



**THE STATES assembled on Tuesday
4th December 2012, at 09.30 a.m. under
the Presidency of the Bailiff,
Sir Michael Birt.**

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

Senator Bryan Ian Le Marquand – en défaut (défaut raised at 9.34 a.m.)
Deputy Geoffrey Peter Southern of St Helier – en défaut (défaut raised at 9.34 a.m.)
Deputy John Alexander Nicholas Le Fondré of St. Lawrence – en défaut (défaut raised at 9.41 a.m.)
Deputy Anne Enid Pryke of Trinity – absent on States business
Deputy Sean Seamus Patrick Augustine Power of St. Brelade – excused attendance
Deputy Shona Pitman of St. Helier – ill

Prayers

Ambassador of Finland – welcome

The Bailiff, on behalf of all Members, welcomed His Excellency Mr. Pekka Huhtaniemi, Ambassador of Finland to the Court of St. James who was present in the public gallery.

Subordinate enactments tabled

The following enactments were tabled, namely –

Transport and Technical Services (Driver and Vehicle Standards – 2013 Fees) (Jersey) Order 2012. <i>Minister for Transport and Technical Services.</i>	R&O.134/2012.
Court of Appeal (Transcripts) Rules 2012. <i>Court of Appeal and Superior Number of the Royal Court.</i>	R&O.135/2012.
Royal Court (Amendment No. 15) Rules 2012. <i>Superior Number of the Royal Court.</i>	R&O.136/2012.
Teachers Superannuation (Administration) (Amendment No. 2) (Jersey) Order 2012. <i>Chief Minister.</i>	R&O.137/2012.

Documents presented or laid

Old Age Pension: increase for 2012 (P.97/2012) – amendment (P.97/2012 Amd.) – comments. Presented: 3rd December 2012. <i>Minister for Social Security.</i>	P.97/2012. Amd.Com.
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Draft Budget Statement 2013 (P.102/2012): comments. Presented: 3rd December 2012. <i>Corporate Services Scrutiny Panel.</i>	P.102/2012. Com.
Draft Budget Statement 2013 (P.102/2012): amendment (P.102/2012 Amd.) – comments. Presented: 3rd December 2012. <i>Minister for Treasury and Resources.</i>	P.102/2012. Amd.Com.
Draft Budget Statement 2013 (P.102/2012): second amendment (P.102/2012 Amd.(2)) – comments. Presented: 3rd December 2012. <i>Minister for Treasury and Resources.</i>	P.102/2012. Amd.(2) Com.
Draft Budget Statement 2013 (P.102/2012): second amendment (P.102/2012 Amd.(2)) – comments. Presented: 3rd December 2012. <i>Council of Ministers.</i>	P.102/2012. Amd.(2) Com.(2)
Draft Budget Statement 2013 (P.102/2012): third amendment (P.102/2012 Amd.(3)) – comments. Presented: 3rd December 2012. <i>Minister for Treasury and Resources.</i>	P.102/2012. Amd.(3) Com.
Draft Budget Statement 2013 (P.102/2012): third amendment (P.102/2012 Amd.(3)) – comments. Presented: 3rd December 2012. <i>Council of Ministers.</i>	P.102/2012. Amd.(3) Com.(2)
Income Tax: Report on Personal Income Tax Assessments (P.106/2012) – comments. Presented: 30th November 2012. <i>Minister for Treasury and Resources.</i>	P.106/2012. Com.
Draft Intellectual Property (Unregistered Rights) (Application, Transitional Provisions and Savings) (Jersey) Regulations 201- (P.112/2012): comments. Presented: 4th December 2012. <i>Economic Affairs Scrutiny Panel.</i>	P.112/2012. Com.
External Relations: Common Policy. Presented: 23rd November 2012. <i>Council of Ministers.</i>	R.140/2012.
Land Transactions under Standing Order 168(3) – (a) Centre Point Nursery, Rope Walk, Green Street, St. Helier – proposed re-letting; (b) St. Catherine’s RNLi Lifeboat Station, St. Martin – lease; (c) Railway Walk Marking Store, St. Brelade – proposed sale. Presented: 28th November 2012. <i>Minister for Treasury and Resources.</i>	R.141/2012.
Social Security Advisory Council: Report on proposed changes to survivor’s benefit. Presented: 4th December 2012. <i>Minister for Social Security.</i>	R.142/2012.

