

THE STATES assembled on Tuesday 20th March 2012, 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 Sir Philip Bailhache – absent on States business Connétable Leonard Norman of St. Clement – ill Deputy Anne Enid Pryke of Trinity – en défaut Deputy Shona Pitman of St. Helier– ill

Prayers

Belgian coach crash

The Deputy Bailiff advised the Assembly that the Bailiff had sent a letter to His Excellency the Ambassador of Belgium, on behalf of all members and the people of Jersey, to convey sympathy for the loss of lives resulting from the recent coach crash in Switzerland in which 22 Belgian children had died.

Subordinate enactments tabled

Superior Number of the Royal Court.

The following enactments were tabled, namely –

Road Traffic (St. Helier) (Amendment No. 24) (Jersey) Order 2012. Minister for Transport and Technical Services.	R&O.40/2012.
Community Provisions (Restrictive Measures – Côte d'Ivoire) (Amendment No. 6) (Jersey) Order 2012. Chief Minister.	R&O.41/2012.
Civil Partners Causes Rules 2012. Superior Number of the Royal Court.	R&O.42/2012.
Inquests and Post-Mortem Examinations (Amendment No. 8) Rules 2012. Superior Number of the Royal Court.	R&O.43/2012.
Adoption (Amendment No. 3) Rules 2012. Superior Number of the Royal Court.	R&O.44/2012.
Royal Court (Amendment No. 14) Rules 2012.	R&O.45/2012.

79 Price code: C

Documents presented or laid

Old Age Pension: method for increase (P.164/2011) – comments.

Presented: 15th March 2012.

Com.

Minister for Social Security.

Ex gratia payment: Mr. D. Turner (P.166/2011) – comments.

Presented: 16th March 2012.

P.166/2011.

Com.

Minister for Planning and Environment.

States Employment Board: applications under P.59/2011 – activity report for the period June to December 2011.

Presented: 9th March 2012. States Employment Board.

States of Jersey Law 2005: delegation of functions – Treasury and Resources – R.31/2012. revised delegations March 2012.

Presented: 13th March 2012.

Minister for Treasury and Resources.

Employment Forum Recommendation: representation in Disciplinary and Grievance R.32/2012. Hearings.

Presented: 14th March 2012. *Minister for Social Security.*

States of Jersey Law 2005: delegation of functions – Planning and Environment – R.33/2012. revised delegations December 2011.

Presented: 16th March 2012.

Minister for Planning and Environment.

Code of Conduct for Elected Members: Review – Consultation Document. R.34/2012.

Presented: 19th March 2012.

Privileges and Procedures Committee.

Jersey Advisory and Conciliation Service: Annual Report 2011. R.35/2012.

Presented: 19th March 2012. *Minister for Social Security.*

Debt Collection Agencies: Report of Working Party. R.36/2012.

Presented: 20th March 2012.

Minister for Economic Development.

Utilisation of Compromise Agreements: Report of the Comptroller and Auditor R.37/2012.

General – March 2012. Presented: 20th March 2012.

Comptroller and Auditor General.

The former Chief Executive: Compromise Agreement – Report of the Comptroller and R.38/2012.

Auditor General – March 2012.

Presented: 20th March 2012. *Comptroller and Auditor General.*

Notification of lodged propositions

Draft Harbours (Inshore Safety) (Jersey) Regulations 201-.

P.24/2012.

Lodged: 9th March 2012.

Minister for Economic Development.

Commissioners of Appeal for Income Tax: re-appointment.

P.25/2012.

Lodged: 13th March 2012.

Minister for Treasury and Resources.

Tourism Development Fund: assistance to the private sector.

P.26/2012.

Lodged: 13th March 2012.

Minister for Treasury and Resources.

Criminal Injuries Compensation Scheme: revised Scheme.

P.27/2012.

Lodged: 14th March 2012. *Minister for Home Affairs*.

Draft Strategic Plan 2012.

