



**THE STATES assembled on Tuesday
19th October 2010, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
William James Bailhache, 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 Ben Edward Shenton – en défaut (défaut raised at 11.22 a.m.)
Senator Frederick Ellyer Cohen – en défaut
Connétable Michael Keith Jackson of St. Brelade – en défaut (défaut raised at 9.52 a.m.)
Deputy Michael Roderick Higgins of St. Helier – en défaut (défaut raised at 9.44 a.m.)
Deputy Deborah Jane De Sousa of St. Helier – ill

Prayers read by the Deputy Greffier of the States

Subordinate enactments tabled

The following enactments were tabled, namely –

Public Finances (Accounting Standards) (Jersey) Order 2010. R&O.102/2010.
Minister for Treasury and Resources.

Documents presented or laid

Jersey Finance Ltd.: matched funding (P.126/2010) – comments. P.126/2010
Presented: 18th October 2010. Com.
Minister for Economic Development.

States Members' Remuneration: reconsideration of 2011 increase and repeal of P.127/2010.
Article 44 of the States of Jersey Law 2005 (P.127/2010) – comments. Com.
Presented: 18th October 2010.
Privileges and Procedures Committee.

States Members' Remuneration: reconsideration of 2011 increase and repeal of P.127/2010.
Article 44 of the States of Jersey Law 2005 (P.127/2010) – amendment (P.127/2010 Amd.) – comments. Amd.Com.
Presented: 18th October 2010.
Privileges and Procedures Committee.

States Members' Remuneration: reconsideration of 2011 increase and repeal of Article 44 of the States of Jersey Law 2005 (P.127/2010) – second amendment (P.127/2010 Amd.(2)) – comments. P.127/2010.
Amd.(2).
Com.
Presented: 18th October 2010.
Privileges and Procedures Committee.

Code of Conduct for elected members: complaint against Senator B.E. Shenton. R.123/2010.
Presented: 15th October 2010.
Privileges and Procedures Committee.

States of Jersey Law 2005: delegation of functions – public finances and the Treasury and Resources Department – October 2010. R.124/2010.
Presented: 18th October 2010.
Minister for Treasury and Resources.

Land Transactions under Standing Order 168(3) – R.125/2010.
(a) New North Quay N18A, Victoria Pier V12S, Victoria Pier V12U – lease;
(b) The 'Acorn Enterprise Site' at Howard Davis Farm, Trinity – proposed 25 year lease to the Jersey Employment Trust;
(c) Site at Howard Davis Farm, Trinity – proposed 25 year lease to the Jersey Society for the Prevention of Cruelty to Animals.
Presented: 18th October 2010.
Minister for Treasury and Resources.

Land Transactions under Standing Order 168(3) – R.126/2010.
(a) Langford South Car Park, Le Mont Millais, St. Helier – traffic improvement scheme – acquisition and granting of access rights to/from Beaulieu Convent School;
(b) Les Cinq Chênes Estate, Princes Tower Road, St. Saviour – boundary with the property know as 'Polygon';
(c) Maison St. Louis Observatory Flat, Highland Lane, St. Saviour – lease.
Presented: 19th October 2010.
Minister for Treasury and Resources.

Rural Economy Strategy 2011 – 2015. S.R.11/2010.
Presented: 14th October 2010.
Economic Affairs Scrutiny Panel.

Notification of lodged propositions

Reg's Skips Limited – Planning Applications (R.118/2010): compensation and further action (P.130/2010) – third amendment. P.130/2010.
Amd.(3)
Lodged: 19th October 2010.
Minister for Planning and Environment.

Reg's Skips Limited – Planning Applications (R.118/2010): compensation and further action (P.130/2010) – fourth amendment. P.130/2010.
Amd.(4)
Lodged: 19th October 2010.
Senator F. du H. Le Gresley.

Jersey Police Complaints Authority: re-appointment of member. P.147/2010.
Lodged: 18th October 2010.
Minister for Home Affairs.

