



**THE STATES assembled on Tuesday
2nd February 2010, at 09.30 a.m. under
the Presidency of the Bailiff,
Michael Cameron St. John Birt 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 Stuart Syvret – en défaut
Senator Terence Augustine Le Sueur – excused attendance
Senator Paul Francis Routier – excused attendance (arrived in the Chamber at 10.48 a.m.)
Connétable Silvanus Arthur Yates of St. Martin – ill
Deputy Judith Ann Martin of St. Helier – en défaut (défaut raised at 9.48 a.m.)
Deputy Ian Joseph Gorst of St. Clement – excused attendance

Prayers

Tribute to the late Mrs. Betty Brooke, former member of the States

The Bailiff paid tribute to the late Mrs. Betty Brooke, former Senator.

The States observed one minute's silence as a mark of respect.

Deputy Ian Joseph Gorst of St. Clement –attendance

THE STATES, adopting a proposition of Senator Philip Francis Cyril Ozouf, agreed in accordance with Standing Order 53(3), that the reason for the absence of Deputy Ian Joseph Gorst of St. Clement was such that he should be excused attendance.

Members present voted as follows –

POUR: 46

CONTRE: 1

ABSTAIN: 0

Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator B.E. Shenton
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

Deputy G.P. Southern (H)

Connétable of St. Helier
 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 of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 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 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)

Subordinate enactments tabled

The following enactments were tabled, namely –

Housing (Fees) (Amendment) (Jersey) Order 2010. <i>Minister for Housing.</i>	R&O.6/2010.
Road Traffic (Public Parking Places – Charges) (Jersey) Order 2010. <i>Minister for Transport and Technical Services.</i>	R&O.7/2010.
Taxation (Exchange of Information with Third Countries) (Specified Date (Australia)) (Jersey) Order 2010. <i>Chief Minister.</i>	R&O.8/2010.

Diseases of Animals (Importation of Miscellaneous Goods) (Amendment No. 18) (Jersey) Order 2010.
Minister for Planning and Environment. R&O.9/2010.

Diseases of Animals (Pigs, Goats and Sheep Registration, Identification and Movement) (Amendment) (Jersey) Order 2010.
Minister for Planning and Environment. R&O.10/2010.

Documents presented or laid

Natural Gas Pipeline: strategic study (P.157/2009) – comments.
Presented: 28th January 2010.
Council of Ministers. P.157/2009.
Com.

Assemblée Parlementaire de la Francophonie, Jersey Branch – Branch Rules (P.203/2009) – comments.
Presented: 28th January 2010.
Council of Ministers. P.203/2009.
Com.

Climate Change: Copenhagen Conference – petition (P.206/2009) – comments.
Presented: 28th January 2010.
Council of Ministers. P.206/2009.
Com.

Climate Change: Copenhagen Conference – petition (P.206/2009) – comments.
Presented: 1st February 2010.
Minister for Planning and Environment. P.206/2009.
Com.(2)

Land Transactions under Standing Order 168(3) – R.9/2010.
(a) A43B (Workshop), A43C (External Area) and V12M (Warehouse), A32 (Lifeboat Café), N35 (Portacabin Office/Store), St. Helier – lease;
(b) A33 and A33A (Ground-site and Store), Albert Pier, St. Helier – lease.
Presented: 25th January 2010.
Minister for Treasury and Resources.

Land Transactions under Standing Order 168(3) – R.10/2010.
2 Dorset Street, St. Helier (retail premises) –
proposed 3 year lease.
Presented: 1st February 2010.
Minister for Treasury and Resources.

Verita – independent investigation into the care, treatment and management of Mrs. Elizabeth Rourke. R.11/2010.
Presented: 2nd February 2010.
Minister for Health and Social Services.

Verita – independent investigation into the care, treatment and management of Mrs. Elizabeth Rourke – addendum. R.12/2010.
Presented: 2nd February 2010.
Minister for Health and Social Services.

