

THE STATES assembled on Tuesday 17th July 2012, at 09.30 a.m. under the Presidency of the Bailiff, Sir Michael Birt.

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 Paul Francis Routier – absent on States business Senator Alan John Henry Maclean – excused attendance Connétable Sadie Anthea Rennard of St. Saviour – excused attendance Deputy Carolyn Fiona Labey of Grouville – excused attendance Deputy Shona Pitman of St. Helier – ill

Prayers

H.R.H. The Duke of Gloucester - visit

The Bailiff advised the Assembly that H.R.H. The Duke of Gloucester would be visiting the Island on 16th September 2012 in his capacity as Grand Prior of the Order of St. John's Ambulance.

Mr. T. Wild A.C.I.B., M.L.C. - welcome

The Bailiff, on behalf of all members, welcomed Mr. Tony Wild, Member of the Legislative Council of the Isle of Man who was present in the public gallery.

201

Subordinate enactments tabled

The following enactments were tabled, namely –

Food Costs Bonus (Jersey) Order 2012. *Minister for Social Security*.

R&O.85/2012.

Gorey Fête (Jersey) Order 2012. Minister for Transport and Technical Services. R&O.86/2012.

Documents presented or laid

Income support: mileage allowance (P.62/2012) – comments. Presented: 16th July 2012.

Com.

P.62/2012.

Minister for Social Security.

Price code: C

States of Jersey Law 2005: delegation of functions – Transport and Technical

R.91/2012.

Services – Drainage (Jersey) Law 2005.

Presented: 17th July 2012.

Minister for Transport and Technical Services.

Jersey Gambling Commission: 2011 Annual Report and Accounts.

R.92/2012.

Presented: 17th July 2012.

Minister for Economic Development.

States of Jersey Law 2005: delegation of functions – Planning and Environment – July

R.93/2012.

2012 revised delegations. Presented: 17th July 2012.

Minister for Planning and Environment.

Notification of lodged propositions

Draft Residential Tenancy (Amendment) (Jersey) Law 201-.

P.67/2012.

Lodged: 13th July 2012. *Minister for Housing*.

Committee of Inquiry: resignation of the Comptroller and Auditor General.

P.68/2012.

Lodged: 17th July 2012.

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

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 –

Income support: mileage allowance.

P.62/2012.

Lodged: 14th June 2012.

Deputy G.P. Southern of St. Helier.

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 monitoring of changes in Income Support claimants' circumstances.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding how adult children living in an Income Support unit are treated.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding his actions leading up to the resignation of the Comptroller and Auditor General.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding wage negotiations with the public sector employee representatives.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the use of a private finance initiative deal to fund the refurbishment or rebuilding of the General Hospital.

H.M. Attorney General tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the cost of the recent judicial review of the U.K. Government's decision to close the Low Value Consignment Relief on goods.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the payments for the Energy from Waste plant contract.

The Chief Minister tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the publication of a list of all living and deceased members of the Board of Governors/Board of Management/Board of Trustees for Haut de la Garenne since 1960.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the payment of Value Added Tax (VAT) to H.M. Revenue and Customs by Jersey consumers sending goods to the U.K.

The Chairman of the Privileges and Procedures Committee tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding a breakdown of the activity levels of each category of States Member in terms of questions submitted and propositions lodged.

The Chairman of the Comité des Connétables tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the use of warrant cards by the Connétables.

Oral Questions

(see Official Report/Hansard)

Deputy J.H. Young of St. Brelade asked a question of the Minister for Planning and Environment regarding the production of a Masterplan to promote and guide redevelopment of the Eastern Gateway regeneration Zone of St. Helier.

Deputy M. Tadier of St. Brelade asked a question of the Chief Minister regarding Jersey's stance in relation to Special Purpose tax vehicles.

Deputy T.M. Pitman of St. Helier asked a question of the Chief Minister regarding the high costs incurred by Jersey in relation to the recent judicial review of the U.K. Government's decision to close the Low Value Consignment Relief on goods originating from the Channel Islands.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Minister for Planning and Environment regarding the removal of seaweed from beaches.

Deputy J.A. Martin of St. Helier asked a question of the Minister for Housing regarding the publication of background reports which have contributed towards the Housing Consultation Paper.

Deputy G.P. Southern of St. Helier asked a question of the Chief Minister regarding pay negotiations with public sector representatives.

Deputy M.R. Higgins of St. Helier asked a question of H.M. Attorney General regarding the cost estimate of the recent Low Value Consignment Relief Court case.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Chief Minister regarding the independence of the post of Comptroller and Auditor General.

Deputy J.A. Martin of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding the convening of a public meeting on the relocation of the Police Station to Green Street car park.

Deputy T.M. Pitman of St. Helier asked a question of the Chief Minister regarding the adequacy of the provisions of Article 3 of the Royal Court (Jersey) Law 1948 regarding the suitability of candidates for election as a Jurat.

