



**THE STATES assembled on Tuesday
28th September 2010, at 09.30 a.m. under
the Presidency of the Bailiff,
Michael Cameron St. John Birt Esquire.**

**His Excellency the Lieutenant Governor,
Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E.,
was present.**

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

Senator Frederick Ellyer Cohen – en défaut (défaut raised at 3.03 p.m.)
Connétable John Le Sueur Gallichan of Trinity – en défaut
Deputy Roy George Le Hérissier of St. Saviour – ill

Prayers read by the Deputy Greffier of the States

Subordinate enactments tabled

The following enactments were tabled, namely –

Misuse of Drugs (Miscellaneous Amendments) (Jersey) Order 2010. <i>Minister for Health and Social Services.</i>	R&O.94/2010.
Road Racing (Motor Vehicle Rally) (No. 2) (Jersey) Order 2010. <i>Minister for Transport and Technical Services.</i>	R&O.95/2010.

Documents presented or laid

Jersey Financial Services Commission: Companies' Register (P.87/2010) – comments. Presented: 28th September 2010. <i>Minister for Economic Development.</i>	P.87/2010. Com.
Financial and manpower statements in Propositions: revised procedures (P.92/2010) – comments. Presented: 22nd September 2010. <i>Privileges and Procedures Committee.</i>	P.92/2010. Com.
Financial and manpower statements in Propositions: revised procedures (P.92/2010) – comments. Presented: 27th September 2010. <i>Council of Ministers.</i>	P.92/2010. Com.(2)
Recycling of waste materials: identification of suitable sites (P.97/2010) – comments. Presented: 27th September 2010. <i>Council of Ministers.</i>	P.97/2010. Com.

Work and Residence Permits: establishment of working group (P.109/2010) – comments. Presented: 22nd September 2010. <i>Chief Minister.</i>	P.109/2010. Com.
Esplanade Quarter: Planning Obligation Agreement – endorsement (P.111/2010) – comments. Presented: 27th September 2010. <i>Council of Ministers.</i>	P.111/2010. Com.
Disabled Persons: Badges for Motor Vehicles – single or double amputees (P.112/2010) – comments. Presented: 27th September 2010. <i>Minister for Transport and Technical Services.</i>	P.112/2010. Com.
Machinery of Government: establishment of Ministerial Boards and revised system of Scrutiny (P.120/2010) – comments. Presented: 22nd September 2010. <i>Privileges and Procedures Committee.</i>	P.120/2010. Com.
Fiscal Strategy Review: Public consultation on personal taxation – Consultation Report. Presented: 24th September 2010. <i>Minister for Treasury and Resources.</i>	R.119/2010.

Notification of lodged propositions

Composition of the States: Spring Election and move to 4 year term of office (P.118/2010) – amendment. Lodged: 23rd September 2010. <i>Deputy T.M. Pitman of St. Helier.</i>	P.118/2010. Amd.
Composition of the States: Spring Election and move to 4 year term of office (P.118/2010) – second amendment. Lodged: 28th September 2010. <i>Deputy of St. Mary.</i>	P.118/2010. Amd.(2) (re-issue)
Machinery of Government: establishment of Ministerial Boards and revised system of Scrutiny (P.120/2010) – amendment. Lodged: 23rd September 2010. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.120/2010. Amd.
Machinery of Government: establishment of Ministerial Boards and revised system of Scrutiny (P.120/2010) – second amendment. Lodged: 28th September 2010. <i>Deputy of St. Peter.</i>	P.120/2010. Amd.(2)
Jersey Finance Ltd.: matched funding. Lodged: 24th September 2010. <i>Deputy G.P. Southern of St. Helier.</i>	P.126/2010.
States Members' remuneration: reconsideration of 2011 increase and repeal of Article 44 of the States of Jersey Law 2005. Lodged: 27th September 2010. <i>Senator B.E. Shenton.</i>	P.127/2010.

Dogs: improved facilities. P.128/2010.
 Lodged: 28th September 2010.
Deputy P.V.F. Le Claire of St. Helier.

Jersey Financial Services Commission: re-appointment of Commissioner and Chairman. P.129/2010.
 Lodged: 28th September 2010.
Minister for Economic Development.

Reg's Skips Limited – Planning Applications (R.118/2010): compensation and further P.130/2010.
 action.
 Lodged: 28th September 2010.
Senator B.E. Shenton.

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 –

Financial and manpower statements in Propositions: revised procedures. P.92/2010.
 Lodged: 30th June 2010.
Deputy P.V.F. Le Claire of St. Helier.

Ann Alice Rayner Fund: appointment of Jurat. P.123/2010.
 Lodged: 8th September 2010.
Minister for Treasury and Resources.

