

**THE STATES assembled on Tuesday
20th January 2009, at 10.45 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**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 Terence John Le Main– en défaut
Deputy Geoffrey Peter Southern of St. Helier– en défaut (défaut raised at 10.52 a.m.)

Prayers

Service of Dedication – thanks

The Bailiff, on behalf of all members, thanked the Dean of Jersey and all those involved in the organisation of the Service of Dedication which had been held at the St. Helier Parish Church prior to the meeting.

Message from the Seneschal of Sark

The Bailiff advised members that a letter had been received from the Seneschal of Sark in appreciation of the messages of support sent following the closure of a number of businesses in that Island.

Subordinate enactments tabled

The following enactments were tabled, namely –

Proceeds of Crime (Supervisory Bodies) (Transitional Provision) (Jersey) Order 2008. <i>Minister for Economic Development.</i>	R&O.172/2008.
Community Provisions (Restrictive Measures – Iran) (Jersey) Order 2009. <i>Chief Minister.</i>	R&O.1/2009.
Community Provisions (Implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia) (Amendment) (Jersey) Order 2009. <i>Chief Minister.</i>	R&O.2/2009.
Community Provisions (Restrictive Measures – North Korea) (Amendment) (Jersey) Order 2009. <i>Chief Minister.</i>	R&O.3/2009.
Community Provisions (Restrictive Measures – Zimbabwe) (No. 6) (Amendment) (Jersey) Order 2009. <i>Chief Minister.</i>	R&O.4/2009.
Royal Court (Amendment No. 8) Rules 2009. <i>Superior Number of the Royal Court.</i>	R&O.5/2009.

Documents presented or laid

Rates: the States' liability (P.147/2008) – comments. Presented: 16th January 2009. <i>Minister for Treasury and Resources.</i>	P.147/2008. Com.
Woolworths employees: redundancy payments (P.2/2009) – comments. Presented: 20th January 2009. <i>Council of Ministers.</i>	P.2/2009. Com.
States of Jersey Law 2005: delegation of functions – Treasury and Resources. Presented: 24th December 2008. <i>Minister for Treasury and Resources.</i>	R.133/2008.
States of Jersey Law 2005: delegation of functions – Housing. Presented: 12th January 2009. <i>Minister for Housing.</i>	R.1/2009.
Land Transactions under Standing Order 168(3) – (a) Pleasant Street pavement improvement; (b) N17 New North Quay, St. Helier– lease; (c) Proposed sale of 27 Oak Tree Gardens, St. Helier; (d) 24, 26, 28 Bath Street, St. Helier– lease; (e) Greve de LecqCafé N°1 – proposed 25 year ground lease; (f) A17A (Store), A17B (Store), A18 (Office), Albert Pier, St. Helier– leases. Presented: 16th January 2009. <i>Minister for Treasury and Resources.</i>	R.2/2009.
International Conventions and Agreements: progress report for period 1st October 2007 to 30th September 2008. Presented: 20th January 2009. <i>Chief Minister.</i>	R.3/2009.
Land Transactions under Standing Order 168(3) – (a) Northern part of Field 724, La Pre de Reine, Grouville – lease; (b) Thorp House Warehouse, Rouge Bouillon, St. Helier– lease. Presented: 20th January 2009. <i>Minister for Treasury and Resources.</i>	R.4/2009.
Notification of lodged propositions	
Draft Gender Recognition (Jersey) Law 200- (P.174/2008): amendment. Lodged: 20th January 2009. <i>Chief Minister.</i>	P.174/2008. Amd.
Chief Officer of the States of Jersey Police: review of procedure regarding suspension. Lodged: 18th December 2008. <i>Connétable of St. Helier.</i>	P.182/2008.
Planning Applications Panel: appointment of members. Lodged: 19th December 2008. <i>Minister for Planning and Environment.</i>	P.183/2008.
Ann Court Site, St. Helier: use for sheltered social housing for the over55s. Lodged: 23rd December 2008. <i>Deputy J.A. Martin of St. Helier.</i>	P.184/2008. (re-issue)
Draft Companies (Amendment No. 10) (Jersey) Law 200. Lodged: 23rd December 2008. <i>Minister for Economic Development.</i>	P.185/2008.

