



**THE STATES assembled on Wednesday
29th April 2009, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt Esquire.**

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

Senator Stuart Syvret – en défaut (défaut raised at 10.10 a.m.)
Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 10.05 a.m.)
Deputy John Alexander Nicholas Le Fondré – excused attendance (arrived in the chamber at 4.00 p.m.)
Deputy Daniel John Arabin Wimberley of St. Mary – en défaut (défaut raised at 9.37 a.m.)

Prayers

Documents presented or laid

Insolvency: temporary scheme for compensatory payment in lieu of statutory period of notice on termination of employment. R.44/2009.
Presented: 29th April 2009.
Minister for Social Security.

Notification of lodged propositions

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

Police Complaints and Discipline: extension to Honorary Officers conducting Parish Hall Enquiries P.30/2009

THE STATES, having resumed consideration of a proposition of the Deputy of St. Martin concerning an extension of the Police Complaints and Discipline to Honorary Officers conducting Parish Hall Enquiries, rejected the proposition –

- (a) to agree that the Police (Complaints and Discipline) (Jersey) Law 1999 should be amended so that the definition of ‘complaints’ was extended to include complaints against honorary police officers conducting Parish Hall Enquiries; and
- (b) to request the Minister for Home Affairs to bring forward for approval the necessary amendment to give effect to the decision.

Members present voted as follows –

POUR: 10

Senator S. Syvret
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy S. Pitman (H)
 Deputy M. Tadier (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy D. De Sousa (H)

CONTRE: 39

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 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 St. Ouen
 Connétable of St. Helier
 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.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy of St. Ouen
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy of Trinity
 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 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 J.M. Maçon (S)

ABSTAIN: 0**Code of Practice for Scrutiny Panels and the Public Accounts Committee: amendment P.31/2009**

THE STATES, adopting a proposition of the Chairmen's Committee, agreed to refer to their Act dated 12th March 2008 in which they approved the Code of Practice for Scrutiny Panels and the Public Accounts Committee and to their Act of 21st October 2008, in which they approved amendments to the Standing Orders of the States of Jersey and approved the following amendments to the Code of Practice to bring it in line with the revised Standing Orders –

- (a) in Paragraph 2.1 the words “Two additional members are appointed by the States on the nomination of the President of the Chairmen's Committee (Note: alternative nominations may also be considered by the States)” should be deleted;

- (b) after Paragraph 4.15 there should be inserted a new section entitled “Co-option” to read –

“4.16 Panels may co-opt an additional non-executive Member onto a Panel for the purposes of assisting with a specific review.

4.17 A member can only be co-opted onto a Panel if (s)he is not already a member of two Scrutiny Panels.

4.18 The co-opted Member must only take part in discussions on the specific review for which (s)he has been co-opted and not in any other Panel business”,

and the Code renumbered as necessary;

- (c) in Appendix 4, 4[1] should be deleted and substituted by 4[4] with revised Standing Order 121 as approved by the States on 21st October 2008, and the Appendix renumbered accordingly.

Members present voted as follows –

POUR: 41

CONTRE: 0

ABSTAIN: 0

Senator S. Syvret
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 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 St. Ouen
 Connétable of Trinity
 Connétable of St. Brelade
 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. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 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 E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy D. De Sousa (H)
 Deputy J.M. Maçon (S)

Draft Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 4) (Jersey) Regulations 200-P.35/2009

THE STATES commenced consideration of the Draft Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 4) (Jersey) Regulations 200- and adopted the principles.

Members present voted as follows –

POUR: 41

CONTRE: 1

ABSTAIN: 0

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 Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 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 J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of St. Peter
 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 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 S.S.P.A. Power (B)

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)

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 and 2.

THE STATES, in pursuance of Articles 12, 13, 26 and 29 of the Sea Fisheries (Jersey) Law 1994, made Regulations entitled the Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 4) (Jersey) Regulations 2009.

Draft Public Elections (Amendment No. 3) (Jersey) Regulations 200- P.36/2009

THE STATES commenced consideration of the Draft Public Elections (Amendment No. 3) (Jersey) Regulations 200- and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 to 3.