P.28/2012.

Lodged: 19th March 2012. *Council of Ministers*.

Jersey Financial Services Commission: appointment of Commissioner.

P.29/2012.

Lodged: 20th March 2012.

Minister for Economic Development.

Withdrawal of lodged propositions

THE STATES noted that, in accordance with Standing Order 34(1), the proposers of the following propositions lodged "au Greffe" had informed the Greffier of the States that they had been withdrawn –

Ex gratia payment: Mr. D. Turner.

P.166/2011.

Lodged: 4th October 2011.

Deputy M.R. Higgins of St. Helier.

Election campaign period: restrictions.

P.174/2011.

Lodged: 21st October 2011.

Deputy R.G. Le Hérissier of St. Saviour.

Standing Orders: Answers to Questions.

P.177/2011.

Lodged: 21st October 2011.

Deputy G.P. Southern of St. Helier.

Written Questions

(see Official Report/Hansard)

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of Grouville regarding Eco-friendly parking permits.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of Grouville regarding the tender process for landscape and architectural services.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding replacement vehicles for the Elizabeth Castle ferry service.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding the pension entitlements of Jersey Heritage Trust staff.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding Jersey Heritage Trust's vehicle leases.

The Chairman of Privileges and Procedures Committee tabled an answer to a question asked by the Connétable of St. John regarding the Declaration of Members' Interests.

The Minister for Economic Development tabled an answer to a question asked by the Connétable of St. John regarding shipping routes.

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

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the number of claims and total sums for Income Support special payments.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding public sector employees' terms and conditions of service.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Service Level Agreements with Third Sector providers.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the impact of taxes on Islanders' disposable incomes in 2012.

Oral Questions

(see Official Report/Hansard)

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Treasury and Resources regarding the further development of the Waterfront.

Deputy G.P. Southern of St. Helier asked a question of the Assistant Minister for Health and Social Services regarding current vacancy rates of nursing staff.

Deputy R.J. Rondel of St. Helier asked a question of the Minister for Transport and Technical Services regarding increased car parking facilities in St. Helier.

Deputy J.H. Young of St. Brelade asked a question of the Minister for Planning and Environment regarding high density urbanized redevelopment of properties within small built-up areas identified in the Island Plan 2002.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Home Affairs regarding the resources of the States of Jersey Police to deal with 'cyber-crime'.

The Connétable of St. Martin asked a question of the Minister for Home Affairs regarding the forensic analysis of drugs.

Deputy M. Tadier of St. Brelade asked a question of H.M. Attorney General regarding the reconsideration of decisions made by a Minister's predecessor.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Chief Minister regarding the compatibility of Work and/or Residence permits with Protocol 3.

Deputy M. Tadier of St. Brelade asked a question of the Chief Minister regarding a review of legal fees and the legal aid system.

Deputy T.M. Pitman of St. Helier asked a question of the Chairman of the Privileges and Procedures Committee regarding the democratic deficit in relation to representation in the Assembly between heavily populated and less populated Parishes.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Treasury and Resources regarding the use of Personal Service Companies and Employee Benefit Trusts to avoid tax.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Housing regarding the conditions of States accommodation.

Deputy R.J. Rondel of St. Helier asked a question of the Minister for Transport and Technical Services regarding changes to the existing bus routes when the new bus contract is signed.

The Connétable of St. Martin asked a question of the Minister for Housing regarding the Housing maintenance programme.

Oral Questions without notice

(see Official Report/Hansard)

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

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

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Minister for Economic Development made a statement regarding the outcome of legal action relating to Low Value Consignment Relief.

Old Age Pension: method for increase P.164/2011

THE STATES rejected a proposition of Senator Alan Breckon that future annual increases in the old age pension should no longer be linked automatically to the Average Earnings Index but should be increased in line with whichever was the highest for the year in question of –

- (i) the Average Earnings Index;
- (ii) the RPI Pensioners' Index produced by the Statistics Unit; or
- (iii) a figure of 2.5%;

and to request the Minister for Social Security to bring forward for approval the necessary amendments to legislation to give effect to the proposal, at the earliest opportunity.