Draft Companies (Amendment No. 3) (Jersey) Regulations 200. Lodged: 23rd December 2008. <i>Minister for Economic Development.</i>	P.186/2008.
La Pouquelaye old school site: provision of youth and community facilities. Lodged: 24th December 2008. <i>Connétable of St. Helier.</i>	P.187/2008.
Voisinage and customary law: review. Lodged: 5th January 2009. <i>Senator B.E. Shenton.</i>	P.1/2009.
Woolworths employees: redundancy payments. Lodged: 5th January 2009. <i>Deputy G.P. Southern of St. Helier.</i>	P.2/2009.
Woolworths employees: redundancy payments (P.2/2009) – amendment. Lodged: 13th January 2009. <i>Senator A. Breckon.</i>	P.2/2009. Amd.
Jersey Overseas Aid Commission: appointment of non-States Commissioner. Lodged: 6th January 2009. <i>Deputy I.J. Gorst of St. Clement.</i>	P.3/2009.
Jersey Financial Services Commission: appointment of Commissioners. Lodged: 6th January 2009. <i>Minister for Economic Development.</i>	P.4/2009.
Rôle of the unelected members of the States: review. Lodged: 6th January 2009. <i>Deputy of St. Martin.</i>	P.5/2009.
Draft Summary Fines (Miscellaneous Amendments) (Jersey) Law 200-. Lodged: 13th January 2009. <i>Comité des Connétables.</i>	P.6/2009.
Property sold by the public: restriction on renting back. Lodged: 20th January 2009. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.7/2009.
Energy from Waste facility: rescindment. Lodged: 20th January 2009. <i>Deputy of St. Mary.</i>	P.8/2009.

Withdrawal of lodged propositions

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

Waterfront Enterprise Board Ltd: appointment of Director. Lodged: 1st October 2008. <i>Chief Minister.</i>	P.153/2008.
Traditional delivery of Christmas addresses. Lodged: 31st October 2008. <i>Senator S. Syvret.</i>	P.168/2008.
Draft Employment Tribunal (Amendment No. 2) (Jersey) Regulations 200. Lodged: 4th November 2008.	P.169/2008.

Minister for Social Security.

Appointment of unelected members of the Public Accounts Committee

In accordance with the provisions of Standing Order 124(1), the following nominations were made by Senator Ben Edward Shenton, Chairman of the Public Accounts Committee, as unelected members of the Public Accounts Committee –

Mr. Martin Paul Magee
Mr. Patrick John Dennis Ryan
Mr. Kevin Keen

There having been no further nominations in accordance with the provisions of Standing Order 124(2), the Bailiff declared that the above persons had been duly appointed as unelected members of the Public Accounts Committee.

Public Accounts Committee: appointment of elected member

In accordance with the provisions of Standing Order 123(1), Senator Ben Edward Shenton, Chairman of the Public Accounts Committee nominated the Connétable of St. Helier as a member of the Public Accounts Committee.

There being no other nominations, the Bailiff declared that the Connétable of St. Helier had been duly appointed as an elected member of the Public Accounts Committee.

Written Questions

(see Official Report/Hansard)

The Minister for Education, Sport and Culture tabled an answer to a question asked by the Connétable of St. Lawrence regarding the cost of withdrawing from Higher Education courses.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding free GP access.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding a review of the Income Support system.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding support for the staff made redundant by the closure of Woolworths.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the new Strategic Plan.

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 containers at La Collette.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the management of public car parking at Rue desPrés Trading Estate.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the maintenance of St. James Centre.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the budget allocation for cultural matters.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the Independent Complaints Procedure.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy R.G. Le Hérisser of St. Saviour regarding a review of the management structure within the Department.

The Minister for Economic Development tabled an answer to a question asked by Senator B.E. Shenton regarding the rescindment of the 'Loi (1894) sur la Coupe et la Pêche des Vraics'.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding containers at La Collette.

The Chief Minister tabled an answer to a question asked by Deputy A.E. Jeune of St. Brelade regarding updating the inheritance laws.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding access to the Energy from Waste contract.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the illhealth of staff working at La Collette.

The Minister for Health and Social Services tabled an answer to a question asked by Senator P.F. Routier regarding the employment of social workers.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Mary regarding the implications of cancelling the Energy from Waste contract.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the advice received in relation to the euro cost element of the Energy for Waste plant.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Mary regarding the cost of consultancy fees in relation to the Energy from Waste plant.

Oral Questions

(see Official Report/Hansard)

The Deputy of Grouville asked a question of the Chairman of the Comité des Connétables regarding criteria for admitting people onto the waiting lists for homes built on re-zoned land.

Senator S. Syvret asked a question of the Minister for Home Affairs regarding the involvement of UK Police Forces in the Historic Child Abuse investigation.

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding the Police Procedures and Criminal Evidence (Jersey) Law 2003.

Deputy T.M. Pitman of St. Helier asked a question of the Assistant Minister for Housing regarding the purchase by 1(1)(k) residents of properties in the Island as investments.

The Deputy of Grouville asked a question of the Minister for Planning and Environment regarding a social housing needs planning policy.

The Deputy of St. John asked a question of the Minister for Economic Development regarding the numbers of travellers by air and sea to Jersey in 2008.

The Deputy of St. Mary asked a question of the Minister for Planning and Environment regarding the impact of the Energy from Waste plant on the Ramsar designation of the Havre des Pas area.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding a review of the Income Support system.

