



**THE STATES assembled on Thursday
30th April 2009, at 09.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

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

Senator Stuart Syvret – en défaut (défaut raised at 9.54 a.m.)
Senator Terence Augustine Le Sueur – en défaut (défaut raised at 9.36 a.m.)
Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 9.36 a.m.)
Connétable John Le Sueur Gallichan of Trinity – en défaut (défaut raised at 10.01 a.m.)
Deputy Collin Hedley Egré of St. Peter – ill

Prayers

Suspension of States employees and States of Jersey Police Officers: revised procedures P.46/2009

THE STATES, having resumed consideration of a proposition of the Deputy of St. Martin concerning revised procedures for the suspension of States employees and States of Jersey Police Officers, as amended, adopted the proposition and agreed –

- (a) to request the States Employment Board and Minister for Home Affairs to amend policies, procedures and, if necessary, relevant legislation in relation to discipline for States employees and officers of the States of Jersey Police to ensure that –
 - (i) when any States employee or officer of the States of Jersey Police was suspended they should, within 3 working days of the suspension, receive in writing the reason or reasons for the suspension;
 - (ii) at the time the person concerned was formally notified of the suspension they could be accompanied by a union representative, workplace colleague or friend;
 - (iii) 28 days after 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 which would report its findings to the States Employment Board;
 - (iv) the suspended person should be able to be accompanied at each such 28 day review by a union representative, workplace colleague or friend and with the Chief Officer of the Department concerned or his nominee also to be required to attend the review; and
- (b) that the above revised procedures would apply to every States employee and become operative within 3 months of the approval of this proposition.

Members present voted as follows –

POUR: 29

Senator B.E. Shenton
 Senator A. Breckon
 Connétable of St. Ouen
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisssier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy D. De Sousa (H)
 Deputy J.M. Maçon (S)

CONTRE: 19

Senator P.F. Routier
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Mary
 Deputy J.B. Fox (H)
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy E.J. Noel (L)

ABSTAIN: 1

Senator T.A. Le Sueur

Arrangement of public business for the present meeting

THE STATES, adopting a proposition of the Chief Minister, agreed, in accordance with the provisions of Standing Order 87(2)(b), that the debate of the proposition of Senator Stuart Syvret concerning freedom of expression for survivors seeking child abuse compensation claims (P.49/2009) should be deferred until the next scheduled States meeting on 12th May 2009.

Members present voted as follows –

POUR: 28

Senator T.A. Le Sueur
 Senator P.F. Routier
 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. Ouen
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade

CONTRE: 20

Senator S. Syvret
 Senator B.E. Shenton
 Senator A. Breckon
 Connétable of St. Helier
 Connétable of St. Lawrence
 Deputy of St. Martin
 Deputy R.G. Le Hérisssier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy P.V.F. Le Claire (H)

ABSTAIN: 1

Connétable of St. Mary

Connétable of St. Martin	Deputy S. Pitman (H)
Connétable of St. John	Deputy K.C. Lewis (S)
Connétable of St. Saviour	Deputy of St. Mary
Connétable of St. Clement	Deputy T.M. Pitman (H)
Connétable of St. Peter	Deputy T.A. Vallois (S)
Deputy R.C. Duhamel (S)	Deputy M.R. Higgins (H)
Deputy J.B. Fox (H)	Deputy A.K.F. Green (H)
Deputy of St. Ouen	Deputy D. De Sousa (H)
Deputy J.A. Hilton (H)	Deputy J.M. Maçon (S)
Deputy J.A.N. Le Fondré (L)	
Deputy of Trinity	
Deputy S.S.P.A. Power (B)	
Deputy I.J. Gorst (C)	
Deputy of St. John	
Deputy A.E. Jeune (B)	
Deputy A.T. Dupré (C)	
Deputy E.J. Noel (L)	

Appointments Commission: appointment of member P.51/2009

THE STATES, adopting a proposition of the Chief Minister, agreed, in accordance with Article 18(1) of the Employment of States of Jersey Employees (Jersey) Law 2005, which was concerned with the appointment of Commissioners to the Jersey Appointments Commission, to appoint Mr. Julian Rogers as a Commissioner for a period of 4 years.

Members present voted as follows –

POUR: 39

CONTRE: 0

ABSTAIN: 0

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator J.L. Perchard
 Senator A. Breckon
 Senator S.C. Ferguson
 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. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)

Deputy J.A.N. Le Fondré (L)
 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 of St. Mary
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy D. De Sousa (H)
 Deputy J.M. Maçon (S)

Oral Questions with notice: abolition of time limit P.59/2009

THE STATES rejected a proposition of Deputy Montfort Tadier of St. Brelade –

- (a) to agree that the current time limit of 90 minutes allowed for oral questions with notice should be abolished and that the period for such questions should continue without time limit until all the questions had been answered;
- (b) to request the Privileges and Procedures Committee to bring forward the necessary amendments to the Standing Orders of the States of Jersey to give effect to the proposal.