Notification of lodged propositions

Plémont Holiday Village – acquisition by the public and sale to the National Trust for Jersey (P.90/2012) – second amendment. Lodged: 27th November 2012. <i>Deputy G.P. Southern of St. Helier.</i>	P.90/2012. Amd.(2) (re-issue)
Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations 201- (P.101/2012): amendment (P.101/2012 Amd.) – amendment. Lodged: 26th November 2012. <i>Deputy J.H. Young of St. Brelade.</i>	P.101/2012. Amd.Amd.
Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations 201- (P.101/2012): amendment (P.101/2012 Amd.) – second amendment. Lodged: 27th November 2012. <i>Deputy G.P. Southern of St. Helier.</i>	P.101/2012. Amd. Amd.(2)
Draft Budget Statement 2013 (P.102/2012): fourth amendment. Lodged: 4th December 2012. <i>Minister for Treasury and Resources.</i>	P.102/2012. Amd.(4)
Draft Income Tax (Amendment No. 41) (Jersey) Law 201- (P.104/2012): second amendment. Lodged: 4th December 2012. <i>Minister for Treasury and Resources.</i>	P.104/2012. Amd.(2)
Draft Community Provisions (Goods Infringing Intellectual Property Rights) (Jersey) Regulations 201-. Lodged: 27th November 2012. <i>Minister for Home Affairs.</i>	P.125/2012.
Draft Public Employees (Contributory Retirement Scheme) (States of Jersey Prison Service – Amendments) (Jersey) Regulations 201-. Lodged: 29th November 2012. <i>States Employment Board.</i>	P.126/2012.
States Members’ remuneration: proposed increase for 2013. Lodged: 3rd December 2012. <i>Connétable of St. Saviour.</i>	P.127/2012.
Draft Civil Partnership (Consequential Amendments) (No. 2) (Jersey) Regulations 201-. Lodged: 4th December 2012. <i>Chief Minister.</i>	P.128/2012.
Ratification of the Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income between the Government of Jersey and the Government of the Republic of Singapore. Lodged: 4th December 2012. <i>Chief Minister.</i>	P.129/2012.

Draft Taxation (Double Taxation) (Amendment) (Jersey) Regulations 201-. Lodged: 4th December 2012. <i>Chief Minister.</i>	P.130/2012.
Starter Home Deposit Loan Scheme. Lodged: 4th December 2012. <i>Minister for Treasury and Resources.</i>	P.131/2012.
Draft Limited Liability Partnerships (Amendment of Law) (Jersey) Regulations 201-. Lodged: 4th December 2012. <i>Minister for Economic Development.</i>	P.132/2012.
Draft Income Tax (Amendment No. 42) (Jersey) Law 201-. Lodged: 4th December 2012. <i>Minister for Treasury and Resources.</i>	P.133/2012.

Written Questions

(see Official Report/Hansard)

The Chief Minister tabled an answer to a question asked by the Connétable of St. John regarding the number of civil servants employed within his Department and by the States as a whole.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy J.H. Young of St. Brelade regarding his decision to approve a development at Plémont.

The Minister for Economic Development tabled an answer to a question asked by the Connétable of St. John regarding the new fixed Based Operation developed by Hangar8.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the implications for information exchange arising from the signing of a Foreign Account Tax Compliance Act with the United States.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the terms of conditions of service offered to Connex staff by CT Plus.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding discrepancies between the terms of conditions of service offered to staff by Connex and CT Plus.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the impact that the Department's annual transfer of funds to the Treasury has had on the ability to build and maintain affordable social housing.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the levels of interest subject to EU Savings Tax Directive (EUSTD) and declared under voluntary disclosure.

The Chief Minister tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the option of utilising Compulsory Purchase to acquire Plémont.

The Minister for Home Affairs tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the way in which cyber-bullying is being dealt with by the States of Jersey Police.

The Chief Minister tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the proposed purchase of Plémont.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding increasing taxes for the wealthy.

The Minister for Economic Development tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the appointment of consultants.

H.M. Attorney General tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding prosecutions or applications for injunctions or court orders brought under the Data Protection (Jersey) Law 2005.

Oral Questions

(see Official Report/Hansard)

Deputy T.M. Pitman of St. Helier asked a question of the Chief Minister regarding the existence of earlier versions of the Napier report.

Deputy M.R. Higgins of St. Helier asked a question of H.M. Attorney General regarding the extent of the Island's right as a Crown Dependency to negotiate treaties on its own behalf.