Health, Social Security and Housing Scrutiny Panel – appointment of Panel member

THE STATES, in accordance with the provisions of Standing Order 125(7), appointed the Connétable of St. Martin as a member of the Health, Social Security and Housing Scrutiny Panel.

Written Questions

(see Official Report/Hansard)

The Minister for Home Affairs tabled an answer to a question asked by the Deputy of St. Martin regarding the Human Rights compliance of the Drug Trafficking Law.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. Martin regarding the Human Rights compliance of the Draft Income Tax (Jersey) Law 1961.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding States purchase card expenditure.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding the decommissioning of the Bellozanne Incinerator.

The Minister for Economic Development tabled an answer to a question asked by the Deputy of St. John regarding Air Traffic Controllers.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding companies registered for GST purposes.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the cost of legal support for Family X.

The Chairman of the Privileges and Procedures Committee tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding attendance at States Sitings.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding possible taxation initiatives.

The Chief Minister tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding amendments to the Business Plan.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the care of vulnerable children.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the financial status of the Four Seasons Group.

The Minister for Home Affairs tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the imprisonment of a diagnosed schizophrenic.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding zero-ten taxation.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the privatisation or outsourcing of public services.

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 public service cuts on vulnerable households.

The Minister for Economic Development tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding postal licences.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the protection of low income households in respect of rent rises.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding respite care.

Oral Questions

(see Official Report/Hansard)

The Deputy of St. John asked a question of the Chief Minister regarding the security of the States computer system.

The Connétable of St. Helier asked a question of the Minister for Education, Sport and Culture regarding the inclusion of local history in the educational curriculum.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Treasury and Resources regarding the use of Article 134A of the Income Tax law over the past 10 years to prevent tax avoidance.

The Deputy of St. Martin asked a question of the Minister for Economic Development regarding a review of the fee structure relating to the Licensing (Jersey) Law 1974.

Senator S.C. Ferguson asked a question of the Minister for Health and Social Services regarding the collegiate Medical Director.

Deputy T.M. Pitman of St. Helier asked a question of the Chairman of the Privileges and Procedures Committee regarding Members' attendance at States meetings.

Deputy P.V.F. Le Claire of St. Helier asked a question of the Chief Minister regarding the protection of staff under the 'whistle-blowing' policy.

Deputy M.R. Higgins of St. Helier asked a question of the Minister for Housing regarding the impact of the recession on demands for social housing.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Health and Social Services regarding the provision of respite care.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Treasury and Resources regarding the impact of the savings agreed as part of the Annual Business Plan 2011 on Income Support claims.

Deputy M. Tadier of St. Brelade asked a question of the Assistant Minister for Health and Social Services regarding the accommodation of vulnerable children.

The Deputy of St. Martin asked a question of the Assistant Minister for Treasury and Resources regarding the current use of Haut de la Garenne.

Deputy G.P. Southern of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding investigations under Article 134A of the Income Tax Law.

Senator S.C. Ferguson asked a question of the Minister for Health and Social Services regarding hospital doctors prevented from practising their contracted clinical duties.

The Deputy of St. John asked a question of the Minister for Treasury and Resources regarding the impact of the introduction of another telephone company to the Island on the profits of Jersey Telecom.

Deputy M.R. Higgins of St. Helier asked a question of the Minister for Transport and Technical Services regarding the advertisement of vacant positions.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Social Security answered questions without notice from members.

The Chief Minister answered questions without notice from members.

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Connétable of Grouville, Chairman of the Jersey Tidal Power Commission, made a statement regarding the work undertaken by the Commission.

The Chairman of the Health, Social Security and Housing Scrutiny Panel made a statement regarding the Income Distribution Survey Report.

The Minister for Treasury and Resources made a statement regarding the administration of Woolworths Plc.

Jersey Law Commission: appointment of Commissioner P.98/2010

THE STATES, adopting a proposition of the Chief Minister, agreed to refer to their Act, dated 30th July 1996, in which they approved the establishment of a Jersey Law Commission, and appointed Mr. Malcolm John Le Boutillier as Commissioner of the Jersey Law Commission for a period of 5 years with immediate effect.

Public Sector cuts and alternative taxation measures P.113/2010

THE STATES commenced consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier concerning Public Sector cuts and alternative taxation measures, and rejected paragraph (a)(i)(1) to request the Council of Ministers to suspend the proposed programme of cuts to public services until 31st March 2011, especially where this would result in redundancies or reductions in front-line services, to allow time to engage in full consultation with the users of, and stakeholders in, these services.

