

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 25TH DAY OF JANUARY, 2012**

**The States resolved as follows concerning Billet d'État No III
dated 16th December 2011**

**THE INCOME TAX (GUERNSEY) (APPROVAL OF AGREEMENTS
WITH THE CZECH REPUBLIC AND SLOVENIA) ORDINANCE, 2012**

- I.- To approve the draft Ordinance entitled “The Income Tax (Guernsey) (Approval of Agreements with the Czech Republic and Slovenia) Ordinance, 2012” and to direct that the same shall have effect as an Ordinance of the States.

**THE TERRORIST ASSET-FREEZING (BAILIWICK OF GUERNSEY)
LAW, 2011 (COMMENCEMENT) ORDINANCE 2012**

- II.- To approve the draft Ordinance entitled “The Terrorist Asset-Freezing (Bailiwick of Guernsey) Law, 2011 (Commencement) Ordinance 2012” and to direct that the same shall have effect as an Ordinance of the States.

ELIZABETH COLLEGE BOARD OF DIRECTORS

NEW MEMBER

- III.- To elect Advocate D. G. Le Marquand as a member of the Elizabeth College Board of Directors to fill the vacancy which arose on 6th January, 2012 by reason of the expiration of the term of office of Mr Nicholas Guillemette, who was not eligible for re-election.

POLICY COUNCIL

THE PLANNING PANEL – NEW PROFESSIONAL MEMBERS

- V.- After consideration of the Report dated 14th November, 2011, of the Policy Council:-
1. To agree to increase the number of members of the Planning Panel from 6 to 8 in accordance with section 86(5A) of the Land Planning and Development (Guernsey) Law, 2005, as amended.
 2. To elect Mrs. Linda Wride as a professional member of the Planning Panel, in accordance with section 86 of the Land Planning and Development Law, 2005, for a term of six years to take effect from 1st March, 2012.
 3. To elect Mr. Jonathan King as a professional member of the Planning Panel, in accordance with section 86 of the land Planning and Development Law, 2005, for term of six years to take effect from 1st March, 2012.

POLICY COUNCIL

ELECTION OF CHAIRMAN AND APPOINTMENT OF FOUR ORDINARY MEMBERS OF THE GUERNSEY FINANCIAL SERVICES COMMISSION

VII.- After consideration of the Report dated 28th November, 2011, of the Policy Council:-

1. To elect Mr Robert Moore as an ordinary member of the Guernsey Financial Services Commission for three years with effect from 2nd February, 2012.
2. To elect Mr Paul Meader as an ordinary member of the Guernsey Financial Services Commission for three years with effect from 2nd February, 2012.
3. To re-elect Lord Flight as an ordinary member of the Guernsey Financial Services Commission for three years with effect from 2nd February, 2012.
4. To re-elect Dr Cees Schrauwiers as an ordinary member of the Guernsey Financial Services Commission for three years with effect from 2nd February, 2012.
5. To elect Dr Cees Schrauwiers as Chairman of the Guernsey Financial Services Commission for one year with effect from 2nd February, 2012.

COMMERCE AND EMPLOYMENT DEPARTMENT

RE-APPOINTMENT OF EMPLOYMENT AND DISCRIMINATION TRIBUNAL PANEL MEMBERS MARCH 2012

XII.- After consideration of the Report dated 9th November, 2011, of the Commerce and Employment Department:-

1. To re-appoint, in accordance with the requirements of Section 1 of the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005, the existing 13 people, named in Appendix 1 of that report, as members of the Employment and Discrimination Panel, this appointment to take effect from 1 March 2012 for a period of three years.
2. To re-appoint, in accordance with the requirements of Section 1 of the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005, Mr P Woodward as Convenor.
3. To re-appoint, in accordance with the requirements of Section 1 of the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005, Mrs T Le Poidevin as Deputy Convenor.

EDUCATION DEPARTMENT

GUILLE-ALLÈS LIBRARY-THE TERMS OF OFFICE OF STATES MEMBERS

XIII.-After consideration of the Report dated 4th November, 2011, of the Education Department:-

1. That the States endorses the interim arrangement approved by the Education Board following Deputy Fallaize's resignation from the Education Board.
2. That the terms of office of the existing States members sitting on the Guille-Allès Council (one currently expiring in May 2012 and the other in May 2013) are both terminated in May 2012.
3. That new elections are held at the first available opportunity of the new States, probably at the meeting to be held on 30th May 2012.
4. That the new terms of office are for the duration of the States and in the event of a member only serving part of a term, for whatever reason, any subsequent appointment is made for the unexpired portion of the term only.