Deputy M. Tadier of St. Brelade asked a question of the Assistant Minister for Health and Social Services regarding the publication of the report of the Action for Children Review.

Deputy G.P. Southern of St. Helier asked a question of the Chief Minister regarding the impact of a Foreign Account Tax Compliance Act on Jersey's finance sector.

Deputy G.C.L. Baudains of St. Clement asked a question of the Assistant Minister for Education, Sport and Culture regarding the list of the properties currently owned/administered by the Jersey Heritage Trust.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Assistant Minister for Health and Social Services regarding measures to prevent the over prescription of medicine.

Deputy M. Tadier of St. Brelade asked a question of the Chief Minister regarding the absence of one of the Verita recommendations within the proposition entitled 'Committee of Inquiry – Historical Child Abuse' – P.118/2012.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Chairman of the Environment Scrutiny Panel regarding a scrutiny review of the Planning Process and of the Island Plan 2011.

Deputy M.R. Higgins of St. Helier asked a question of the Chief Minister regarding the impact that a failure to sign up to the requirements of the US Foreign Account Tax Compliance Act provisions would have on the Jersey economy.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Education, Sport and Culture regarding parental payments for university fees.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Transport and Technical Services regarding the transfer of staff from Connex to CT Plus.

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

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

The Chief Minister answered questions without notice from members.

Changes in Presidency

The Bailiff retired from the Chamber during oral questions with notice and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States until his return.

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

The Chairman of the Education and Home Affairs Scrutiny Panel made a statement regarding the scrutiny of the proposition entitled 'Police Station Relocation: review of decision' (as amended) (P.92/2012).

The Minister for Housing made a statement regarding a starter homes deposit loans scheme.

The Chief Minister made a statement regarding the final pay offer for public sector employees.

The Minister for Economic Development made a statement regarding the regulation of the Channel Island ferry service.

Draft Budget Statement 2013 (P.102/2012)

THE STATES commenced consideration of the Draft Budget Statement 2013 (P.102/2012) and rejected an amendment of the Connétable of St. Helier (Amendment 3) that after the words "as set out in the Budget Statement" there should be inserted the words –

“except that the estimate of income from taxation during 2013 shall be decreased by £1,024,000 by limiting the proposed duty increases on alcohol to 2.5% for all classes of alcohol.”.

Members present voted as follows –

POUR: 20

Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Connétable of St. Helier
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Brelade
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy J.A.N. Le Fondré (L)

CONTRE: 26

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 P.M. Bailhache
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Ouen

ABSTAIN: 0

Deputy M. Tadier (B)	Connétable of St. Martin
Deputy T.M. Pitman (H)	Deputy R.G. Le Hérissier (S)
Deputy T.A. Vallois (S)	Deputy of St. Ouen
Deputy M.R. Higgins (H)	Deputy J.A. Hilton (H)
Deputy J.M. Maçon (S)	Deputy K.C. Lewis (S)
Deputy G.C.L. Baudains (C)	Deputy E.J. Noel (L)
Deputy J.P.G. Baker (H)	Deputy A.K.F. Green (H)
Deputy R.J. Rondel (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 of St. Peter

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(b), Senator Lyndon John Farnham declared an interest and withdrew from the Chamber for the duration of the debate on the above amendment.

THE STATES, adopting an amendment of Deputy Gerard Clifford Lemmens Baudains of St. Clement to the Draft Budget Statement 2013 (P.102/2012), agreed that after the words “as set out in the Budget Statement” there should be inserted the words –

“except that the estimate of income from taxation during 2013 shall be decreased by £1,435,000 by not implementing the proposed 3 pence per litre increase in fuel duty”.

Members present voted as follows –

POUR: 24

Senator A. Breckon
 Senator S.C. Ferguson
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Brelade
 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.N. Le Fondré (L)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)

CONTRE: 21

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
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. Martin
 Deputy J.A. Hilton (H)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)

ABSTAIN: 0

Deputy S.J. Pinel (C)
Deputy R.J. Rondel (H)

In accordance with Standing Order 106(1)(b) Senator Philip Francis Cyril Ozouf declared an interest but remained in the Chamber for the duration of the debate.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 5th December 2012, to continue consideration of the Draft Budget Statement 2013 (P.102/2012) and the outstanding items of public business.

THE STATES rose at 5.34 p.m.

M.N. DE LA HAYE

Greffier of the States