Members present voted as follows –

POUR: 11

Senator A. Breckon
 Connétable of St. Helier
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy M. Tadier (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy M.R. Higgins (H)
 Deputy D.J. De Sousa (H)

CONTRE: 39

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Ouen
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy J.B. Fox (H)
 Deputy of St. Ouen

ABSTAIN: 0

Deputy of Grouville
 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 I.J. Gorst (C)
 Deputy of St. John
 Deputy A.E. Jeune (B)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

THE STATES rejected paragraph (a)(i)(2) of the proposition of Deputy Geoffrey Peter Southern of St. Helier to request the Council of Ministers to suspend the proposed programme of cuts to public services until 31st March 2011, especially where this would result in redundancies or reductions in front-line services, to allow time to engage full negotiation with employee representatives to find an agreed set of reforms and timescales, to include a new voluntary redundancy policy for 2011 and beyond, and Transfer of Undertakings Protection of Employment (TUPE) legislation.

Members present voted as follows –

POUR: 11

Senator A. Breckon
 Connétable of St. Helier
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy M. Tadier (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy M.R. Higgins (H)
 Deputy D.J. De Sousa (H)

CONTRE: 39

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Ouen
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy J.B. Fox (H)
 Deputy of St. Ouen
 Deputy of Grouville

ABSTAIN: 0

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 I.J. Gorst (C)
 Deputy of St. John
 Deputy A.E. Jeune (B)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

THE STATES rejected paragraph (a)(i)(3) of the proposition of Deputy Geoffrey Peter Southern of St. Helier to request the Council of Ministers to suspend the proposed programme of cuts to public services until 31st March 2011, especially where this would result in redundancies or reductions in front-line services, to allow time to engage an investigation of the potential to extend the period of reform in both service provision and taxation changes from 3 to 5 years to ensure both proper evaluation and acceptance from the public, to include examination of the use some of the interest from the Strategic Reserve Fund (“Rainy Day Fund”) to cover the deficits involved during the 5-year period above, or failing this, to borrow on the financial markets (through a bond issue) to do so.

Members present voted as follows –

POUR: 10

Senator A. Breckon
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy M. Tadier (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy M.R. Higgins (H)
 Deputy D.J. De Sousa (H)

CONTRE: 40

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Ouen
 Connétable of St. Helier
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy J.B. Fox (H)

ABSTAIN: 0

Deputy of St. Ouen
 Deputy of Grouville
 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 I.J. Gorst (C)
 Deputy of St. John
 Deputy A.E. Jeune (B)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

Following the rejection of paragraph (a)(i)(3) of the proposition of Deputy Geoffrey Peter Southern of St. Helier, the Bailiff informed the Assembly that paragraph (a)(ii) of the same proposition was deemed to have been withdrawn.

THE STATES rejected paragraph (b) of the proposition of Deputy Geoffrey Peter Southern of St. Helier that no proposals to increase the current 3% rate of Goods and Services Tax should be brought to the States for consideration before 2013.

Members present voted as follows –

POUR: 21

Senator A. Breckon
 Senator F. du H. Le Gresley
 Connétable of St. Helier
 Connétable of St. John
 Connétable of St. Clement
 Connétable of St. Lawrence
 Deputy of St. Martin
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy D.J. De Sousa (H)
 Deputy J.M. Maçon (S)

CONTRE: 29

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of St. Peter
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy J.B. Fox (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)

ABSTAIN: 0

Deputy I.J. Gorst (C)
 Deputy of St. John
 Deputy A.E. Jeune (B)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)

THE STATES rejected paragraph (c) of the proposition of Deputy Geoffrey Peter Southern of St. Helier to request the Minister for Treasury and Resources to bring forward for approval proposals in time for the Budget 2011 debate in 2010 to set targets for raising business tax revenues, especially for non-local, non-finance companies which did not currently pay income tax.

Members present voted as follows –

POUR: 15

Senator A. Breckon
 Connétable of St. Helier
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy M. Tadier (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy D.J. De Sousa (H)

CONTRE: 35

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Ouen
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
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 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy J.B. Fox (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 I.J. Gorst (C)
 Deputy of St. John
 Deputy A.E. Jeune (B)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

ABSTAIN: 0

Recycling of waste materials: identification of suitable sites P.97/2010

THE STATES commenced consideration of a proposition of the Deputy of St. John entitled 'Recycling of waste materials: identification of suitable sites' (P.97/2010).

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 29th September 2010 to resume consideration of the proposition of the Deputy of St. John entitled 'Recycling of waste materials: identification of suitable sites' (P.97/2010) and the outstanding items of public business.

THE STATES rose at 5.30 p.m.

A.H. HARRIS

Deputy Greffier of the States