC contribution. LTC liability for individuals with a gross income above the Social Security upper earnings limit (£152,232 p.a. in 2013) will be capped.’ ”.

Members present voted as follows –

POUR: 11

Senator A. Breckon
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy S. Pitman (H)
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)

CONTRE: 25

Senator P.F. Routier
Senator S.C. Ferguson
Senator B.I. Le Marquand
Senator F. du H. Le Gresley
Senator I.J. Gorst
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Peter
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Martin
Connétable of Grouville
Deputy R.C. Duhamel (S)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy A.K.F. Green (H)
Deputy of St. John
Deputy S.J. Pinel (C)
Deputy of St. Mary
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy R.J. Rondel (H)

ABSTAIN: 0

THE STATES rejected an amendment of Senator Alan Breckon that after the words “dated 22nd August 2013” there should be inserted the words –

“except that in section 1.13 after the words “adjusted in line with changes in general price inflation (RPI)” there shall be inserted the words “plus 1%”.

Members present voted as follows –

POUR: 13

Senator A. Breckon
Senator S.C. Ferguson
Deputy R.G. Le Hérissier (S)
Deputy G.P. Southern (H)

CONTRE: 23

Senator P.F. Routier
Senator B.I. Le Marquand
Senator F. du H. Le Gresley
Senator I.J. Gorst

ABSTAIN: 0

Deputy of St. Ouen	Connétable of St. Helier
Deputy of Grouville	Connétable of Trinity
Deputy J.A. Hilton (H)	Connétable of St. Peter
Deputy S. Pitman (H)	Connétable of St. Lawrence
Deputy T.M. Pitman (H)	Connétable of St. Ouen
Deputy T.A. Vallois (S)	Connétable of St. Brelade
Deputy M.R. Higgins (H)	Connétable of St. Martin
Deputy G.C.L. Baudains (C)	Connétable of Grouville
Deputy J.H. Young (B)	Deputy R.C. Duhamel (S)
	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 S.J. Pinel (C)
	Deputy of St. Mary
	Deputy of St. Martin
	Deputy R.G. Bryans (H)

THE STATES resumed consideration of the proposition of the Minister for Social Security entitled 'Long-Term Care Scheme' (P.99/2013).

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 11th December 2013 to continue consideration of the proposition of the Minister for Social Security entitled 'Long-Term Care Scheme' (P.99/2013) and the outstanding items of public business.

THE STATES rose at 5.25 p.m.

M.N. DE LA HAYE

Greffier of the States