



**THE STATES assembled on Tuesday
19th March 2013, 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 Philip Francis Cyril Ozouf – en défaut
Connétable Leonard Norman of St Clement – excused attendance (arrived in the Chamber at
11.06 a.m.)
Deputy James Gordon Reed of St. Ouen – excused attendance
Deputy Sean Seamus Patrick Augustine Power of St. Brelade – en défaut
Deputy James Patrick Gorton Baker of St. Helier – excused attendance

Prayers read by the Acting Greffier of the States

Subordinate enactments tabled

The following enactments were tabled, namely –

Community Provisions (Restrictive Measures – Zimbabwe) (No. 6) (Amendment No. 6) (Jersey) Order 2013. R&O.32/2013.
Chief Minister.

Documents presented or laid

Green Initiative Fund: establishment (P.12/2013) – comments. P.12/2013.
Presented: 18th March 2013. Com.
Minister for Planning and Environment.

Green Initiative Fund: establishment (P.12/2013) – comments. P.12/2013.
Presented: 18th March 2013. Com.(2)
Council of Ministers.

Draft Social Security (Amendment of Law No. 5) (Jersey) Regulations 201- P.15/2013.
(P.15/2013) – amendment (P.15/2013 Amd.) – comments. Amd.Com.
Presented: 18th March 2013.
Minister for Social Security.

Minimum Wage: revised hourly rate from 1st April 2013 (P.25/2013) – comments. Presented: 18th March 2013. <i>Minister for Social Security.</i>	P.25/2013. Com.
Independent Planning Appeals Tribunal: establishment (P.26/2013) – comments. Presented: 18th March 2013. <i>Minister for Planning and Environment.</i>	P.26/2013. Com.
Independent Planning Appeals Tribunal: establishment (P.26/2013) – comments. Presented: 19th March 2013. <i>H.M. Attorney General.</i>	P.26/2013. Com.(2)
Liberty Bus: reinstatement of Route 18 to Le Squez and Le Marais – comments. Presented: 12th March 2013. <i>Minister for Transport and Technical Services.</i>	P.28/2013. Com.
Jersey Police Complaints Authority: report for 2012. Presented: 11th March 2013. <i>Minister for Home Affairs.</i>	R.17/2013.
Draft States of Jersey (Minister for External Relations) (Jersey) Regulations 201-: report of the Chief Minister. Presented: 11th March 2013. <i>Chief Minister.</i>	R.18/2013.
States of Jersey Law 2005: delegation of functions – probationary period of police constables. Presented: 12th March 2013. <i>Minister for Home Affairs.</i>	R.19/2013.
Jersey Electricity Report and Accounts 2012: Sustainability for life, growth and prosperity. Presented: 13th March 2013. <i>Minister for Treasury and Resources.</i>	R.20/2013.
Affordable Housing Gateway: Year End Performance Report at 31st December 2012. Presented: 15th March 2013. <i>Minister for Housing.</i>	R.21/2013.
Public Lotteries: report for 2012. Presented: 15th March 2013. <i>Minister for Economic Development.</i>	R.22/2013.
Land Transactions under Standing Order 168(3) – (a) Fields 805, 819 and 821, Le Mont Mado, St. John – lease; (b) A43B and C, Albert Pier, N20 New North Quay – lease; (c) La Rue des Landes, St. Peter – acquisition of new pavement. Presented: 19th March 2013. <i>Minister for Treasury and Resources.</i>	R.23/2013.
Planning appeals – can we improve the process? Green Paper March 2013. Presented: 19th March 2013. <i>Minister for Planning and Environment.</i>	R.24/2013.

Ash Disposal (S.R.20/2012): response of the Minister for Transport and Technical Services. S.R.20/2012.
Presented: 8th March 2013. Res.(2)
Minister for Transport and Technical Services.

Notification of lodged propositions

Jersey Music Service: introduction of ‘user pays’ charges. P.36/2013.
Lodged: 8th March 2013.
Minister for Education, Sport and Culture.