Members present voted as follows –

TOUR. 17 CONTRE. 25 ADDITION 2	POUR: 17	CONTRE: 25	ABSTAIN: 2
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Senator P.F. Routier Senator A. Breckon Connétable of Grouville Connétable of St. Helier Senator P.F.C. Ozouf Deputy G.C.L. Baudains (C) Connétable of St. Brelade Senator S.C. Ferguson Connétable of St. Saviour Senator A.J.H. Maclean Senator B.I. Le Marquand Deputy R.G. Le Hérissier (S) Deputy J.A. Martin (H) Senator F. du H. Le Greslev Deputy G.P. Southern (H) Senator I.J. Gorst Deputy of Grouville Senator L.J. Farnham Deputy J.A. Hilton (H) Connétable of Trinity Deputy M. Tadier (B) Connétable of St. Peter Deputy T.M. Pitman (H) Connétable of St. Mary Connétable of St. Ouen Deputy T.A. Vallois (S) Deputy M.R. Higgins (H) Connétable of St. Martin Deputy R.C. Duhamel (S) Deputy J.M. Maçon (S) Deputy J.H. Young (B) Deputy of St. Ouen Deputy of St. Peter Deputy J.A.N. Le Fondré (L) Deputy S.S.P.A. Power (B) Deputy R.J. Rondel (H) Deputy E.J. Noel (L) 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)

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(b), the Connétable of St. Lawrence had declared an interest and withdrew from the Chamber for the duration of the debate.

In accordance with Standing Order 106(1)(b), Senator Sarah Craig Ferguson, the Connétables of Trinity, Grouville, St. Peter, St. John and St. Martin, Deputies Roy George Le Hérissier of St. Saviour, Gerard Clifford Lemmens Baudains of St. Clement, John Hilary Young of St. Brelade and the Deputy of St. Mary declared an interest but remained in the Chamber for the duration of the debate.

Draft Civil Partnerships (Consequential Amendments) (Jersey) Regulations 201- P.12/2012

THE STATES commenced consideration of the Draft Civil Partnerships (Consequential Amendments) (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 20 and Schedule 1.

Members present voted as follows -

POUR: 43 CONTRE: 1 ABSTAIN: 0

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator A. Breckon

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 Grouville

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 Hérissier (S)

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy of Grouville

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 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)

Connétable of St. John

THE STATES adopted Regulation 21.

Members present voted as follows –

POUR: 40 CONTRE: 4 ABSTAIN: 0

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

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 Hérissier (S)

Deputy J.A. Martin (H)

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.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)

Connétable of St. John Deputy G.P. Southern (H) Deputy of Grouville Deputy M. Tadier (B)

THE STATES adopted Regulations 22 to 53 and Schedule 2.

Members present voted as follows –

POUR: 44 CONTRE: 0 ABSTAIN: 0

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator A. Breckon

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 Grouville

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 Hérissier (S)

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy of Grouville

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 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, in pursuance of Articles 71 and 72 of the Civil Partnership (Jersey) Law 2012, made Regulations entitled the Civil Partnerships (Consequential Amendments) (Jersey) Regulations 2012.

Changes in Presidency

The Deputy Bailiff retired from the Chamber during consideration of the Draft Civil Partnerships (Consequential Amendments) (Jersey) Regulations 201- (P.12/2012) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Draft Civil Partnership (Jersey) Law 2012 (Appointed Day) Act 201- P.18/2012

THE STATES, in pursuance of Article 73 of the Civil Partnership (Jersey) Law 2012, made an Act entitled the Civil Partnership (Jersey) Law 2012 (Appointed Day) Act 2012.