Deputy G.P. Southern of St. Helier asked a question of the Chairman of the Electoral Commission regarding the Commission's efforts to seek out the views of the public on electoral reform and research with comparative jurisdictions.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Health and Social Services regarding the recruitment of 210 additional staff required to deliver Phase 1 of the planned White Paper initiative.

Deputy M.R. Higgins of St. Helier asked a question of the Chief Minister regarding the differential between the estimated costs of the legal action in the Low Value Consignment Relief Court case and the actual costs to date.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Education, Sport and Culture answered questions without notice from members.

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

Draft Income Support (Amendment No. 8) (Jersey) Regulations 201- P.56/2012

THE STATES commenced consideration of the Draft Income Support (Amendment No. 8) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

POUR: 43 CONTRE: 0 ABSTAIN: 0

Senator P.F.C. Ozouf

Senator A. Breckon

Senator S.C. Ferguson

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 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

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 J.A. Hilton (H)

Deputy J.A.N. Le Fondré (L)

Deputy of Trinity

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

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.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 and 2.

Deputy G.P. Southern (H)

Members present voted as follows -

POUR: 42 CONTRE: 1 ABSTAIN: 0

Senator P.F.C. Ozouf

Senator A. Breckon

Senator S.C. Ferguson

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 Grouville

Connétable of St. Clement

Connétable of St. Lawrence

Connétable of St. Mary

Connétable of St. Ouen

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Connétable of St. Brelade

Connétable of St. Martin

Deputy R.C. Duhamel (S)

Deputy R.G. Le Hérissier (S)

Deputy J.A. Martin (H)

Deputy of St. Ouen

Deputy J.A. Hilton (H)

Deputy J.A.N. Le Fondré (L)

Deputy of Trinity

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

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.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 adopted Regulations 3 to 5.

Members present voted as follows –

POUR: 32 CONTRE: 7 ABSTAIN: 0

Senator P.F.C. Ozouf

Senator A. Breckon

Senator S.C. Ferguson

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Senator L.J. Farnham

Senator P.M. Bailhache

Connétable of St. Helier

Connétable of Grouville

Connétable of St. Clement

Connétable of St. Lawrence

Connétable of St. Mary

Connétable of St. Ouen

Connétable of St. Brelade

Connétable of St. Martin

Deputy R.C. Duhamel (S)

Deputy R.G. Le Hérissier (S)

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

Deputy R.J. Rondel (H)

Deputy of St. Ouen

Deputy J.A.N. Le Fondré (L)

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

Deputy K.C. Lewis (S)

Deputy T.A. Vallois (S)

Deputy A.K.F. Green (H)

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

THE STATES, in pursuance of Articles 5 and 18 of the Income Support (Jersey) Law 2007, made Regulations entitled the Income Support (Amendment No. 8) (Jersey) Regulations 2012.

In accordance with Standing Order 106(1)(b), the Connétable of St. John declared an interest but remained in the Chamber for the duration of the debate.

Draft Waste Management (Amendment) (Jersey) Regulations 201- P.57/2012

THE STATES commenced consideration of the Draft Waste Management (Amendment) (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.

Members present voted as follows –

POUR: 34 CONTRE: 0 ABSTAIN: 0

Senator A. Breckon

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Senator I.J. Gorst

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. John

Connétable of St. Ouen

Connétable of St. Brelade

Connétable of St. Martin

Deputy R.C. Duhamel (S)

Deputy R.G. Le Hérissier (S)

Deputy G.P. Southern (H)

Deputy of St. Ouen

Deputy J.A. Hilton (H)

Deputy J.A.N. Le Fondré (L)

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

Deputy K.C. Lewis (S)

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 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, in pursuance of Articles 107, 108 and 110 of the Waste Management (Jersey) Law 2005, made Regulations entitled the Waste Management (Amendment) (Jersey) Regulations 2012.

Jersey Financial Services Commission: appointment of Commissioner P.63/2012

THE STATES commenced consideration of a proposition of the Minister for Economic Development regarding the appointment of a Commissioner for the Jersey Financial Services Commission. The Bailiff, in accordance with the provisions of Standing Order 82, ordered all strangers to withdraw from the precincts of the States and the doors of the Chamber to be closed.

THE STATES, having concluded the debate *in camera*, proceeded to vote in public assembly and, adopting a proposition of the Minister for Economic Development in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, appointed Mr. Stephan Wilcke as a Commissioner of the Jersey Financial Services Commission for a period of 5 years.