Fort Regent Review (S.R.11/2009): response of the Minister for Education, Sport and Culture. S.R.11/2009.
Presented: 29th January 2010. Res.
Minister for Education, Sport and Culture.

Energy from Waste Plant and Ramsar: Review of Planning Process. S.R.1/2010.
Presented: 26th January 2010.
Environment Scrutiny Panel.

Energy from Waste Plant and Ramsar: Review of Planning Process (S.R.1/2010) – S.R.1/2010.
response of the Minister for Transport and Technical Services. Res.
Presented: 2nd February 2010.
Minister for Transport and Technical Services.

Notification of lodged propositions

Planning and Environment: division into 2 ministerial offices. P.3/2010.
Lodged: 22nd January 2010.
Deputy P.V.F. Le Claire of St. Helier.

Compulsory wearing of cycle helmets. P.4/2010.
Lodged: 25th January 2010.
Deputy A.K.F. Green of St. Helier.

Jersey Financial Services Commission: appointment of Commissioner. P.5/2010.
Lodged: 28th January 2010.
Minister for Economic Development.

Manual Workers' Joint Council: Employers' Side Membership. P.6/2010.
Lodged: 29th January 2010.
Chief Minister.

Draft Wills and Successions (Amendment) (Jersey) Law 201-. P.7/2010.
Lodged: 29th January 2010.
Chief Minister.

Draft States of Jersey (Transfer of Functions No. 3) (Home Affairs to Chief Minister) P.8/2010.
(Jersey) Regulations 201-.
Lodged: 1st February 2010.
Chief Minister.

Committee of Inquiry: suspension of the Chief Officer of the States of Jersey Police. P.9/2010.
Lodged: 2nd February 2010.
Deputy of St. Martin.

Island Plan 2002: H3 Site No. 8, Field 1248 and Channel Television Site. P.10/2010.
Lodged: 2nd February 2010.
Deputy J.A. Hilton of St. Helier.

Assemblée Parlementaire de la Francophonie, Jersey Branch – Branch Rules.
Lodged: 2nd February 2010.
Connétable of St. Ouen.

P.11/2010.

Withdrawal of lodged propositions

THE STATES noted that, in accordance with Standing Order 34(1), the proposers of the following propositions lodged “au Greffe” had informed the Greffier of the States that they had been withdrawn –

Assemblée Parlementaire de la Francophonie, Jersey Branch – Branch Rules.
Lodged: 1st December 2009.
Connétable of St. Ouen.

P.203/2009.

Brighter Futures: funding for 2010 and beyond.
Lodged: 8th December 2009.
Deputy G.P. Southern of St. Helier.

P.208/2009.

Written Questions

(see Official Report/Hansard)

The Minister for Planning and Environment tabled an answer to a question asked by the Connétable of St. Helier regarding the Harcourt scheme for the Esplanade.

The Minister for Planning and Environment tabled an answer to a question asked by Senator J.L. Perchard regarding the designation of a Site of Special Interest or a Building of Local Interest.

The Minister for Planning and Environment tabled an answer to a question asked by Senator J.L. Perchard regarding the designation of Jersey’s west coast as a National Park.

The Minister for Planning and Environment tabled an answer to a question asked by Senator J.L. Perchard regarding the increased cost of Planning fees.

The Chief Minister tabled an answer to a question asked by Senator J.L. Perchard regarding costs of terminating contractual agreements.

The Chief Minister tabled an answer to a question asked by Senator J.L. Perchard regarding disciplinary action by the States Employment Board.

The Minister of Economic Development tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the extent of involvement in the restructuring of Jersey Post.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the impact of the restructuring of Jersey Post on Income Support expenditure.

H.M. Attorney General tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the involvement of lawyers from 7 Bedford Row in work relating to the Historic Child Abuse Inquiry.