Members present voted as follows -

POUR: 44 CONTRE: 0 ABSTAIN: 0

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator A. Breckon

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 Grouville

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 Hérissier (S)

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 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)

Changes in Presidency

Mr. Michael Nelson de la Haye, Greffier of the States, retired from the Chair during consideration of the Draft Civil Partnership (Jersey) Law 2012 (Appointed Day) Act 2012 (P.18/2012) and the meeting continued under the Presidency of the Deputy Bailiff.

Planning Applications Panel: appointment of member P.16/2012

THE STATES appointed, in accordance with Article 9A(2) of the Planning and Building (Jersey) Law 2002, Deputy Roderick Gordon Bryans of St. Helier as a member of the Planning Applications Panel until 31st December 2014.

Draft Employment (Jersey) Law 2003 (Amendment Nos. 5, 6 and 7) (Appointed Day) Act 201-

THE STATES, in pursuance of Article 7(2) of the Employment (Amendment No. 5) (Jersey) Law 2010, Article 7 of the Employment (Amendment No. 6) (Jersey) Law 2012 and Article 10 of the Employment (Amendment No. 7) (Jersey) Law 2012, made an Act entitled the Employment (Jersey) Law 2003 (Amendment Nos. 5, 6 and 7) (Appointed Day) Act 2012.

Members present voted as follows –

POUR: 45 CONTRE: 0 ABSTAIN: 0

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator A. Breckon

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 Grouville

Connétable of St. Peter

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 Grouville

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 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)

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) –

17th April 2012

Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of Japan.

Lodged: 9th February 2012.

Chief Minister.

Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of the Republic of Poland. Lodged: 9th February 2012.

Chief Minister.

Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of the Republic of India. Lodged: 9th February 2012.

Chief Minister.

Prescription charges and income support for primary health costs. P.20/2012. Lodged: 24th February 2012. Deputy G.P. Southern of St. Helier. Draft Loi sur l'Association dite "The Jersey Football Association" (Repeal) (Jersey) P.21/2012. Law 201-. Lodged: 29th February 2012. Minister for Education, Sport and Culture. Draft Loi (201-) (Amendement No. 2) sur l'atténuation des peines et sur la mise en liberté P.22/2012. surveillé. Lodged: 6th March 2012. Chief Minister. Commissioners of Appeal for Income Tax: re-appointment. P.25/2012. Lodged: 13th March 2012. Minister for Treasury and Resources. Jersey Financial Services Commission: appointment of Commissioner. P.29/2012. Lodged: 20th March 2012. Minister for Economic Development. 1st May 2012 Committee of Inquiry: payments on premature cessation of employment contracts. P.2/2012. Lodged: 11th January 2012. Deputy R.G. Le Hérissier of St. Saviour. Draft Policing of Parks (Amendment No. 4) (Jersey) Regulations 201-. P.23/2012. Lodged: 7th March 2012. Minister for Transport and Technical Services. Draft Harbours (Inshore Safety) (Jersey) Regulations 201-. P.24/2012. Lodged: 9th March 2012. Minister for Economic Development. Tourism Development Fund: assistance to the private sector. P.26/2012. Lodged: 13th March 2012. Minister for Treasury and Resources. Criminal Injuries Compensation Scheme: revised Scheme. P.27/2012. Lodged: 14th March 2012. Minister for Home Affairs. Draft Strategic Plan 2012. P.28/2012. Lodged: 19th March 2012. Council of Ministers.

15th May 2012

Draft States of Jersey Police Force Law 201-. P.182/2011. Lodged: 16th November 2011.

Minister for Home Affairs.

29th May 2012

Open ballot for Ministers and Chairmen.

P.188/2011.

Lodged: 5th December 2011.

Deputy T.M. Pitman of St. Helier.

Open ballot for Ministers and Chairmen (P.188/2011): comments.

P.188/2011.

Presented: 6th January 2012.

Com.

Privileges and Procedures Committee.

THE STATES rose at 4.48 p.m.

M.N. DE LA HAYE

Greffier of the States