HEALTH AND SOCIAL SERVICES DEPARTMENT

USE OF RADIOLOGY AND PATHOLOGY SERVICES AND HOSPITAL FACILITIES

XV.- After consideration of the Report dated 24th October, 2011, of the Health and Social Services Department:-

1. To approve the proposal that midwives, and such other health and social professionals as the Department considers appropriate, should now be permitted to admit patients to hospital and refer patients for investigations, and that the Department implements the proposal on such detailed basis (including setting conditions as to qualifications for eligibility) as it sees fit.
2. To delegate authority to the Health and Social Services Department to design the rules for determining who may admit or refer to the hospitals and diagnostic facilities operated by the Department, and to change the rules from time to time, as it sees fit, in the future.
3. To authorise the drafting of any future legislation necessary to amend the Health Service (Benefit) (Guernsey) Law, 1990 to ensure its consistency with any changes made by the Health and Social Services Department to the rules for rights of admission and referral to hospitals and diagnostic facilities.
4. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATUTORY INSTRUMENT LAID BEFORE THE STATES

**THE TAXATION OF REAL PROPERTY (GUERNSEY AND ALDERNEY)
(AMENDMENT) REGULATIONS, 2011**

In pursuance of section 49 (4) of the Taxation of Real Property (Guernsey and Alderney) Ordinance, 2007, the Taxation of Real Property (Guernsey and Alderney) (Amendment) Regulations, made by the Treasury and Resources Department on 8th November 2011, was laid before the States.

J TORODE
HER MAJESTY'S GREFFIER

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 26TH DAY OF JANUARY, 2012

(Meeting adjourned from 25th January, 2012)

**The States resolved as follows concerning Billet d'État No III
dated 16th December 2011**

POLICY COUNCIL

THE ROLE OF THE STATES AS EMPLOYER

IV.- After consideration of the Report dated 24th October, 2011, of the Policy Council:-

1. To transfer the role and mandate of the Public Sector Remuneration Committee in relation to employees to the Policy Council and in relation to the Crown appointees and judiciary to the Treasury and Resources Department with effect from 1 May 2012.
2. To amend the mandate of the Policy Council by deleting paragraph (viii) and substituting it with:

“Fulfilling the role of the States as employer of staff, including:-

- Developing corporate human resource policy including remuneration, terms and conditions of employment, compliance with legislation and good practice;
- Providing corporate human resource services and advice to Departments and Committees as appropriate;
- Determining the remuneration and conditions of service of all staff employed by the States;

and also to be responsible for:-

- Advising on the remuneration and conditions of service applicable to appointees of the States and employees of non-governmental organisations in which the States have an interest;
- Sanctioning the recommendations of the Treasury and Resources Department in respect of the salaries affecting the posts of Lieutenant Governor, Bailiff, Deputy Bailiff, Judges of the Royal Court and of the Magistrate's Court, and Law Officers of the Crown;
- Determining the remuneration and conditions of service applicable to HM Greffier, HM Sheriff and HM Sergeant after consultation with HM Procureur;

- Making recommendations to the States concerning the pensions and other benefits to be paid to or in respect of members of the Public Servants' Pension Scheme and the Teachers' Superannuation Scheme;".
- 3. To amend the mandate of the Treasury and Resources Department by adding an additional paragraph (xv):

“Reviewing the remuneration attaching to the posts of Lieutenant Governor, Bailiff, Deputy Bailiff, Judges of the Royal Court and of the Magistrate’s Court, and Law Officers of the Crown and submitting to the Policy Council for sanction any adjustments which, in its opinion, are necessary.”.
- 4. To direct the Policy Council to explore with those employee groups which are subject to pay negotiation through “joint councils” the possibility of adopting a more modern approach to pay bargaining.

TREASURY AND RESOURCES DEPARTMENT

WIDE AREA NETWORK SOLUTION TO SUPPORT DATA, TELEPHONY AND CCTV

- XI.- After consideration of the Report dated 22th November, 2011, of the Treasury and Resources Department:-
1. To agree that the Treasury and Resources Department is, in accordance with its mandate, the principal owner of the States Wide Area Network and that all Departments and committees will be required to use the States Wide Area Network and all associated services.
 2. To approve a capital vote of £1.09m to fund the States Wide Area Network solution to support data, telephone and CCTV, charged to the Capital Reserve.
 3. To approve the acceptance of the tender from Wave Telecom, at a sum of £3m to provide the Wide Area Network managed service for the next five years commencing 1st February 2012.
 4. To direct the Treasury and Resources Department to take account of the annual net revenue savings of £552,000 associated with the States Wide Area Network Solution when recommending to the States Cash Limits for 2013 and subsequent years.