The Minister for Home Affairs tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding complaints from residents of Albert Quay Apartments in respect of anti social behaviour.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding a review of taxation rates.

The Chairman of the Privileges and Procedures Committee tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding correspondence with the suspended Chief Officer of the States of Jersey Police.

The Minister for Health and Social Services tabled an answer to a question asked by the Deputy of St. Martin regarding the total cost of the Department's legal fees.

The Minister for Home Affairs tabled an answer to a question asked by the Deputy of St. Martin regarding the number of properties searched by the States of Jersey Police in relation to the suspected misuse of personal computers.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the 'j' category licence policy.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the mediation process between the States Employment Board and Teaching Union representatives.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern regarding the Whitehead report recommendations.

H.M. Attorney General tabled an answer to a question asked by Deputy R.G. Le Hérisssier of St. Saviour regarding procedures followed in the selection of Crown Advocates.

The Minister of Planning and Environment tabled an answer to a question asked by Deputy R.G. Le Hérisssier of St. Saviour regarding powers used under Article 84 of the Planning and Building (Jersey) Law 2002.

The Chief Minister tabled an answer to a question asked by Deputy R.G. Le Hérisssier of St. Saviour regarding savings targets for 2010.

Oral Questions

(see Official Report/Hansard)

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Planning and Environment regarding the demolition of unsightly derelict buildings.

The Deputy of St. Martin asked a question of the Minister for Health and Social Services regarding the circulation of copies of the Verita Report before the presentation on 1st February 2010.

Senator S.C. Ferguson asked a question of the Minister for Treasury and Resources regarding plans to deal with the structural deficit expected in Jersey in 2012.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Economic Development regarding plans to restructure Jersey Post.

Deputy P.V.F. Le Claire of St. Helier asked a question of the Deputy Chief Minister regarding the cost of compiling retail sales surveys.

The Deputy of St. John asked a question of the Deputy Chief Minister regarding the emergency exercise held several weeks earlier.

Deputy T.A. Vallois of St. Saviour asked a question of the Minister for Economic Development regarding the implementation of the recommendations contained with the LECG report on the 'Review of regulatory powers, resources and functions of the Jersey Competition Regulatory Authority as a telecommunications regulator'.

Deputy M.R. Higgins of St. Helier asked a question of the Minister for Treasury and Resources regarding data relating to archive storage across States Departments.

The Deputy of St. Mary asked a question of the Minister for Transport and Technical Services regarding the sustainable transport policy consultation document.

Deputy G.P. Southern of St. Helier asked a question of the Deputy Chief Minister regarding the breakdown of mediation talks with teachers' representatives.

The Deputy of St. Martin asked a question of the Deputy Chief Minister regarding the advice and training given to States employees on the Human Rights (Jersey) Law 2000.

The Deputy of St. Mary asked a question of the Deputy Chief Minister regarding the use of the Retail Price Index (x) as the 'headline figure' instead of RPI.

Deputy T.A. Vallois of St. Saviour asked a question of the Deputy Chief Minister regarding the future of Jersey's social policy framework.

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Minister for Housing made a statement concerning the introduction of the Single Qualified Property Classification.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Housing answered questions without notice from members.

The Deputy Chief Minister answered questions without notice from members.

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Minister for Health and Social Services made a statement concerning the Verita report.

Draft Planning and Building (Amendment No. 5) (Jersey) Law 200- P.189/2009

THE STATES commenced consideration of the Draft Planning and Building (Amendment No. 5) (Jersey) Law 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 Articles 1 to 4.

THE STATES adopted Article 5.

Members present voted as follows –

POUR: 43**CONTRE: 2****ABSTAIN: 0**

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 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. 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 Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy A.E. Jeune (B)
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)

Deputy M. Tadier (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 adopted Article 6.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Planning and Building (Amendment No. 5) (Jersey) Law 201-.