Members present voted as follows –

POUR: 42

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 Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 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 G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)

CONTRE: 2

Senator A. Breckon
 Deputy J.A. Martin (H)

ABSTAIN: 0

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)

THE STATES in pursuance of Articles 7 and 72 of the Public Elections (Jersey) Law 2002, made Regulations entitled the Public Elections (Amendment No. 3) (Jersey) Regulations 2009.

Jersey Community Relations Trust: appointment of Trustee P.38/2009

THE STATES, adopting a proposition of the Minister for Home Affairs concerning the appointment of Trustees to the Community Relations Trust, agreed to appoint by secret ballot one of the following members to be a trustee of the Jersey Community Relations Trust for a period of 3 years –

- (a) Senator Sarah Craig Ferguson;
- (b) Deputy Sean Seamus Patrick Augustine Power of St. Brelade;
- (c) the Deputy of St. Mary,

and that the procedure for the ballot should mirror that used for the appointment of Ministers, namely that successive ballots should be held if necessary until one nominee obtained more than half of the votes cast.

THE STATES, having proceeded to a secret ballot, were informed of the following results by the Deputy Bailiff –

Senator Sarah Craig Ferguson	13
Deputy Sean Seamus Patrick Augustine Power of St. Brelade	18
Deputy of St. Mary	13

THE STATES, having proceeded to a second secret ballot between Senator Sarah Craig Ferguson and the Deputy of St. Mary, to determine which should go forward to the final ballot, were informed of the following results by the Deputy Bailiff –

Senator Sarah Craig Ferguson	27
Deputy of St. Mary	20

The Deputy of St. Mary, the candidate in receipt of the lowest number of votes, withdrew and a third secret ballot was then held.

THE STATES, having proceeded to a third secret ballot, were informed of the following results by the Deputy Bailiff –

Senator Sarah Craig Ferguson	11
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Deputy Sean Seamus Patrick Augustine Power of St. Brelade 22

There were 4 spoilt papers.

The Deputy Bailiff declared that Deputy Sean Seamus Patrick Augustine Power of St. Brelade had been duly appointed as a trustee of the Jersey Community Relations Trust for a period of 3 years.

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

THE STATES commenced 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 and an amendment of the Chief Minister. Following discussion, Senator James Leslie Perchard proposed, in accordance with the provisions of Standing Order 79(1), that the debate should be suspended and the matter referred to Scrutiny.

THE STATES, following further consideration, granted leave to Senator James Leslie Perchard to withdraw the proposal under Standing Order 79(1).

Members present voted as follows –

POUR: 50

CONTRE: 0

ABSTAIN: 0

Senator S. Syvret
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 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 St. Ouen
 Connétable of St. Helier
 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 P.V.F. Le Claire (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 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)

THE STATES granted leave to the Chief Minister to withdraw the following paragraphs of his amendment –

- (1) In paragraph (a)(ii), after the word “representative” insert the word “or” and delete the words “or friend”.
- (2) In paragraph (a)(iii) for the words “a panel drawn from within the public service which shall be independent of the department where the suspended person is employed and which will report its findings to the States Employment Board” substitute the words “the States Employment Board or in the case of Police Officers, an appropriate senior officer, in conjunction with the appropriate Chief Officer”.
- (3) Delete paragraph (a)(iv).

THE STATES, adopting paragraph (4) of the amendment of the Chief Minister, agreed that in paragraph (b) for the words “42 days” there should be substituted the words “3 months”.

THE STATES, adopting an amendment of the Minister for Home Affairs, agreed that in paragraph (b) of the proposition, the words “and officer of the States of Jersey Police” should be deleted.

Members present voted as follows –

POUR: 38

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 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 St. Ouen
 Connétable of St. Helier
 Connétable of Trinity

CONTRE: 11

Senator S. Syvret
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy S. Pitman (H)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy M.R. Higgins (H)
 Deputy D. De Sousa (H)

ABSTAIN: 0

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 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 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
Deputy M. Tadier (B)
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)

Change in Presidency

The Deputy Bailiff briefly retired from the Chamber during consideration of the proposition of the Deputy of St. Martin entitled ‘Suspension of States employees and States of Jersey Police Officers: revised procedures’ and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States, until his return.

THE STATES rose at 5.29 p.m.

M.N. DE LA HAYE

Greffier of the States