Living Wage for Jersey: investigation. P.37/2013.
Lodged: 18th March 2013.
Deputy G.P. Southern of St. Helier.

Draft Wills and Successions (Amendment No. 2) (Jersey) Law 201-. P.38/2013.
Lodged: 19th March 2013.
Chief Minister.

Referendum on States reform: minimum turnout threshold. P.39/2013.
Lodged: 19th March 2013.
Deputy J.M. Maçon of St. Saviour.

Written Questions

(see Official Report/Hansard)

The Minister for Economic Development tabled an answer to a question asked by Senator A. Breckon regarding the employment of Public Relations consultants during 2011 and 2012.

The Minister for Housing tabled an answer to a question asked by Deputy J.A. Martin of St. Helier regarding the generation of 150 two-bedroom rental homes on the Summerland and Ambulance station sites.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy J.A. Martin of St. Helier regarding the available budget for the development of 150 category ‘A’ residential units on the Summerland site.

The Chairman of the Privileges and Procedures Committee tabled an answer to a question asked by the Connétable of St. Lawrence regarding the use of Members’ facilities in the States building to promote any of the referendum options.

The Minister for Home Affairs tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the creation of legislation addressing ‘death by careless driving’.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding changes to eligibility rules for States housing and rental payments.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the release to members of the Wilcox Report and other research documentation into the social impact of the Housing Transformation Programme.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the transfer of staff from Connex to CTPlus.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding blood-screening of residents near to the Bellozanne facility.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the health-screening of employees at the Bellozanne facility.

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

The Chief Minister tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the failure of the Data Protection Commissioner to take action regarding alleged data protection breaches.

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

Oral Questions

(see Official Report/Hansard)

Deputy T.M. Pitman of St. Helier asked a question of H.M. Attorney General regarding the appointment of the Dean of Jersey.

Deputy R.G. Le Hérisssier of St. Saviour asked a question of the Assistant Minister for Treasury and Resources regarding reducing the cost of the Parish sponsored property development in Trinity.

Deputy G.P. Southern of St. Helier asked a question of the Chief Minister regarding apprenticeship schemes for young people.

Deputy J.A. Martin of St. Helier asked a question of the Minister for Housing regarding the development of 150 two-bedroom units on the Summerland and Ambulance site.

Deputy J.H. Young of St. Brelade asked a question of the Minister for Planning and Environment regarding the call in of a planning application previously approved by the Planning Applications Panel.

Deputy G.C.L. Baudains of St. Clement asked a question of the Chief Minister regarding departmental restructuring.

Deputy M.R. Higgins of St. Helier asked a question of the Minister for Transport and Technical Services regarding the transferral of staff to CTPlus.

The Deputy of St. Peter asked a question of the Assistant Minister for Treasury and Resources regarding the identification of further funding to acquire additional housing sites in the next 2 years.

The Connétable of St. Martin asked a question of the Minister for Transport and Technical Services regarding the use of domestic type wheelie bins at sites of special interest.

The Connétable of St. Peter asked a question of the Minister for Transport and Technical Services regarding residential parking spaces and the annual parking income which could be derived were Residential Permits not in place.

Deputy R.G. Le Hérisse of St. Saviour asked a question of H.M. Attorney General regarding the appointment and day to day management of the Dean of Jersey.

Deputy J.H. Young of St. Brelade asked a question of the Minister for Planning and Environment regarding re-opening the Planning Inquiry for Plémont Holiday Village.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Housing regarding the assumptions within the summary financial projection of £240 million for the proposed new Housing company for rental income in years 1 to 5.

Deputy J.A. Martin of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding the development of the units of accommodation at the Summerland site.

Deputy M.R. Higgins of St. Helier asked a question of the Minister for Home Affairs regarding Data Protection Breaches by Police Officers.

Deputy T.M. Pitman of St. Helier asked a question of H.M. Attorney General regarding allegations of fraud against lawyers.