D J ROBILLIARD
HER MAJESTY’S DEPUTY GREFFIER

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 27TH DAY OF JANUARY, 2012

(Meeting adjourned from 26th January, 2012)

**The States resolved as follows concerning Billet d'État No III
dated 16th December 2011**

POLICY COUNCIL

OVERSEAS AID REPORT

VI.- After consideration of the Report dated 14th November, 2011, of the Policy Council:-

1. That the States of Guernsey maintain its current level of contribution (+RPIX) per annum.
2. That the States of Guernsey monitor the level of Overseas Aid expenditure with a view to reconsidering it once there is a higher degree of certainty over corporate taxation and when the fiscal position improves, or within 5 years, whichever is sooner.

POLICY COUNCIL

REVIEW OF STATES MEMBERS AND NON-STATES MEMBERS PAY

VIII.- After consideration of the Report dated 28th October, 2011, of the Policy Council:-

1. That the basic Remuneration and Expenses allowance paid to States Members and Non-States Members of Departments and Committees with effect from 1 May 2012 shall remain in force until 30 April 2016, subject to annual review and adjustment in accordance with changes in Guernsey median earnings.
2. That the Remuneration and Expenses allowance to be paid to States Members and Non-States Members of Departments and Committees with effect from 1 May 2012 shall be as follows:

States Members Remuneration	£32,155
Deputy Minister and Vice-Chairman Remuneration	£34,550
Chairman Remuneration	£37,570
Ministers Remuneration	£44,350
Deputy Chief Minister Remuneration	£46,450
Chief Minister Remuneration	£58,520
Alderney Representative Remuneration	£10,050
Alderney Representative Remuneration with Departmental/Committee seat)	£13,965

* social security uplift to be deducted for those aged 65 and over.

Tax free Expenses allowances:	
States Members Expenses allowance (other than the Chief Minister)	£2,000
Chief Minister's Expenses Allowance	£3,000
Alderney Representatives Expenses Allowance	£1,000
Non-States Members allowance per half-day attendance	£65

- 2.A To direct the Policy Council to publish as soon as practicable in an Appendix to a Billet d'État the total remuneration received during the preceding calendar year by each States Member in respect of his or her performance of States business.
3. That the existing States Members' pension scheme be closed for service for current or new States Members with effect from 30 April 2012 and Members and former States Members be provided with the additional option to transfer accrued benefits in respect of all service into alternative pension arrangements, on terms to be advised by the States Actuary.
- 3.A To direct the Treasury and Resources Department to present to the States of Deliberation for approval the necessary amendments to the Rules for payments to States Members, Former States Members and Non-States Members of States Departments and Committees to give effect to their above decisions.
4. To direct the Treasury and Resources Department to develop a detailed policy specifying the IT equipment and software that should be made available to States Members including the provision of secure email; such policy to be based upon the principles established by the Independent Panel.
5. To direct the Policy Council to set up an independent review of the Remuneration and Expenses allowance to be paid to States Members and Non-States Members of Departments and Committees which shall report in advance of the 2016 General Election.

Consideration of the remaining articles was postponed to Wednesday 8th February 2012.

S M D ROSS
HER MAJESTY'S DEPUTY GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 8TH DAY OF FEBRUARY, 2012**

(Meeting adjourned from 27th January, 2012)

**The States resolved as follows concerning Billet d'État No III
dated 16th December 2011**

PUBLIC SERVICES DEPARTMENT

**FUTURE BUSINESS ENVIRONMENT FOR GUERNSEY WATER AND
GUERNSEY WASTEWATER**

- X.- After consideration of the Report dated 9th November, 2011, of the Public Services Department:-
1. To agree to the management of clean water and waste water through a single organisation, namely Guernsey Water, and that the full financial and operational merger between the two units should proceed.
 2. To agree that the current level of general revenue funding toward waste water shall continue for 2012 and that the Treasury and Resources Department in consultation with the Public Services Department, shall set out as part of its next annual Budget the options for treatment of the general revenue subsidy, including changing the balance of funding from general revenue to user pays.
 3. To agree to the preparation of a comprehensive water utility Sector Law, as detailed in Section 8.19, to deal with the provisions of water supply, waste water and surface water services and to replace and re-enact the States Water Supply Law of 1927 (the Loi ayant rapport à la fourniture d'eau par les États de cette île aux habitants de la dite île) and the Sewerage (Guernsey) Law of 1974 and other legislation incidental or ancillary to those Laws.
 4. To agree that the water utility Sector Law described in proposition 3 shall also provide for regulation by the Director of Environmental Health and Pollution Regulation in regard to water quality.
 5. To agree that, prior to the entry into force of the water utility Sector Law referred to in propositions 3 and 4, the Director of Environmental Health and Pollution Regulation shall be empowered to act as a shadow environmental regulator in regard to water quality.
 6. To direct the Public Services Department to carry out further investigations, undertaking such consultation as it considers appropriate, into the desirability of transferring Guernsey Water, once the full financial and operational merger between the clean water and waste water units has been completed, into a States Trading Company, including, without limitation, consideration of:

