



**THE STATES assembled on Tuesday  
1st December 2009, at 09.30 a.m. under  
the Presidency of the Deputy Bailiff,  
William James Bailhache, Esquire.**

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

Senator Stuart Syvret – ill  
Connétable Alan Simon Crowcroft of St. Helier – ill  
Connétable Silvanus Arthur Yates of St. Martin – excused attendance  
Connétable Leonard Norman – en défaut (défaut raised at 10.16 a.m.)  
Deputy Jacqueline Ann Hilton of St. Helier – ill  
Deputy John Alexander Nicholas Le Fondré of St. Lawrence – ill  
Deputy Anne Enid Pryke of Trinity – ill

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Prayers

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**Students from Jersey College for Girls – welcome**

The Deputy Bailiff, on behalf of all members, welcomed a large group of students from Jersey College for Girls, who were present in the public gallery.

**Subordinate enactments tabled**

The following enactments were tabled, namely –

Misuse of Drugs (General Provisions) (Amendment) (Jersey) Order 2009. <i>Minister for Health and Social Services.</i>	R&O.115/2009.
Misuse of Drugs (Amendment of Schedule 2 to Law) (Jersey) Order 2009. <i>Minister for Health and Social Services.</i>	R&O.116/2009.
Road Traffic (Public Parking Places) (Amendment No. 3) (Jersey) Order 2009. <i>Minister for Transport and Technical Services.</i>	R&O.123/2009.

**Documents presented or laid**

H1N1 Influenza Pandemic Funding: expenditure approval (P.174/2009) – comments. Presented: 1st December 2009. <i>Minister for Health and Social Services.</i>	P.174/2009. Com.
Budget Statement 2010 (P.179/2009): comments. Presented: 27th November 2009. <i>Minister for Planning and Environment.</i>	P.179/2009. Com.

Budget Statement 2010 (P.179/2009): second amendment (P.179/2009 Amd.(2)) – comments. Presented: 1st December 2009. <i>Minister for Treasury and Resources.</i>	P.179/2009. Amd.(2). Com.
Budget Statement 2010 (P.179/2009): third amendment (P.179/2009 Amd.(3)) – comments. Presented: 1st December 2009. <i>Minister for Treasury and Resources.</i>	P.179/2009. Amd.(3). Com.
Blackberries: costs for Ministers and Assistant Ministers and use in the Assembly (P.186/2009) – comments. Presented: 30th November 2009. <i>Council of Ministers.</i>	P.186/2009. Com.
Blackberries: costs for Ministers and Assistant Ministers and use in the Assembly (P.186/2009) – comments. Presented: 1st December 2009. <i>Privileges and Procedures Committee.</i>	P.186/2009. Com.(2)
Move to Next Item: repeal of Standing Order 85 (P.187/2009) – comments. Presented: 1st December 2009. <i>Privileges and Procedures Committee.</i>	P.187/2009. Com.
Jersey New Waterworks Company Limited: report of Jersey Competition Regulatory Authority on outsourcing (P.195/2009) – comments. Presented: 1st December 2009. <i>Minister for Economic Development.</i>	P.195/2009. Com.
Committee of Inquiry: confidential files held by States of Jersey Police on States Members and others (P.197/2009) – comments. Presented: 20th November 2009. <i>Minister for Treasury and Resources.</i>	P.197/2009. Com.
Social Security Report and Accounts 2008. Presented: 23rd November 2009. <i>Minister for Social Security.</i>	R.129/2009.
Public Employees Contributory Retirement Scheme: Actuarial Valuation at 31st December 2007 – Interim Report. Presented: 25th November 2009. <i>Chief Minister.</i>	R.130/2009.
Land Transactions under Standing Order 168(3) – Les Quennevais Sports Stadium Bar and Restaurant premises – lease. Presented: 25th November 2009. <i>Minister for Treasury and Resources.</i>	R.131/2009.
States Members' Pension Scheme. Presented: 30th November 2009. <i>Privileges and Procedures Committee.</i>	R.132/2009.