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

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

The Chief Minister questions without notice from members.

Statements on a matter of official responsibility
(see *Official Report/Hansard*)

The Chairman of the Comité des Connétables made a statement regarding those who helped during recent blizzard conditions in the Island.

Green Initiative Fund: establishment P.12/2013

THE STATES commenced consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier concerning the establishment of a Green Initiative Fund and, following some discussion and in accordance with Standing Order 69(4), granted leave for paragraph (b) of the proposition to be withdrawn.

THE STATES rejected paragraph (a) of the proposition of Deputy Geoffrey Peter Southern of St. Helier –

- (a) to request the Minister for Treasury and Resources to bring forward for approval no later than September 2013 proposals for the establishment of a new special fund in accordance with the provisions of Article 3(3)(a) of the Public Finances (Jersey) Law 2005 to be known as the “Green Initiative Fund”, with the Fund to be utilised, in consultation with the Ministers for Planning and Environment and Transport and Technical Services, to support a programme of initiatives to stimulate the economy through the development of environmentally sustainable projects, some of which would be in place by the first quarter of 2014, with these projects to include, but not be limited to –

Home Energy Saving;
 Solar heating;
 Power from the Sun (Photovoltaics);
 Ground and Air Source Heating;
 Wind Power;
 Waste Water Recycling;
 Biomass and Biofuel;
 Wave and Tidal Power;
 Combined Heat and Power (CHP);
 Sustainable Transport;

Members present voted as follows –

POUR: 19

Senator A. Breckon
 Connétable of St. Helier
 Connétable of St. Lawrence
 Connétable of St. John
 Connétable of St. Brelade
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy J.A. Hilton (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 J.H. Young (B)
 Deputy of St. Mary
 Deputy R.G. Bryans (H)

CONTRE: 26

Senator P.F. Routier
 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
 Senator P.M. Bailhache
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy of Trinity
 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 S.J. Pinel (C)
 Deputy of St. Martin
 Deputy of St. Peter
 Deputy R.J. Rondel (H)

ABSTAIN: 0**Minimum Wage: revised hourly rate from 1st April 2013 P.25/2013**

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 at £6.60 per hour from 1st April 2013 and, as this figure was different from the £6.53 rate 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: 7

Senator A. Breckon
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S. Pitman (H)
Deputy M. Tadier (B)
Deputy T.M. Pitman (H)
Deputy M.R. Higgins (H)

CONTRE: 34

Senator P.F. Routier
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
Senator P.M. Bailhache
Connétable of St. Helier
Connétable of Trinity
Connétable of Grouville
Connétable of St. Clement
Connétable of St. Peter
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 Hérisier (S)
Deputy J.A. Hilton (H)
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
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.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

ABSTAIN: 0

Draft Employment (Minimum Wage) (Amendment No. 9) (Jersey) Regulations 201- P.13/2013

THE STATES commenced consideration of the Draft Employment (Minimum Wage) (Amendment No. 9) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

POUR: 42

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

CONTRE: 2

Deputy J.A. Martin (H)
Deputy G.P. Southern (H)

ABSTAIN: 0

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. Clement
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 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 J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 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 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 5.

THE STATES, in pursuance of Articles 17, 18 and 104 of the Employment (Jersey) Law 2003, made Regulations entitled the Employment (Minimum Wage) (Amendment No. 9) (Jersey) Regulations 2013.

Members present voted as follows –

POUR: 41

CONTRE: 2

ABSTAIN: 0

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson

Deputy G.C.L. Baudains (C)
 Deputy of St. John

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

Draft Social Security (Amendment of Law No. 5) (Jersey) Regulations 201- P.15/2013

THE STATES commenced consideration of the Draft Social Security (Amendment of Law No. 5) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

POUR: 28

CONTRE: 0

ABSTAIN: 1

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

Deputy G.C.L. Baudains (C)

Senator L.J. Farnham
 Connétable of St. Helier
 Connétable of St. Lawrence
 Connétable of St. Mary
 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 S. Pitman (H)
 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 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 5.

