



**THE STATES assembled on Wednesday
1st July 2009, at 09.30 a.m.
under the Presidency of
Mr. Michael Nelson de la Haye,
Greffier of the States.**

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

Senator Stuart Syvret – en défaut (défaut raised at 9.35 a.m.)
Senator Terence John Le Main – en défaut (défaut raised at 9.36 a.m.)
Senator James Leslie Percharde – excused attendance (arrived in the Chamber 2.27 p.m.)
Connétable John Le Sueur Gallichan of Trinity – excused attendance
Connétable Graeme Frank Butcher of St. John – en défaut (défaut raised at 11.05 a.m.)
Deputy Andrew Kenneth Francis Green of St. Helier – excused attendance

Prayers

Notification of lodged propositions

Esplanade Quarter and Waterfront development: deferral (P.77/2009) – amendment. Lodged: 1st July 2009. <i>Deputy of St. John.</i>	P.77/2009. Amd.
Pension Schemes: dealing with the past service liability. Lodged: 1st July 2009. <i>Senator B.E. Shenton.</i>	P.110/2009.
Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200-. Lodged: 1st July 2009. <i>Minister for Economic Development.</i>	P.111/2009.

Committee of Inquiry into the death of Mrs. Elizabeth Rourke P.76/2009

THE STATES resumed consideration of a proposition of Senator Stuart Syvret entitled ‘Committee of Inquiry into the death of Mrs. Elizabeth Rourke’ (P.76/2009).

THE STATES rejected the proposition for Senator Stuart Syvret that –

- (a) a Committee of Inquiry should be established in accordance with Standing Order 146 to inquire into a definite matter of public importance, namely the circumstances surrounding the death of Mrs. Elizabeth Rourke in October 2006;
- (b) a nationally recognised healthcare investigatory organisation be invited to undertake the investigation and to nominate investigators for approval by the States as Chairman and members of the Committee of Inquiry;

- (c) the detailed terms of reference of the Committee of Inquiry should be agreed with the commissioned organisation and submitted to the States for approval alongside the names of the Chairman and members;
- (d) the Greffier of the States be asked to identify a suitable investigatory organisation, negotiate terms of reference based upon the accompanying report, and, following approval of the membership and terms of reference by the States, sign the relevant contract on behalf of the Assembly;
- (e) the proposed investigation by Verita into the death of Mrs. Elizabeth Rourke should not proceed and the Minister for Health and Social Services should be requested to take the necessary steps to discontinue that investigation.

Members present voted as follows –

POUR: 15

Senator S. Syvret
 Senator S.C. Ferguson
 Connétable of St. Lawrence
 Deputy R.G. Le Hérissier (S)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy M.R. Higgins (H)
 Deputy D. De Sousa (H)
 Deputy J.M. Maçon (S)

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 A. Breckon
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 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. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of St. Peter
 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 A.E. Jeune (B)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)

ABSTAIN: 0

States Employees: pay increase for 2009/2010 P.68/2009

THE STATES commenced consideration of a proposition of the Deputy of St. John entitled ‘States Employees: pay increase for 2009/2010’ (P.68/2009) and rejected an amendment of Deputy Geoffrey Peter Southern of St. Helier that for the words “£400 per annum per employee” there should be substituted the words “£1,250 per annum for all full-time employees, with this sum being adjusted proportionately for part-time employees”.

Members present voted as follows –

POUR: 8

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. De Sousa (H)

CONTRE: 32

Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator S.C. Ferguson
Senator A.J.D. Maclean
Senator B.I. Le Marquand
Connétable of St. Ouen
Connétable of Grouville
Connétable of St. Brellade
Connétable of St. Martin
Connétable of St. John
Connétable of St. Clement
Connétable of St. Peter
Connétable of St. Lawrence
Connétable of St. Mary
Deputy of St. Martin
Deputy R.G. Le Hérisier (S)
Deputy J.A. Martin (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
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 of St. John
Deputy A.E. Jeune (B)
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy J.M. Maçon (S)

ABSTAIN: 0

THE STATES, having resumed consideration of a proposition of the Deputy of St. John, rejected the proposal to request the Council of Ministers to retract their stance of a pay freeze for States employees and put in place a pay increase across the entire workforce of £400 per annum per employee.