**Notification of lodged propositions**

Young Offenders: naming by the media (P.148/2009) – second amendment. Lodged: 24th November 2009. <i>Deputy T.M. Pitman of St. Helier.</i>	P.148/2009. Amd.(2)
Planning and Building Bye-laws: provision of disabled toilets/changing rooms (P.168/2009) – amendment. Lodged: 24th November 2009. <i>Minister for Planning and Environment.</i>	P.168/2009. Amd.
Provision of States Members' lunches at certain meetings and car parking (P.171/2009): amendment. Lodged: 24th November 2009. <i>Deputy J.A.N. Le Fondré of St. Lawrence.</i>	P.171/2009. Amd.
Budget Statement 2010 (P.179/2009): amendment. Lodged: 20th November 2009. <i>Senator T.J. Le Main.</i>	P.179/2009. Amd.
Budget Statement 2010 (P.179/2009): amendment (P.179/2009 Amd.) – amendment. Lodged: 1st December 2009. <i>Minister for Treasury and Resources.</i>	P.179/2009. Amd.Amd.
Budget Statement 2010 (P.179/2009): second amendment. Lodged: 24th November 2009. <i>Deputy S.S.P.A. Power of St. Brelade.</i>	P.179/2009. Amd.(2)
Budget Statement 2010 (P.179/2009): third amendment. Lodged: 24th November 2009. <i>Senator A. Breckon.</i>	P.179/2009. Amd.(3)
Fort Regent: establishment of a working group (P.188/2009) – amendment. Lodged: 24th November 2009. <i>Deputy T.M. Pitman of St. Helier.</i>	P.188/2009. Amd.
Committee of Inquiry: confidential files held by States of Jersey Police on States Members and others (P.197/2009) – amendment. Lodged: 20th November 2009. <i>Deputy J.B. Fox of St. Helier.</i>	P.197/2009. Amd.
Draft Employment of States of Jersey Employees (Amendment No. 4) (Jersey) Regulations 200-. Lodged: 24th November 2009. <i>Chief Minister.</i>	P.198/2009.
Public Employees Contributory Retirement Scheme Committee of Management: membership. Lodged: 25th November 2009. <i>Chief Minister.</i>	P.199/2009.

- Jersey Appointments Commission: appointment of Chairman and member. P.200/2009.  
Lodged: 25th November 2009.  
*Chief Minister.*
- Strategy for dealing with young offenders: establishment of Working Group. P.201/2009.  
Lodged: 27th November 2009.  
*Deputy T.M. Pitman of St. Helier.*
- Ann Court site: petition. P.202/2009.  
Lodged: 27th November 2009.  
*Deputy J.A. Martin of St. Helier.*
- Assemblée Parlementaire de la Francophonie, Jersey Branch – Branch Rules. P.203/2009.  
Lodged: 1st December 2009.  
*Connétable of St. Ouen.*
- Draft Public Holidays and Bank Holidays (Jersey) Act 200-. P.204/2009.  
Lodged: 1st December 2009.  
*Chief Minister.*
- Appointments made by the States: revised procedures. P.205/2009.  
Lodged: 1st December 2009.  
*Privileges and Procedures Committee.*

### **Petitions**

Deputy J.A. Martin of St. Helier presented a petition on behalf of the residents of the Ann Court area of St. Helier regarding plans to create a multi storey car park on the site.

### **Written Questions**

*(see Official Report/Hansard)*

The Chief Minister tabled an answer to a question asked by Deputy S. Pitman of St. Helier regarding the sick days taken by public sector employees in 2008 and 2009.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy A.K.F. Green of St. Helier regarding the chemical make up of the contaminants at the Castle Quays site.

The Minister for Education, Sport and Culture tabled an answer to a question asked by the Deputy of St. John regarding the financial management of the Jersey Heritage Trust.

The Minister for Economic Development tabled an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding the employment of apprentices in Jersey.

The Chief Minister tabled an answer to a question asked by the Deputy of St. John regarding meetings with the Conseil Général de la Manche.

The Chief Minister tabled an answer to a question asked by Senator B.E. Shenton regarding progress of the review of customary law and statutory provisions.

The Minister for Planning and Environment tabled an answer to a question asked by the Deputy of St. John regarding the use of local surveyors for design works for the North of Town Masterplan.

The Minister for Economic Development tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding the rent for the Gambling Control Office.

The Minister for Social Security tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the unemployment figures.

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 budgetary source of the additional payment to Jersey Heritage Trust.

The Chief Minister tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the allocation of the budget to Health and Social Services to finance the Voluntary Early Retirement programme.

The Chairman of the Privileges and Procedures Committee tabled an answer to a question asked by Senator J.L. Perchard regarding limiting the number of propositions lodged and the length of speeches.

The Chief Minister tabled an answer to a question asked by Senator B.E. Shenton regarding the funding position of the Public Employees Contributory Retirement Scheme.