Members present voted as follows –

POUR: 14

Senator S. Syvret
 Senator A. Breckon
 Connétable of St. Helier
 Deputy of St. Martin
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 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)

CONTRE: 35

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 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. Clement
 Connétable of St. Peter
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisier (S)
 Deputy J.B. Fox (H)
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)

ABSTAIN: 0

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)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

Changes in Presidency

The Bailiff briefly retired from the Chamber during consideration of 'Oral Questions with notice: abolition of time limit' (P.59/2009) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States until his return.

Oral Questions with notice: extension to 2 hours P.40/2009

THE STATES, adopting a proposition of the Deputy of St. Martin, agreed that Standing Orders 13 and 63 should be amended to extend the current 90 minutes allowed for oral questions with notice from 90 minutes to 2 hours; and requested the Privileges and Procedures Committee to bring forward the necessary amendment to give effect to the proposal.

Members present voted as follows –

POUR: 25

Senator F.E. Cohen
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Connétable of St. Ouen
 Connétable of St. Helier
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy D. De Sousa (H)

CONTRE: 23

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 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. Clement
 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.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy I.J. Gorst (C)
 Deputy A.E. Jeune (B)
 Deputy E.J. Noel (L)

ABSTAIN: 0

Deputy J.M. Maçon (S)

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Minister for Health and Social Security made a statement concerning the threat of a flu pandemic in the Island.

Arrest and detention of Senator Stuart Syvret and associated matters P.60/2009

THE STATES, having commenced consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier concerning the arrest and detention of Senator Stuart Syvret and associated matters, granted leave to Deputy Southern to withdraw the following paragraph of his proposition –

- (e) to request the Privileges and Procedures Committee to make an urgent statement explaining the extent of the protection offered to States members, and their constituents, by parliamentary privilege.

THE STATES adopting a proposition of Senator James Leslie Perchard, agreed that, in accordance with the provisions of Standing Order 84(4) the proposition of Deputy Geoffrey Peter Southern of St. Helier concerning the arrest and detention of Senator Stuart Syvret and associated matters should be put to the vote.

Members present voted as follows –

POUR: 34

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator J.L. Perchard
 Senator S.C. Ferguson
 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. Saviour
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisssier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy I.J. Gorst (C)

CONTRE: 10

Senator S. Syvret
 Senator F.E. Cohen
 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 T.M. Pitman (H)
 Deputy M.R. Higgins (H)
 Deputy D. De Sousa (H)

ABSTAIN: 0

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

THE STATES rejected the proposition of Deputy Geoffrey Peter Southern of St. Helier –

- (a) to express their concern in respect of the apparent interference in the communications between elected representatives and their constituents which arose from the arrest and detention of Senator Stuart Syvret on 6th April 2009;
- (b) to further express their concern in respect of the suppressing effect of such actions upon other elected representatives, and members of the public;
- (c) to further express their concern in respect of the searching of premises, without a search warrant, and the consequent taking of communications between members of the public and their elected representatives;
- (d) to request the Minister for Home Affairs to make an urgent statement concerning the decisions, whether operational or political, taken by the States of Jersey Police and the Minister in relation to the arrest and detention of Senator Stuart Syvret;

Members present voted as follows –

POUR: 15

Senator S. Syvret
 Senator A. Breckon
 Connétable of St. Helier
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy P.V.F. Le Claire (H)
 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: 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.D. Maclean
 Senator B.I. Le Marquand
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Mary
 Deputy J.B. Fox (H)
 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

ABSTAIN: 1

Connétable of St. Lawrence

Deputy A.E. Jeune (B)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)

Declaration of interest

In accordance with Standing Order 106(1)(b), Senator Stuart Syvret declared an interest but remained in the Chamber for the duration of the debate on P.60/2009.

Changes in Presidency

The Bailiff retired from the Chamber during consideration of ‘Arrest and detention of Senator Stuart Syvret and associated matters’ (P.60/2009) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Arrangement of public business for future meetings

THE STATES, adopting a proposition of the Minister for Treasury and Resources, agreed, in accordance with the provisions of Standing Order 26(7), to reduce the minimum lodging period in relation to the proposition entitled ‘Economic Stimulus Plan’ (P.55/2009), in order that it could be debated on 19th May 2009. It was further agreed that this reduction would also extend to the lodging period for any amendments to P.55/2009.