Members present voted as follows –

POUR: 12

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 of St. John
 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. De Sousa (H)

CONTRE: 29

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator B.E. Shenton
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy of St. Martin
 Deputy R.G. Le Hérisssier (S)
 Deputy of St. Ouen
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy A.E. Jeune (B)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy J.M. Maçon (S)

ABSTAIN: 0

Senators Terence John Le Main and Alan Breckon, the Connétable of St. Helier and Deputies Robert Charles Duhamel of St. Saviour, John Benjamin Fox of St. Helier and Ian Joseph Gorst of St. Clement, in accordance with Standing Order 106(1)(a) declared an interest and withdrew from the Chamber for the duration of the debate.

Jersey Mutual Insurance Society Incorporated: alteration of Fundamental Rules – Petition P.71/2009

THE STATES, adopting a proposition of the Connétable of St. Saviour, agreed to grant the prayer of the petition presented on behalf of the Jersey Mutual Insurance Society Incorporated (the “Society”) that legal effect be given to the amendments of the Fundamental Rules of the Society as set out in the petition.

The Connétable of Grouville, in accordance with the provisions of Standing Order 106(b), declared an interest not being of a direct financial nature, but remained in the Chamber for the duration of the debate.

Suspension of States Employees: Composition of Review Panel P.98/2009

THE STATES, adopting a proposition of the Deputy of St. Martin agreed to refer to their Act dated 30th April 2009 in which they approved revised procedures relating to the suspension of States employees and States of Jersey police officers, and agreed, *inter alia*, that 28 days after a suspension, and every 28 days thereafter, the continuing need for the suspension would be reviewed by a Panel drawn from within the public service which would be independent of the department where the suspended person was employed, and requested the States Employment Board to rescind its decision to appoint the members of the Corporate Management Board as the pool from which the Review Panels would be selected and to appoint instead a pool of 9 States employees drawn from across the public service who were not members of the Corporate Management Board to fulfil this role.

Members present voted as follows –

POUR: 23

Senator B.E. Shenton
 Senator A. Breckon
 Connétable of St. Helier
 Connétable of St. Martin
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisssier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy P.V.F. Le Claire (H)
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy of St. John
 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. De Sousa (H)
 Deputy J.M. Maçon (S)

CONTRE: 21

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Brelade
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Mary
 Deputy of St. Ouen
 Deputy of St. Peter
 Deputy of Trinity
 Deputy I.J. Gorst (C)
 Deputy A.E. Jeune (B)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)

ABSTAIN: 0**Draft Court of Appeal (Amendment No. 8) (Jersey) Law 2008 (Appointed Day) Act 200-P.99/2009**

THE STATES, in pursuance of Article 31(2) of the Court of Appeal (Amendment No. 8) (Jersey) Law 2008, made an Act entitled the Court of Appeal (Amendment No. 8) (Jersey) Law 2008 (Appointed Day) Act 2009.

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Minister for Treasury and Resources made a statement regarding Harcourt Developments Limited.

Arrangement of public business for future meetings

THE STATES rejected a proposition of the Deputy of St. John that his proposition entitled ‘Esplanade Quarter and Waterfront development: deferral’ (P.77/2009) should be debated as the second item of business on 13th July 2009.

Members present voted as follows –

POUR: 12

Senator J.L. Perchard
 Senator A. Breckon
 Connétable of St. John
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy G.P. Southern (H)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy D. De Sousa (H)
 Deputy J.M. Maçon (S)

CONTRE: 27

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Connétable of St. Helier
 Connétable of St. Brelade
 Connétable of St. Martin
 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 J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy P.V.F. Le Claire (H)
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)

ABSTAIN: 1

Deputy M.R. Higgins (H)

THE STATES agreed the following arrangement of public business for future meetings proposed, as amended, by the Chairman of the Privileges and Procedures Committee in accordance with the provisions of Standing Order 88(3) –

13th July 2009

Senator Stuart Syvret: Vote of Censure.
 Lodged: 29th June 2009.
Privileges and Procedures Committee.

P.107/2009.

Electricity tariffs: Regulations under Article 22 of the Electricity (Jersey) Law 1937.
 Lodged: 24th March 2009.
Senator A. Breckon.

P.41/2009.