THE STATES commenced consideration of Regulations 6 and 7 and rejected an amendment of Deputy Geoffrey Peter Southern of St. Helier that in Regulation 6 in the inserted Article 25A after paragraph (2) there should be added the following paragraph –

“(3) The amount prescribed under paragraph (2)(b) shall be the product of £6.32 multiplied by the number of weeks comprised in the period beginning with the day in October 2012 from which the last increase in the old age pension took effect and ending with the day before the day from which the standard rate specified in paragraph 2(1) of Part 1A of Schedule 1 takes effect.”.

and in Regulation 7 in paragraph (2), in the inserted Part 1A of Schedule 1 –

- (a) in paragraph 2(4) for the amount “£189.84” there should be substituted the amount “£193.57”;
- (b) in paragraph 2(6)(a) for the amount “275.1” there should be substituted the amount “280.5”.

Members present voted as follows –

POUR: 11

Senator A. Breckon
 Connétable of St. Lawrence
 Connétable of St. Brelade
 Deputy G.P. Southern (H)

CONTRE: 25

Senator P.F. Routier
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator F. du H. Le Gresley

ABSTAIN: 2

Connétable of St. Saviour
 Deputy G.C.L. Baudains (C)

Deputy S. Pitman (H)	Senator I.J. Gorst
Deputy M. Tadier (B)	Senator L.J. Farnham
Deputy T.M. Pitman (H)	Senator P.M. Bailhache
Deputy M.R. Higgins (H)	Connétable of St. Helier
Deputy J.M. Maçon (S)	Connétable of Trinity
Deputy of St. Mary	Connétable of St. Clement
Deputy R.J. Rondel (H)	Connétable of St. Mary
	Connétable of St. Ouen
	Connétable of St. Martin
	Deputy R.C. Duhamel (S)
	Deputy J.A. Hilton (H)
	Deputy J.A.N. Le Fondré (L)
	Deputy of Trinity
	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. Martin
	Deputy R.G. Bryans (H)
	Deputy of St. Peter

THE STATES adopted Regulations 6 and 7.

THE STATES adopted Regulation 8.

Members present voted as follows –

POUR: 37

CONTRE: 0

ABSTAIN: 1

Senator P.F. Routier
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 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 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 G.P. Southern (H)
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)

Deputy G.C.L. Baudains (C)

Deputy of Trinity
Deputy S. Pitman (H)
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 of St. John
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, in pursuance of Articles 50 and 51 of the Social Security (Jersey) Law 1974, made Regulations entitled the Social Security (Amendment of Law No. 5) (Jersey) Regulations 2013.

In accordance with Standing Order 106(1)(b), Senators P.F. Routier, S.C. Ferguson, B.I. Le Marquand, F. du H. Le Gresley, and P.M. Bailhache; the Connétables of Grouville, St. Lawrence, St. John, St. Martin and St. Saviour and Deputies R.G. Le Hérisier of St. Saviour and J.H. Young of St. Brelade declared an interest, but remained in the Chamber for the duration of the debate.

Beach House, Green Island, St. Clement: grant of a right to access through the sea wall P.16/2013

THE STATES commenced consideration of a proposition of the Minister for Treasury and Resources regarding the granting of access through the sea wall to the Beach House, Green Island, St. Clement (P.16/2013) and adopted an amendment proposed by the Assistant Minister for Treasury and Resources to delete the words 'as shown on Drawing No. 1' from paragraph (a), having agreed, in accordance with Standing Order 26(8), to reduce the minimum lodging period for the amendment to enable it to be debated forthwith.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 20th March 2013 to complete consideration of the proposition of the Minister for Treasury and Resources entitled 'Beach House, Green Island, St. Clement: grant of a right to access through the sea wall' (P.16/2013) and the outstanding items of public business.

THE STATES rose at 5.35 p.m.

L-M. HART

Acting Greffier of the States