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) –

12th May 2009

- | | |
|---|--------------------|
| Draft Health and Safety at Work (Amendment No. 4) (Jersey) Law 200-.
Lodged: 17th March 2009.
<i>Minister for Social Security.</i> | P.37/2009. |
| Draft Loi (200-) (Amendement No. 11) réglant la procédure criminelle.
Lodged: 19th March 2009.
<i>Minister for Home Affairs.</i> | P.39/2009. |
| Review of the roles of the Bailiff, Attorney General and Solicitor General: terms of reference.
Lodged: 31st March 2009.
<i>Council of Ministers.</i> | P.44/2009. |
| Review of the roles of the Bailiff, Attorney General and Solicitor General: terms of reference (P.44/2009) – amendment.
Lodged: 21st April 2009.
<i>Deputy of St. Martin.</i> | P.44/2009.
Amd. |
| Draft Housing (General Provisions) (Amendment No. 26) (Jersey) Regulations 200-.
Lodged: 31st March 2009.
<i>Minister for Housing.</i> | P.45/2009. |

Child abuse compensation claims: freedom of expression for survivors. P.49/2009.
Lodged: 6th April 2009.
Senator S. Syvret.

Child abuse compensation claims: freedom of expression for survivors (P.49/2009) – P.49/2009.
amendment. Amd.
Lodged: 29th April 2009.
Council of Ministers.

Committee of Inquiry: Reg's Skips Ltd. – Planning applications. P.50/2009.
Lodged: 6th April 2009.
Minister for Planning and Environment.

Committee of Inquiry: Reg's Skips Ltd. – Planning applications (P.50/2009) – P.50/2009.
amendment. Amd.
Lodged: 17th April 2009.
Deputy R.G. Le Hérisssier of St. Saviour.

Family X: placement in the United Kingdom. P.62/2009.
Lodged: 22nd April 2009.
Deputy P.V.F. Le Claire of St. Helier.

Code of Conduct for elected members of the States: review. P.63/2009.
Lodged: 28th April 2009.
Deputy of St. John.

19th May 2009

Draft Shipping (Safety of Navigation) (Jersey) Regulations 200-. P.48/2009.
Lodged: 6th April 2009.
Minister for Economic Development.

Economic Stimulus Plan. P.55/2009.
Lodged: 9th April 2009.
Minister for Treasury and Resources.

2nd June 2009

Public Elections (Jersey) Law 2002: rescindment of Article 39A. P.18/2009.
Lodged: 4th February 2009.
Deputy G.P. Southern of St. Helier.

States Strategic Plan 2009 – 2014. P.52/2009.
Lodged: 8th April 2009.
Council of Ministers.

Public Finances (Jersey) Law 2005: proposed changes. P.54/2009
Lodged: 9th April 2009.
Public Accounts Committee.

Electricity tariffs: Regulations under Article 22 of the Electricity (Jersey) Law 1937. P.41/2009.
Lodged: 24th March 2009.
Senator A. Breckon.

Electricity tariffs: Regulations under Article 22 of the Electricity (Jersey) Law 1937 P.41/2009.

(P.41/2009) – comments. Com.
 Presented: 27th April 2009.
Minister for Economic Development.

16th June 2009

La Pouquelaye old school site: provision of youth and community facilities. P.187/2008.
 Lodged: 24th December 2008.
Connétable of St. Helier.

Natural gas pipeline: strategic study. P.16/2009.
 Lodged: 29th January 2009.
Deputy P.V.F. Le Claire of St. Helier.

Natural gas pipeline: strategic study (P.16/2009) – comments. P.16/2009.
 Presented: 10th March 2009. Com.
Minister for Treasury and Resources.

30th June 2009

Williamson Report: Implementation Plan – funding. P.17/2009.
 Lodged: 4th February 2009.
Minister for Treasury and Resources.

Williamson Report: Implementation Plan – funding (P.17/2009) – amendment. P.17/2009.
 Lodged: 25th March 2009. Amd.
Deputy G.P. Southern of St. Helier.

States Members' remuneration for 2009. P.24/2009.
 Lodged: 19th February 2009.
Connétable of St. Peter.

States Members' remuneration for 2009 (P.24/2009): comments. P.24/2009.
 Presented: 5th March 2009. Com.
Privileges and Procedures Committee.

States Members' remuneration for 2009 (P.24/2009): amendment. P.24/2009.
 Lodged: 3rd March 2009. Amd.
Deputy P.V.F. Le Claire of St. Helier.

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.

14th July 2009

Draft Sea Fisheries (Satellite Monitoring) (Jersey) Regulations 200-. P.56/2009.
 Lodged: 14th April 2009.
Minister for Economic Development.

Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Regulations 200-. P.57/2009.
 Lodged: 14th April 2009.
Minister for Economic Development.

Draft Sea Fisheries (Bag Limits) (Jersey) Regulations 200-
Lodged: 14th April 2009.
Minister for Economic Development.

P.58/2009.

THE STATES rose at 6.12 p.m.

M.N. DE LA HAYE

Greffier of the States