Electricity tariffs: Regulations under Article 22 of the Electricity (Jersey) Law 1937 (P.41/2009) – comments. Presented: 27th April 2009. <i>Minister for Economic Development.</i>	P.41/2009. Com.
Electricity tariffs: Regulations under Article 22 of the Electricity (Jersey) Law 1937 (P.41/2009) – amendment. Lodged: 26th May 2009. <i>Senator A. Breckon.</i>	P.41/2009. Amd.
Draft Sea Fisheries (Satellite Monitoring) (Jersey) Regulations 200-. Lodged: 14th April 2009. <i>Minister for Economic Development.</i>	P.56/2009.
Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Regulations 200-. Lodged: 14th April 2009. <i>Minister for Economic Development.</i>	P.57/2009.
Television Licences for persons over 75. Lodged: 16th June 2009. <i>Deputy M. Tadier of St. Brelade.</i>	P.100/2009.
Television Licences for persons over 75 (P.100/2009): comments. Presented: 30th June 2009. <i>Minister for Treasury and Resources.</i>	P.100/2009. Com.
Draft Social Security (Television Licence Benefit) (Jersey) Regulations 200-. Lodged: 5th May 2009. <i>Minister for Social Security.</i>	P.64/2009.
Draft Social Security (Television Licence Benefit) (Jersey) Regulations 200- (P.64/2009): amendment. Lodged: 2nd June 2009. <i>Minister for Social Security.</i>	P.64/2009. Amd.
Draft Residential Tenancy (Jersey) Law 200-. Lodged: 21st May 2009. <i>Minister for Housing.</i>	P.74/2009.
Draft Residential Tenancy (Jersey) Law 200- (P.74/2009): amendment. Lodged: 29th June 2009. <i>Deputy J.A.N. Le Fondré of St. Lawrence.</i>	P.74/2009. Amd.
Draft Amendment (No. 11) of the Standing Orders of the States of Jersey. Lodged: 27th May 2009. <i>Privileges and Procedures Committee.</i>	P.75/2009.
Esplanade Quarter and Waterfront development: deferral. Lodged: 29th May 2009. <i>Deputy of St. John.</i>	P.77/2009.

Esplanade Quarter and Waterfront development: deferral (P.77/2009) – amendment. Lodged: 1st July 2009. <i>Deputy of St. John.</i>	P.77/2009. Amd.
Annual Business Plan 2009: variation in respect of pay freeze. Lodged: 29th May 2009. <i>Minister for Treasury and Resources.</i>	P.78/2009.
Draft Income Tax (Amendment No. 32) (Jersey) Law 200-. Lodged: 2nd June 2009. <i>Minister for Treasury and Resources.</i>	P.81/2009.
Draft Income Tax (Amendment No. 33) (Jersey) Law 200-. Lodged: 2nd June 2009. <i>Minister for Treasury and Resources.</i>	P.82/2009.
Public Finances (Jersey) Law 2005: funding requests under Article 11(8). Lodged: 2nd June 2009. <i>Minister for Treasury and Resources.</i>	P.83/2009.
Strategic Reserve Fund: use for Bank Depositors' Compensation Scheme. Lodged: 2nd June 2009. <i>Minister for Treasury and Resources.</i>	P.84/2009.
Draft Public Finances (Depositors Compensation) (Jersey) Regulations 200-. Lodged: 2nd June 2009. <i>Minister for Treasury and Resources.</i>	P.85/2009.
Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200-. Lodged: 2nd June 2009. <i>Minister for Economic Development.</i>	P.86/2009.
Draft Banking (Depositors Compensation) (Jersey) Regulations 200-. Lodged: 2nd June 2009. <i>Minister for Economic Development.</i>	P.87/2009.
Draft Foundations (Amendment) (Jersey) Regulations 200-. Lodged: 2nd June 2009. <i>Minister for Economic Development.</i>	P.88/2009.
Draft Foundations (Continuance) (Jersey) Regulations 200-. Lodged: 2nd June 2009. <i>Minister for Economic Development.</i>	P.89/2009.
Draft Companies (Takeovers and Mergers Panel) (Amendment of Law) (Jersey) Regulations 200-. Lodged: 2nd June 2009. <i>Minister for Economic Development.</i>	P.91/2009.
Draft Income Support (Amendment No. 4) (Jersey) Regulations 200-. Lodged: 2nd June 2009. <i>Minister for Social Security.</i>	P.93/2009.

