

COUNCIL OF MINISTERS

(91st Meeting)

14th July 2011

PART A

All members were present, with the exception of Connétable M.K. Jackson of St. Brelade, Minister for Transport and Technical Services, from whom apologies had been received.

Senator T.A. Le Sueur, Chief Minister
Senator P.F.C. Ozouf, Minister for Treasury
and Resources
Senator A.J.H. Maclean, Minister for
Economic Development
Senator B.I. Le Marquand, Minister for Home
Affairs
Deputy R.C. Duhamel, Minister for Planning
and Environment
Deputy J.G. Reed, Minister for Education,
Sport and Culture
Deputy A.E. Pryke, Minister for Health and
Social Services
Deputy K.C. Lewis, Deputy I.J. Gorst,
Minister for Social Security
Deputy A.K.F. Green, M.B.E, Minister for
Housing

In attendance -

J. Richardson, Interim Chief Executive, States
of Jersey
R. Bell, Chief Officer, Social Security
Department (for a time)
J. Norris, Policy and Research Officer
M.N. de la Haye, Greffier of the States
I. Clarkson, Clerk to the Council of Ministers

Note: The Minutes of this meeting comprise Part A
only.

Minutes. A1. The Council welcomed Deputy R.C. Duhamel to his first meeting since being appointed Minister for Planning and Environment.

States
business.
1240/7/1(1) A2. The Council, with reference to its Minute No. A2 of 30th June 2011, reviewed the list of public business scheduled for consideration by the States Assembly during the remainder of the First Session of 2011. Particular consideration was given to the propositions listed below.

Roads and Pavements: Legal Liability in Case of Negligence (P.75/2011)

The Council reaffirmed its opposition to the proposition.

Goods and Services Tax: exemption or zero-rating for health foods (P.81/2011)

The Council, with reference to its Minute No. A2 of 30th June 2011, noted the amendment lodged '*au Greffe*' by Deputy S. Pitman of St. Helier and maintained its view that the proposed exemption or zero-rating of health foods from GST would, in practice, prove unworkable.

Draft Shops (Regulation of Opening) (Jersey) Regulations 201- (P.95/2010)

The Council, with reference to its Minute No. B9 of 26th May 2011, noted the 3 amendments to the proposition that had been lodged '*au Greffe*' and refrained from reaching a collective view on the same.

Draft Public Finances (Amendment No. 3) (Jersey) Law 201- (P.97/2011)

The Council reaffirmed its endorsement of the proposition.

Draft Income Support (Amendment No. 7) (Jersey) Regulations 201- (P.107/2011)

The Council endorsed the proposition.

Draft Long Term Care (Jersey) Law 201- (P.108/2010)

The Council reaffirmed its endorsement of the proposition.

Draft Social Security (Amendment of Law No.1) (Jersey) Regulations 201- (P.110/2011)

The Council reaffirmed its endorsement of the proposition and its opposition to the amendment lodged '*au Greffe*' by Deputy G.P. Southern of St. Helier.

Draft Income Tax (Amendment No.39) (Jersey) Law 201- (P.113/2011) and Draft Income Tax (Prescribed Limit and Rate) (Amendment) (Jersey) Regulations 201- (P.114/2011) and associated amendments

The Council affirmed its endorsement of both propositions. It also expressed significant concern at the potential for the amendments lodged by Deputy T.M. Pitman of St. Helier to impact negatively on the Island's attractiveness as a competitive tax regime and, in particular, on the Island's scope to benefit from the consequent economic benefits derived from attracting new High Net Worth Individuals. On that basis the Council endorsed the comments of the Minister for Treasury and Resources in respect of the amendments and delegated to the Chief Minister authority to approve suitable comments in the name of the Council.

Discrimination Law and delay on pension reform (P.118/2011)

The Council acknowledged that it had hitherto been unable to pursue the implementation of a discrimination law because finite resources had necessarily been committed to addressing other, more critical matters. As certain high-priority projects had now advanced to the extent that it had become possible to prioritise discrimination legislation, and as the Council remained wholeheartedly supportive of the principle of such legislation, the Council agreed that it should commit to lodging '*au Greffe*' a draft law in sufficient time to enable a States debate by the end

of 2012.

During its review of P.118/2011, the Council concluded that it would be preferable to lodge an amendment in order to provide sufficient time and resources to facilitate development of a viable draft law and to reallocate administrative responsibility. Given the subject matter, the relative availability of suitably skilled resources and the prevailing view of the meeting that disability discrimination should be prioritised, with age, sex and then race discrimination being addressed as soon as practicable thereafter, the Council deduced that the Minister for Social Security would be best placed to assume administrative responsibility for a discrimination law.

The Minister for Treasury and Resources anticipated that funding for the necessary strategic development and law drafting in 2012 could be found within existing resources. It would then fall to the Council to bring forward proposals for adequate implementation funding during the business planning process for 2013 and to do so within the spending limit endorsed by the States in December 2010 (P.157/2010 refers).

In view of the foregoing, the Council concluded that it would be neither necessary nor appropriate to rescind the previous decision of the States and that it should oppose part (c) of P.118/2011 accordingly.

The Council delegated to the Chief Minister authority to lodge '*au Greffe*' a suitable amendment to P.118/2011 and to present to the States a comment clarifying the Council's position in respect of part (c) of the proposition.

The Council also noted and endorsed a related comment of the Minister for Home Affairs.