Draft Loi (No. 7) (201-) concernant la charge de Juge d’Instruction. Lodged: 19th October 2010. <i>Chief Minister.</i>	P.148/2010.
Income Support: mortgage payments. Lodged: 19th October 2010. <i>Deputy G.P. Southern of St. Helier.</i>	P.149/2010
Jersey Financial Services Commission: imposition of fines. Lodged: 19th October 2010. <i>Senator A. Breckon.</i>	P.150/2010.
Draft Housing (General Provisions) (Amendment No. 27) (Jersey) Regulations 201-. Lodged: 19th October 2010. <i>Minister for Housing.</i>	P.151/2010.
Rezoned Sites: assessment of housing needs. Lodged: 19th October 2010. <i>Deputy of St. John.</i>	P.152/2010.
Draft Rates (Amendment of Law) (Jersey) Regulations 201-. Lodged: 19th October 2010. <i>Comité des Connétables.</i>	P.153/2010

Written Questions

(see Official Report/Hansard)

H.M. Attorney General tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding legal advice to the Minister for Health and Social Services.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Senator J.L. Perchard regarding fee paying schools.

The Minister for Health and Social Services tabled an answer to a question asked by Senator F. du H. Le Gresley regarding waiting lists for nursing home beds.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Senator J.L. Perchard regarding comparisons with fee paying education in Guernsey.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Senator J.L. Perchard regarding student places in non fee paying schools.

The Chief Minister tabled an answer to a question asked by the Deputy of St. Mary regarding organisational charts and job descriptions.

The Chairman of the Privileges and Procedures Committee tabled an answer to a question asked by the Deputy of St. Mary regarding protecting the privileges of members.

The Minister for Health and Social Services tabled an answer to a question asked by the Deputy of St. Mary regarding enhancing care for the elderly.

The Minister for Education, Sport and Culture tabled an answer to a question asked by the Deputy of St. Mary regarding parenting skills.

The Chairman of the Comité des Connétables tabled an answer to a question asked by the Deputy of St. Mary regarding the remuneration of the Connétables.

The Minister for Social Security tabled an answer to a question asked by the Deputy of St. John regarding spot-checks on workers on building sites.

The Chairman of Privileges and Procedures Committee tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding beverages consumed during 2009 by States members during States meetings.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the 'Think twice buy local' campaign.

The Chairman of the Comité des Connétables for tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding office space for Deputies in Parish Halls.

The Minister for Home Affairs tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding police numbers and Comprehensive Spending Review (CSR) cuts.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the net investment income for the Social Security Fund.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding equality in Jersey.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding estimates of redundancies.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding targets for those with long-term disabilities returning to work.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding targets for public service reductions.

Oral Questions

(see Official Report/Hansard)

The Deputy of Grouville asked a question of the Minister for Health and Social Services regarding hospital waiting lists for orthopaedic operations.

The Deputy of St. Mary asked a question of the Chief Minister regarding the suspension of the former Chief Officer of the States of Jersey Police.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Treasury and Resources regarding public sector spending cuts and redundancies.

Deputy M.R. Higgins of St. Helier asked a question of the Chief Minister regarding access to information.

Deputy P.V.F. Le Claire of St. Helier asked a question of the Minister for Health and Social Services regarding the implementation of a Practice Direction.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Education, Sport and Culture regarding negotiations between himself, headteachers, and parents of fee-paying schoolchildren.

The Deputy of St. John asked a question of the Assistant Minister for Planning and Environment regarding discounted fees to the agricultural/horticultural industry.

Deputy T.M. Pitman of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding the taxation of 1(1)(k) residents.

The Deputy of St. Martin asked a question of the Chief Minister regarding the Terms of Reference relating to the former Chief Officer of the States of Jersey Police's sworn Affidavit.

The Connétable of St. John asked a question of the Minister for Education, Sport and Culture regarding financial benefits to private sector schools in addition to the subsidy for fees.