- (a) the possibilities for allocating and managing the shareholder function in respect of such a Company;
- (b) the economic regulation of such a Company;
- (c) the assets that would be transferred to such a Company and any that would be retained by the States;
- (d) the manner by which to secure for the States any appropriate financial return from such a Company;
- (e) the arrangements envisaged for affording appropriate protection to the workforce at the time of such a transfer, including detailed recommendations in regard to pension provision; and
- (f) the advantages and disadvantages of the potential amalgamation of Guernsey Water and Guernsey Electricity Limited, whether at that time or in the future,

and to report the outcomes of those investigations to the States of Deliberation as soon as practicable.

7. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

PUBLIC SERVICES DEPARTMENT

LIQUID WASTE STRATEGY

XIV.-After consideration of the Report dated 29th November, 2011, of the Public Services Department-

1. To proceed with the design of a replacement long sea outfall using the Intertek METOC model to incorporate:
 - i) the optimum length and location of pipe to achieve the greatest environmental benefit;
 - ii) the installation of five diffusers in order to achieve dilution standards at the sea surface around the point of final effluent discharge.
2. To review the “less sensitive area” status of the Little Russel every four years.
3. To direct the Public Services Department to make such reductions in the rate of Charge B as necessary to ensure the funds collected are sufficient only to cover the activities related to investigation of treatment options as set out in the Wastewater Charges (Guernsey) Law, 2009.

S M D ROSS
HER MAJESTY’S DEPUTY GREFFIER

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 9TH DAY OF FEBRUARY, 2012

(Meeting adjourned from 8th February, 2012)

**The States resolved as follows concerning Billet d'État No III
dated 16th December 2011**

POLICY COUNCIL / COMMERCE & EMPLOYMENT DEPARTMENT

ENERGY RESOURCE PLAN

IX.- After consideration of the Report dated 14th November, 2011, of the Policy Council and the Commerce and Employment Department:-

1. To approve the revised Energy Resource Plan, attached as Appendix 1 of that report.
2. To instruct the Departments of the States of Guernsey to take into account the objectives of the Energy Resource Plan when preparing new policies.

PUBLIC SERVICES DEPARTMENT

GUERNSEY CRUISE INDUSTRY GROWTH AND THE REQUIREMENT FOR ENHANCED PORT FACILITIES

XVI.-After consideration of the Report dated 9th November, 2011, of the Public Services Department:-

1. To agree that the potential economic and business opportunities offered through the development and construction of a cruise liner berth merit further exploration.

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

PUBLICATION OF MEMBERS' VOTES IN ELECTIONS

XVII.-After consideration of the Report dated 14th November, 2011, of the, States Assembly and Constitution Committee:-

1. TO NEGATIVE THE PROPOSITION that Rule 20 (2) (a) of the Rules of Procedure of the States of Deliberation shall be amended with immediate effect as follows:

before the semi-colon, add the words:

“, save that in elections for the offices of Chief Minister, Deputy Chief Minister, Minister and Chairman the Greffier shall publish as soon as possible thereafter a list detailing the vote cast by each Member of the States”.

2. TO NEGATIVE THE PROPOSITION that Rule 20 (2) (a) of the Rules of Procedure of the States of Deliberation shall be amended with immediate effect as follows:

before the semi-colon, add the words:

“, save that in elections for the office of Chief Minister the Greffier shall publish as soon as possible thereafter a list detailing the vote cast by each Member of the States”.

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

STATEMENTS

XVIII.-After consideration of the Report dated 14th November, 2011, of the States Assembly And Constitution Committee:-

1. That the Rules of Procedure of the States of Deliberation shall be amended with immediate effect as follows:

delete Rule 8, and substitute therefor:

“8. (a) Any Member who has obtained permission from the Presiding Officer to make a statement on a matter of a personal nature which, in the opinion of the Presiding Officer, should be made, may make that statement
(i) at the time prescribed in Rule 9, or
(ii) at such other time as the Presiding Officer may direct.

(b) Any Member who has obtained permission from the Presiding Officer to make a statement on behalf of a Department or Committee or otherwise relating to States business which, in the opinion of the Presiding Officer, should be made, may make that statement
(i) at the time prescribed in Rule 9, or
(ii) at such other time as the Presiding Officer may direct.

After the Member has made the statement, the Presiding Officer shall allow a period not exceeding 15 minutes for questions to be asked within the context of the statement provided that the Member to whom questions are addressed may decline to answer a question if, in his opinion, any answer given by him might be inaccurate or misleading.”.

J TORODE
HER MAJESTY’S GREFFIER