Members present voted as follows –

POUR: 35 CONTRE: 0 ABSTAIN: 0

Senator A. Breckon

Senator S.C. Ferguson

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. Mary

Connétable of St. Ouen

Connétable of St. Brelade

Connétable of St. Martin

Deputy R.C. Duhamel (S)

Deputy R.G. Le Hérissier (S)

Deputy of St. Ouen

Deputy J.A. Hilton (H)

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

Deputy K.C. Lewis (S)

Deputy M. Tadier (B)

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 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

States of Jersey Complaints Panel: appointment of members P.64/2012

THE STATES, adopting a proposition of the Chairman of the Privileges and Procedures Committee, agreed in accordance with Article 5(2) of the Administrative Decisions (Review) (Jersey) Law 1982, to appoint the following persons as members of the States of Jersey Complaints Panel, from whom members of Complaints Boards could be drawn, for the following periods –

Chairman

Advocate Richard John Renouf (3 years)

Deputy Chairmen

Mr. Nigel Peter Edgar Le Gresley (3 years) Miss Christine Vibert (18 months)

Members

Mr. John Geoffrey Davies (12 months)

Mr. Christopher Beirne (3 years)

Mr. Robert Frederick Bonney (3 years)

Mr. Frank Dearie (3 years)

Mr. Stephen William Platt (3 years)

Mr. John Frederick Mills C.B.E. (3 years)

Mr. Graeme George Marett (3 years)

Mr. Patrick David McGrath (3 years)

Members present voted as follows –

POUR: 36 CONTRE: 0 ABSTAIN: 0

Senator A. Breckon

Senator S.C. Ferguson

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. Mary

Connétable of St. John

Connétable of St. Quen

Connétable of St. Brelade

Connétable of St. Martin

Deputy R.C. Duhamel (S)

Deputy R.G. Le Hérissier (S)

Deputy of St. Ouen

Deputy J.A. Hilton (H)

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

Deputy K.C. Lewis (S)

Deputy M. Tadier (B)

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 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

Property and Infrastructure Regeneration: appointment of Member to the Regeneration Steering Group P.65/2012

THE STATES, adopting a proposition of the Chief Minister, referred to their Act dated 13th October 2010 in which they adopted the Proposition entitled 'Property and Infrastructure Regeneration: the States of Jersey Development Company Limited' as amended (P.73/2010) setting out the proposals and structure of the new Property and Infrastructure Regeneration process and establishing the States of Jersey Development Company Limited; and appointed the Connétable of St. Helier as a member of the Regeneration Steering Group.

Economic Growth and Diversification Strategy P.55/2012

THE STATES commenced consideration of a proposition of the Council of Ministers entitled 'Economic Growth and Diversification Strategy' (P.55/2012) and, adopting a proposition of Senator Philip Francis Cyril Ozouf, agreed that the meeting should continue beyond 5.30 p.m. in order to conclude consideration of the proposition.

Members present voted as follows –

POUR: 35 CONTRE: 7 ABSTAIN: 0

Senator P.F.C. Ozouf Senator A. Breckon 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 Grouville Connétable of St. Clement

Connétable of St. Lawrence

Connétable of St. Ouen

Connétable of St. Brelade

Connétable of St. Martin

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy of St. Ouen

Deputy J.A. Hilton (H)

Deputy J.A.N. Le Fondré (L)

Deputy of Trinity

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

Deputy K.C. Lewis (S)

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 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)

Senator S.C. Ferguson Connétable of St. Mary Deputy R.C. Duhamel (S) Deputy R.G. Le Hérissier (S) Deputy M. Tadier (B) Deputy J.M. Maçon (S) Deputy G.C.L. Baudains (C)

THE STATES, adopting the proposition of the Council of Ministers, referred to their Act dated 1st May 2012 in which they approved the Strategic Plan 2012 and agreed, inter alia, that the introduction of an Economic Growth Strategy that assisted job creation and better aligned inward migration with new high value employment opportunities for local people should be one of the Key Actions of the Council of Ministers; and approved the draft Economic Growth and Diversification Strategy of the Council of Ministers as set out in the Appendix to the report of the Council dated 31st May 2012.

Members present voted as follows -

POUR: 35 CONTRE: 8 ABSTAIN: 0

Senator P.F.C. Ozouf Senator A. Breckon 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 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

Deputy R.C. Duhamel (S)

Deputy R.G. Le Hérissier (S)

Deputy J.A. Martin (H)

Deputy J.A. Hilton (H) Deputy J.A.N. Le Fondré (L)

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 J.M. Maçon (S)

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)

Senator S.C. Ferguson
Deputy G.P. Southern (H)
Deputy of St. Ouen
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)

Changes in Presidency

The Bailiff retired briefly from the Chamber during consideration of the proposition of the Council of Ministers entitled 'Economic Growth and Diversification Strategy' (P.55/2012) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States until his return.

Arrangement of public business for future meetings

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

11th September 2012

Scrap Metal Contract: approval by States Assembly. P.66/2012.

Lodged: 25th June 2012.

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

Draft Residential Tenancy (Amendment) (Jersey) Law 201-. P.67/2012.

Lodged: 13th July 2012. *Minister for Housing*.

Committee of Inquiry: resignation of the Comptroller and Auditor General. P.68/2012.

Lodged: 17th July 2012.

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

THE STATES rose at 6.08 p.m.

M.N. DE LA HAYE

Greffier of the States