Senator J.L. Perchard asked a question of the Minister for Education, Sport and Culture regarding the number of students transferring from the fee-paying to the non-fee-paying schools should there be an increase in fees.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Treasury and Resources regarding negotiations with Unions and workers over the proposals for CSR Stage 2.

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Chairman of Privileges and Procedures Committee regarding the wider implications of the alleged secret recording of a member's comments and the use of this material by a Committee of Inquiry.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Treasury and Resources regarding public sector redundancies resulting from his CSR policies.

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding disciplinary action against the Acting Chief Officer of the States of Jersey Police.

Deputy M.R. Higgins of St. Helier asked a question of the Minister for Treasury and Resources regarding the impact of cuts in Jersey to public sector spending.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Education, Sport and Culture regarding the booking of 2 spiritualist mediums at Fort Regent.

The Deputy of St. John asked a question of the Minister for Treasury and Resources regarding requests by Harcourt executives to meet with him to resolve the differences between both parties.

Senator J.L. Perchard asked a question of the Minister for Education, Sport and Culture regarding the number of students which the non-fee-paying sector could accommodate before it would need to build more classrooms and employ more teachers.

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 Minister for Education, Sport and Culture made a statement regarding grants payments to fee-paying schools.

Machinery of Government: establishment of Ministerial Boards and revised system of Scrutiny P.120/2010

THE STATES commenced consideration of a proposition of Senator Alan Breckon entitled ‘Machinery of Government: establishment of Ministerial Boards and revised system of Scrutiny’ (P.120/2010) and, adopting an amendment of the Deputy of St. Peter, agreed that in paragraph (a)(iv), after the words ‘properly constituted Board meeting’ there should be inserted the words “, with minutes of the meeting recorded by an officer provided by the Greffier of the States,” and after the words “set out in Annex 1 to Appendix 1” there should be inserted the words “except that for the third paragraph under the heading “Administrative arrangements and support” (which begins with the words “The Boards will be supported”)” there should be substituted the paragraph set out in the Appendix to the amendment of the Deputy of St. Peter dated 28th September 2010.”

Members present voted as follows –

POUR: 25

Senator B.E. Shenton
 Senator J.L. Perchard
 Senator A. Breckon
 Senator S.C. Ferguson
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Saviour
 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 Grouville
 Deputy of St. Peter
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 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 A.K.F. Green (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 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. Clement
 Deputy R.G. Le Hérisier (S)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)
 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)

ABSTAIN: 2

Senator F. du H. Le Gresley
 Connétable of St. Peter

THE STATES commenced consideration of an amendment of Deputy Paul Vincent Francis Le Claire of St. Helier to paragraph (a)(iv) of the proposition of Senator Alan Breckon and, adopting an amendment to the amendment of the Privileges and Procedures Committee, agreed that for the words “shall be referred to as” there should be substituted the words “may be referred to as”.

Members present voted as follows –

POUR: 27

Senator T.A. Le Sueur
 Senator B.E. Shenton
 Senator J.L. Perchard
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of St. Helier
 Connétable of Grouville
 Connétable of St. Saviour
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy of Grouville
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy I.J. Gorst (C)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy J.M. Maçon (S)

CONTRE: 10

Senator T.J. Le Main
 Senator A.J.H. Maclean
 Senator F. du H. Le Gresley
 Connétable of Trinity
 Connétable of St. Brelade
 Deputy of St. Martin
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)
 Deputy S.S.P.A. Power (B)
 Deputy A.K.F. Green (H)

ABSTAIN: 2

Senator P.F.C. Ozouf
 Connétable of St. Peter

THE STATES, having resumed consideration of an amendment of Deputy Paul Vincent Francis Le Claire of St. Helier to paragraph (a)(iv), as amended, agreed that after the words “with the Boards operating in accordance with the procedures set out in Annex 1 to Appendix 1” there should be inserted the words –

“except that in the said Annex 1, at the end of the third paragraph under the heading ‘Delegation of Functions’, after the sentence ending ‘individual schools.’ there shall be inserted the words ‘Board members exercising delegated functions may be referred to as ‘Members with special responsibility for X.’”