Draft Employment of States of Jersey Employees (Amendment No. 4) (Jersey) Regulations 200-P.198/2009

THE STATES commenced consideration of the Draft Employment of States of Jersey Employees (Amendment No. 4) (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 and 2.

THE STATES, in pursuance of Article 42 of the Employment of States of Jersey Employees (Jersey) Law 2005, made Regulations entitled the Employment of States of Jersey Employees (Amendment No. 4) (Jersey) Regulations 2010.

Draft Public Holidays and Bank Holidays (Jersey) Act 200- P.204/2009

THE STATES rejected the Draft Public Holidays and Bank Holidays (Jersey) Act 200-.

Members present voted as follows –

POUR: 22

Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator F.E. Cohen
 Connétable of St. Ouen
 Connétable of St. Helier
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 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)

CONTRE: 27

Senator P.F. Routier
 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. 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 of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter

ABSTAIN: 0

Deputy M.R. Higgins (H)
Deputy D. De Sousa (H)

Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy S.S.P.A. Power (B)
Deputy of St. John
Deputy A.E. Jeune (B)
Deputy A.K.F. Green (H)
Deputy J.M. Maçon (S)

Appointments made by the States: revised procedures P.205/2009

THE STATES, adopting a proposition of the Privileges and Procedures Committee, agreed –

- (a) that a revised procedure should be introduced in relation to certain appointments currently made by the States as referred to in paragraph (b) below and that, under the revised procedures, instead of the appointment being made through the lodging ‘au Greffe’ and debate of a proposition –

the Minister, body or member responsible for the selection of the nominee for the position or positions concerned would be required, before the appointment was confirmed, to present a report to the States in relation to the proposed nomination including the name and brief biographical details of the nominee, a brief description of the nature of the duties of the position and details of the selection process followed to select the person nominated and the appointment could not then be confirmed until at least 2 weeks after the date of presentation of the report to the Assembly;

- (b) that –

- (i) the positions listed in Appendix 1, in relation to which amendments to legislation were required, should be made subject to the new procedure and requested those responsible for the appointments, in consultation with the Privileges and Procedures Committee, to take the necessary steps to bring forward for approval the necessary legislation to give effect to the proposal;
- (ii) the positions listed in Appendix 2, in relation to which amendments to the constitutions of external bodies were required, should be made subject to the new procedure and requested the Ministers responsible for the appointments to initiate the necessary steps for appropriate amendments to be made to those constitutions;
- (iii) the positions listed in Appendix 3, where the requirement for the appointment to be made by the States arose solely from a States decision, should be made subject to the new procedure and agreed that the respective decisions of the States listed in Appendix 3 should be amended accordingly to apply the new procedure.

Members present voted as follows –

POUR: 34

CONTRE: 0

ABSTAIN: 0

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 A. Breckon
Senator S.C. Ferguson
Senator A.J.D. Maclean
Connétable of St. Helier
Connétable of St. Brelade
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 Hérisssier (S)
Deputy J.B. Fox (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
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 A.E. Jeune (B)
Deputy of St. Mary
Deputy T.M. Pitman (H)
Deputy A.T. Dupré (C)
Deputy A.K.F. Green (H)
Deputy D. De Sousa (H)
Deputy J.M. Maçon (S)

Climate Change: Copenhagen Conference – petition P.206/2009

THE STATES commenced consideration of a proposition of the Deputy of St. Mary entitled ‘Climate Change: Copenhagen Conference – petition’ (P.206/2009).

Changes in Presidency

The Bailiff retired briefly from the Chamber during consideration of the proposition of the Deputy of St. Mary entitled ‘Climate Change: Copenhagen Conference – petition’ (P.206/2009) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States until his return.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 3rd February 2010 to continue consideration of the proposition of the Deputy of St. Mary entitled ‘Climate Change: Copenhagen Conference – petition’ (P.206/2009) and the outstanding items of public business.

THE STATES rose at 5.27 p.m.

A.H. HARRIS
Deputy Greffier of the States