Senator S. Syvret asked a question of H.M. Attorney General regarding compensation claims against the insurers of the States by child abuse survivors

The Deputy of St. John asked a question of H.M. Attorney General regarding the investigation of members by the police within the States building.

Senator P.F. Routier asked a question of the Minister for Health and Social Services regarding the enhancement of the Social Worker provision available to children and adults with special needs.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Economic Development regarding the ability of any creditors or ex-employees ensure that the assets of Woolworths in Jersey remain in the Island for distribution.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding the progression of TUPE (Transfer of Undertakings (Protection of Employment) Regulations) and Redundancy legislation.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Education, Sport and Culture regarding support for gay and lesbian young people.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Minister for Home Affairs regarding the Independent Citizens Group.

The Deputy of St. Mary asked a question of the Minister for Transport and Technical Services regarding the waste arisings model used as the basis for calculating the size of the incinerator needed by the Island.

THE STATES, having approved a proposition of the Deputy of St. Martin, agreed to suspend Standing Order 63(1) in order to extend the period of time allowed for question time at this meeting.

The Deputy of St. Martin asked a question of the Minister for Education, Sport and Culture regarding the Human Rights compliancy of suspensions under the Education (Jersey) Law 1999.

Deputy P.V.F. Le Claire asked a question of the Minister for Treasury and Resources regarding the importation of electricity by the Jersey Electricity Company.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Chief Minister regarding the establishment of an independent office to consider representations from 'whistleblowers'.

Change of Presidency

THE STATES re-assembled after the lunch adjournment under the Presidency of the Deputy Bailiff.

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.

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Chief Minister made a statement regarding public sector pay awards.

The Minister for Treasury and Resources made a statement regarding the use of the stabilisation fund.

Arrangement of public business for the present meeting

THE STATES, having adopted a proposition of Senator Stuart Syvret, agreed in accordance with Standing Order 87(2), that P.2/2009 ('Woolworths employees: redundancy payments') should be taken as the first item of

public business at the present meeting.

Members present voted as follows –

POUR: 26

Senator S. Syvret
Senator F.E. Cohen
Senator J.L. Perchard
Senator A. Breckon
Senator S.C. Ferguson
Connétable of St. Ouen
Connétable of St. Helier
Connétable of St. Lawrence
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy of St. Ouen
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy of Trinity
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy M. Tadier (B)
Deputy of St. Mary
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy A.K.F. Green (H)
Deputy J.M. Maçon (S)

CONTRE: 22

Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator A.J.D. Maclean
Senator B.I. Le Marquand
Connétable of Trinity
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Connétable of St. Saviour
Connétable of St. Peter
Connétable of St. Mary
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy of St. Peter
Deputy I.J. Gorst (C)
Deputy A.E. Jeune (B)
Deputy T.M. Pitman (H)
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy D.J. De Sousa(H)

ABSTAIN: 0

THE STATES, having adopted a proposition of Deputy Geoffrey Peter Southern of St. Helier, agreed, in accordance with Standing Order 87(1), that P.2/2009 ('Woolworths employees: redundancy payments') should be taken as an item of business at the present meeting.

Woolworths employees: redundancy payments (P.2/2009)

THE STATES, having commenced consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier concerning redundancy payments for Woolworths employees ('Woolworths employees: redundancy payments' (P.2/2009) lodged 'au Greffe' on 5th January 2009), commenced consideration of an amendment of Senator Alan Breckon that for the figure "£139,500" there should be substituted the figure "up to £289,500" and the proposition should be renumbered as paragraph (a) and after that paragraph there should be inserted the following new paragraphs –

- “(b) to request the Minister for Treasury and Resources to register and pursue a claim for up to £289,500 relating to the payments referred to in paragraph (a) with the Joint Administrators of Woolworths plc., namely Mr. Neville Kahn, Mr. Daniel Butters and Mr. Nick Dargan of Deloitte LLP, P.O. Box 810, 66 Shoe Lane, London, EC4A 3WA;
- (c) to request the Minister for Social Security to seek the assistance of the Jersey Advisory and Conciliation Service to verify –
 - (i) whether appropriate notice payments have been made to former Woolworths employees in Jersey in accordance with the requirements of the Employment (Jersey) Law 2003; and
 - (ii) how such payments compare to the terms and conditions and payments made in relation to the redundancy of employees of the company in the United Kingdom.”

The Deputy of St. John, in accordance with the provisions of Standing Order 106(1)(a), declared an interest and withdrew from the Chamber for the duration of the debate.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 21st January 2009 to continue consideration of P.2/2009 ('Woolworths employees: redundancy payments') and the outstanding items of public business.

THE STATES rose at 5.38 p.m.

M.N. DE LA HAYE

Greffier of the States