Members present voted as follows –

POUR: 22

Senator B.E. Shenton
 Senator J.L. Perchard
 Senator A. Breckon

CONTRE: 21

Senator T.J. Le Main
 Senator S.C. Ferguson
 Senator A.J.H. Maclean

ABSTAIN: 2

Senator T.A. Le Sueur
 Connétable of St. Peter

Connétable of St. Ouen	Senator B.I. Le Marquand
Connétable of St. Helier	Senator F. du H. Le Gresley
Connétable of Trinity	Connétable of Grouville
Connétable of St. Martin	Connétable of St. Brelade
Connétable of St. Saviour	Deputy of St. Martin
Connétable of St. Lawrence	Deputy R.G. Le Hérisssier (S)
Connétable of St. Mary	Deputy G.P. Southern (H)
Deputy R.C. Duhamel (S)	Deputy of St. Ouen
Deputy J.B. Fox (H)	Deputy J.A. Hilton (H)
Deputy J.A. Martin (H)	Deputy of Trinity
Deputy of St. Peter	Deputy S.S.P.A. Power (B)
Deputy P.V.F. Le Claire (H)	Deputy K.C. Lewis (S)
Deputy J.A.N. Le Fondré (L)	Deputy I.J. Gorst (C)
Deputy S. Pitman (H)	Deputy M. Tadier (B)
Deputy of St. John	Deputy A.E. Jeune (B)
Deputy of St. Mary	Deputy A.T. Dupré (C)
Deputy T.M. Pitman (H)	Deputy A.K.F. Green (H)
Deputy T.A. Vallois (S)	Deputy J.M. Maçon (S)
Deputy M.R. Higgins (H)	

THE STATES rejected an amendment of the Deputy of St. John to paragraph (a) of the proposition of Senator Alan Breckon, that a new sub-paragraph should be inserted as follows –

“(vi) to provide research assistance for States’ members, to be supported by officers to be transferred out of the Scrutiny Section as part of the proposals;”.

Members present voted as follows –

POUR: 7

CONTRE: 40

ABSTAIN: 0

Senator A. Breckon	Senator T.A. Le Sueur
Connétable of St. Helier	Senator P.F. Routier
Deputy P.V.F. Le Claire (H)	Senator P.F.C. Ozouf
Deputy of St. John	Senator T.J. Le Main
Deputy of St. Mary	Senator B.E. Shenton
Deputy M.R. Higgins (H)	Senator S.C. Ferguson
Deputy J.M. Maçon (S)	Senator A.J.H. Maclean
	Senator F. du H. Le Gresley
	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. 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. Martin (H)
 Deputy G.P. Southern (H)
 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 S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)

THE STATES rejected an amendment of the Deputy of St. John to paragraph (a) of the proposition of Senator Alan Breckon, that a new paragraph (b) should be inserted as follows and the remaining paragraph renumbered accordingly –

“(b) to agree that Scrutiny Panels should be renamed “Select Committees”.

Members present voted as follows –

POUR: 13

Senator P.F.C. Ozouf
 Connétable of Grouville
 Connétable of St. John
 Connétable of St. Clement
 Connétable of St. Peter
 Deputy of Grouville
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy I.J. Gorst (C)
 Deputy of St. John
 Deputy A.E. Jeune (B)
 Deputy M.R. Higgins (H)

CONTRE: 34

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator F. du H. Le Gresley
 Connétable of St. Ouen
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of St. Lawrence
 Connétable of St. Mary
 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 G.P. Southern (H)
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)

ABSTAIN: 0

Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy M. Tadier (B)
Deputy of St. Mary
Deputy T.M. Pitman (H)
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy J.M. Maçon (S)

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 20th October 2010 to continue consideration of the proposition of Senator Alan Breckon, as amended (P.120/2010 entitled 'Machinery of Government: establishment of Ministerial Boards and revised system of Scrutiny') and the outstanding items of public business.

THE STATES rose at 5.31 p.m.

A.H. HARRIS

Deputy Greffier of the States