The Minister for Economic Development tabled an answer to a question asked by the Deputy of St. John regarding introduction of Portfolios Solutions/Bluestream (TM) safety management systems into the Department.

The Minister for Health and Social Services tabled an answer to a question asked by Senator S.C. Ferguson regarding Consultants' remuneration.

The Minister for Economic Development tabled an answer to a question asked by the Deputy of St. Martin regarding the costs involved with regulating the Licensing (Jersey) Law 1974.

The Minister for Home Affairs tabled an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding current priorities in the Annual Business Plan 2010.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding current priorities in the Annual Business Plan 2010.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding current priorities in the Annual Business Plan 2010.

The Minister for Economic Development tabled an answer to a question asked by the Deputy of St. John regarding planning permission for the Phase 3 Warehouse project overseen by the Waterfront Enterprise Board.

The President of the Chairmen's Committee tabled an answer to a question asked by Senator P.F. Routier regarding Scrutiny Panel meetings and minutes of the meetings.

The Chairmen of the Comité des Connétables tabled an answer to a question asked by Deputy J.A. Martin of St. Helier regarding the use of warrant cards by the Connétables.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Mary regarding services provided by Fichtner Consulting Engineers Limited.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Mary regarding data on road accidents.

The Minister for Education, Sport and Culture tabled an answer to a question asked by the Deputy of St. Mary regarding recycling facilities in schools.

### **Oral Questions**

*(see Official Report/Hansard)*

The following 2 oral questions were deferred from the meeting of 17th November 2009, at the request of the Minister for Planning and Environment, and therefore were additional to the 2 oral questions which the Deputy of St. Mary had submitted for the present meeting –

The Deputy of St. Mary asked a question of the Minister for Planning and Environment regarding planning permission given for the Zephyrus project on the Waterfront.

The Deputy of St. Mary asked a question of the Assistant Minister for Planning and Environment regarding water samples taken and tested from the Castle Quay site whilst excavations took place.

The Deputy of St. Martin asked a question of the Chief Minister regarding the Magistrate Designate's absence from Court duties.

The Deputy of St John asked a question of the Chief Minister regarding contributions towards the British-Irish Council's aim of IT excellence.

The Connétable of St. Lawrence asked a question of the Minister for Treasury and Resources regarding the withdrawal from circulation of the Jersey one pound note.

Deputy Paul Vincent Francis Le Claire of St. Helier asked a question of the Minister for Treasury and Resources regarding the total amount of money spent on States insurance policies to cover lawsuits over the last 5 years.

The Deputy of St. Mary asked a question of the Minister for Treasury and Resources regarding the additional cost of the incinerator over and above the £106.31 million voted by the Assembly in July 2008.

Deputy S. Pitman of St. Helier asked a question of the Minister for Treasury and Resources regarding 'super yachts'.

Deputy M. Tadier of St. Brelade asked a question of the Chief Minister regarding the suspension of public employees.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Home Affairs regarding amendments to the Dogs (Jersey) Law 1961.

Deputy K.C. Lewis of St. Saviour asked a question of the Chief Minister regarding the impact of the Lisbon Treaty on Jersey.

The Deputy of St. Martin asked a question of the Minister for Economic Development regarding the regulation of betting offices in the Island.

The Deputy of St. Mary asked a question of the Minister for Economic Development regarding the benefits of funding the proposed Gambling Commission.

The Deputy of St. John asked a question of the Minister for Planning and Environment regarding the use of local Architects, Landscape Architects, Quantity Surveyors and Engineers in the creation of the North of Town Masterplan.

### **Oral Questions without notice**

*(see Official Report/Hansard)*

The Minister for Education, Sport and Culture answered questions without notice from members.

The Assistant Minister for Health and Social Services answered questions without notice from members.

### **Urgent Oral Questions**

*(see Official Report/Hansard)*

Deputy Geoffrey Peter Southern of St. Helier asked the following question of H.M. Attorney General which the Bailiff had allowed in accordance with Standing Order 15 relating to urgent oral questions –

“Has the Law Officers’ Department been asked for advice by either the Minister for Treasury and Resources as representative of the States majority shareholding in the Jersey New Waterworks Co. Ltd or by the Minister for Social Security as the Minister responsible for JACS on the terms contained in the document JACS1 (Agreement in respect of termination of employment by reason of redundancy between JNWW Co. and employees) with particular reference to paragraph 4 and items F and G of Schedule 1 which appear to require the employee to abrogate their rights under the Human Rights (Jersey) Law 2000 and the Health and Safety at Work (Jersey) Law 1989?”