Ratification of the Agreement for the exchange of information relating to tax matters between the States of Jersey and France. P.94/2009.
Lodged: 3rd June 2009.
Chief Minister.
Cannot be debated until 15th July 2009

Ratification of the Agreement for the exchange of information relating to tax matters between the States of Jersey and Ireland. P.95/2009.
Lodged: 3rd June 2009.
Chief Minister.
Cannot be debated until 15th July 2009

Ratification of the Agreement for the exchange of information relating to tax matters between the States of Jersey and the United Kingdom. P.96/2009.
Lodged: 3rd June 2009.
Chief Minister.
Cannot be debated until 15th July 2009

Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 3) (Jersey) Regulations 200-. P.97/2009.
Lodged: 3rd June 2009.
Chief Minister.
Cannot be debated until 15th July 2009

Jersey Financial Services Commission: appointment of Chairman. P.101/2009.
Lodged: 17th June 2009.
Minister for Economic Development.

Draft Supply of Goods and Services (Jersey) Law 2009 (Appointed Day) Act 200-. P.103/2009.
Lodged: 23rd June 2009.
Minister for Economic Development.

Oral Questions with notice: revised ballot procedures. P.105/2009.
Lodged: 29th June 2009.
Deputy M. Tadier of St. Brelade.

Ann Court housing site, St. Helier: temporary use. P.108/2009.
Lodged: 30th June 2009.
Connétable of St. Helier.
Cannot be debated before 14th July 2009.

8th September 2009

Ann Court Site, St. Helier: use for sheltered social housing for the over-55s. P.43/2009.
Lodged: 27th March 2009.
Deputy J.A. Martin of St. Helier.

Composition and election of the States: revised structure. P.72/2009.
Lodged: 19th May 2009.
Privileges and Procedures Committee.

Composition and election of the States: revised structure (P.72/2009) – comments. Presented: 18th June 2009. <i>Minister for Treasury and Resources.</i>	P.72/2009. Com.
Composition and election of the States: revised structure (P.72/2009) – amendment. Lodged: 25th June 2009. <i>Deputy of St. Martin.</i>	P.72/2009. Amd.
Property and Infrastructure Regeneration: the States of Jersey Development Company Limited. Lodged: 2nd June 2009. <i>Council of Ministers.</i>	P.79/2009.
Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.79/2009) – amendment. Lodged: 8th June 2009. <i>Connétable of St. Helier.</i>	P.79/2009. Amd.
Composition and election of the States: single election day each year. Lodged: 30th June 2009. <i>Deputy J.A.N. Le Fondré of St. Lawrence.</i>	P.109/2009.
<u>22nd September 2009</u>	
Child abuse compensation claims: freedom of expression for survivors. Lodged: 6th April 2009. <i>Senator S. Syvret.</i>	P.49/2009.
Child abuse compensation claims: freedom of expression for survivors (P.49/2009) – comments. Presented: 11th May 2009. <i>Council of Ministers.</i>	P.49/2009. Com.
Child abuse compensation claims: freedom of expression for survivors (P.49/2009) – amendment. Lodged: 29th April 2009. <i>Council of Ministers.</i>	P.49/2009. Amd.
Committee of Inquiry: confidential files held by States of Jersey Police on States Members and others. Lodged: 23rd June 2009. <i>Deputy M.R. Higgins of St. Helier.</i>	P.104/2009.
Pension Schemes: dealing with the past service liability. Lodged: 1st July 2009. <i>Senator B.E. Shenton.</i>	P.110/2009.
Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200-. Lodged: 1st July 2009. <i>Minister for Economic Development.</i>	P.111/2009.

20th October 2009

Draft Sea Fisheries (Bag Limits) (Jersey) Regulations 200-

P.58/2009.

Lodged: 14th April 2009.

Minister for Economic Development.

Sea Fisheries: sale of fish without licence and licensing of ormer fishing.

P.106/2009.

Lodged: 29th June 2009.

Deputy A.K.F. Green of St. Helier.

THE STATES rose at 5.42 p.m.

L-M. HART

Assistant Greffier of the States