Deputy Geoffrey Peter Southern of St. Helier asked the following question of the Minister for Treasury and Resources which the Bailiff had allowed in accordance with Standing Order 15 relating to urgent oral questions –

“As representative of the States majority shareholding in the Jersey New Waterworks Co. Ltd does the Minister support the decision of the Company to require employees, as a condition of receiving a redundancy payment, to abrogate their rights under the Human Rights (Jersey) Law 2000 and the Health and Safety at Work (Jersey) Law 1989 under paragraph 4 and items F and G of Schedule 1 to the document which outlines the terms of their redundancy?”

Deputy Geoffrey Peter Southern of St. Helier asked the following question of the Minister for Social Security which the Bailiff had allowed in accordance with Standing Order 15 relating to urgent oral questions –

“As Minister with responsibility for JACS, does the Minister support JACS in producing a document which requires employees to abrogate their rights under the Human Rights (Jersey) Law 2000 and the Health and Safety at Work (Jersey) Law 1989 under paragraph 4 and items F and G of Schedule 1 to the document which outlines the terms of their redundancy?”

**Statements on a matter of official responsibility***(see Official Report/Hansard)*

The Minister for Economic Development made a statement regarding e-gambling licensing.

The Minister for Economic Development made a statement regarding public consultation on the ferry market.

**Pension Schemes: dealing with the past service liability P.110/2009**

THE STATES rejected a proposition of Senator Ben Edward Shenton, to request the States Employment Board and the Chief Minister, as appropriate, to renegotiate with the Committee of Management the terms of the Public Employees Contributory Retirement Scheme (PECRS) pre-1987 debt payment agreement and with the Management Board of the Jersey Teachers' Superannuation Fund (JTSF) the past service liability to ensure that this liability was dealt with within a realistic time frame, and in any event in a period not exceeding 20 years, and to ensure that this change, subject to the approval of the States, took place within a 12 month period from the date of approval of this proposition.

Members present voted as follows –

**POUR: 7**

Senator B.E. Shenton  
 Senator J.L. Perchard  
 Deputy R.C. Duhamel (S)  
 Deputy P.V.F. Le Claire (H)  
 Deputy S. Pitman (H)  
 Deputy M. Tadier (B)  
 Deputy of St. Mary

**CONTRE: 38**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator T.J. Le Main  
 Senator F.E. Cohen  
 Senator A. Breckon  
 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. John  
 Connétable of St. Saviour  
 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.B. Fox (H)  
 Deputy J.A. Martin (H)  
 Deputy of St. Ouen  
 Deputy of St. Peter  
 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)

**ABSTAIN: 0**



Deputy T.M. Pitman (H)  
 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)

### **Changes in Presidency**

The Deputy Bailiff retired from the Chamber during consideration of the proposition of Senator Ben Edward Shenton entitled 'Pension Schemes: dealing with the past service liability' and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

### **Draft Gambling Commission (Jersey) Law 200- P.139/2009**

THE STATES commenced consideration of the principles of the Draft Gambling Commission (Jersey) Law 200-.

THE STATES commenced consideration of a proposition of the Deputy of St. Martin that, in accordance with Standing Order 79(1) the debate on the Draft Law should be suspended and the relevant Scrutiny Panel requested to consider the matter.

THE STATES, following discussion, acceded to the request of the Deputy of St. Martin to withdraw his proposition and, having resumed consideration of the Draft Gambling Commission (Jersey) Law 200-, adopted the principles.

Members present voted as follows –

**POUR: 45**

**CONTRE: 0**

**ABSTAIN: 0**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator T.J. Le Main  
 Senator F.E. Cohen  
 Senator J.L. Perchard  
 Senator A. Breckon  
 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. 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 of St. Ouen  
Deputy of Grouville  
Deputy of St. Peter  
Deputy P.V.F. Le Claire (H)  
Deputy S.S.P.A. Power (B)  
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 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)

### **Adjournment**

THE STATES adjourned, having agreed to reconvene on Wednesday 2nd December 2009 to continue consideration of the Draft Gambling Commission (Jersey) Law 200- and the outstanding items of public business.

THE STATES rose at 5.32 p.m.

**M.N. DE LA HAYE**

*Greffier of the States*