



**THE STATES assembled on Tuesday  
1st March 2011, at 09.30 a.m. under  
the Presidency of the Deputy Bailiff,  
William James Bailhache, Esquire.**

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**His Excellency the Lieutenant Governor,  
Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E.,  
was present.**

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

Senator Terence John Le Main – ill  
Senator Frederick Ellyer Cohen – en défaut (défaut raised at 9.38 a.m.)  
Senator Sarah Craig Ferguson – en défaut (défaut raised at 9.37 a.m.)  
Deputy Judith Ann Martin of St. Helier – en défaut  
Deputy Collin Hedley Egré of St. Peter – ill  
Deputy Paul Vincent Francis Le Claire of St. Helier – en défaut (défaut raised at 9.38 a.m.)  
Deputy Ian Joseph Gorst of St. Clement – en défaut (défaut raised at 9.40 a.m.)  
Deputy Trevor Mark Pitman of St. Helier – en défaut (défaut raised at 9.40 a.m.)

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Prayers read by the Deputy Greffier

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#### **H.R.H. The Princess Royal – visit**

The Deputy Bailiff advised the Assembly that Her Royal Highness The Princess Royal would be visiting the Island on 3rd and 4th May 2011.

#### **Message to New Zealand**

The Deputy Bailiff advised the Assembly that the Bailiff had sent a letter to the High Commissioner of New Zealand on behalf of all members and the people of Jersey, to convey sympathy for the loss of lives resulting from the recent earthquake in that country.

#### **Subordinate enactments tabled**

The following enactments were tabled, namely –

Community Provisions (Restrictive Measures – Côte d'Ivoire) (Jersey) Order 2011. <i>Chief Minister.</i>	R&O.21/2011
Town Criterium (Jersey) Order 2011. <i>Minister for Transport and Technical Services.</i>	R&O.22/2011.

Road Traffic (Public Parking Places – Miscellaneous Amendments) (Jersey) Order 2011. R&O.23/2011.  
*Minister for Transport and Technical Services.*

### Documents presented or laid

Housing issues in Jersey (P.189/2010): comments. Presented: 28th February 2011. <i>Minister for Housing.</i>	P.189/2010. Com.
Draft Gambling (Remote Gambling Disaster Recovery) (Amendment) (Jersey) Regulations 201- (P.199/2010): comments. Presented: 1st March 2011. <i>Economic Affairs Scrutiny Panel.</i>	P.199/2010. Com.
Electoral Commission: establishment (P.15/2011) – comments. Presented: 18th February 2011. <i>Privileges and Procedures Committee.</i>	P.15/2011. Com.
Electoral Commission: establishment (P.15/2011) – comments. Presented: 1st March 2011. <i>Minister for Treasury and Resources.</i>	P.15/2011. Com.(2)
Electoral Commission: establishment (P.15/2011) – amendment (P.15/2011 Amd.) – comments. Presented: 1st March 2011. <i>Minister for Treasury and Resources.</i>	P.15/2011. Amd.Com.
Historical Child Abuse: request to Council of Ministers (P.19/2011) – comments. Presented: 28th February 2011. <i>Council of Ministers.</i>	P.19/2011. Com.(2)
Historical Child Abuse: request to Council of Ministers (P.19/2011) – comments. Presented: 1st March 2011. <i>Minister for Treasury and Resources.</i>	P.19/2011. Com.(3)
Historical Child Abuse: request to Council of Ministers (P.19/2011) – amendment (P.19/2011 Amd.) – comments. Presented: 28th February 2011. <i>Council of Ministers.</i>	P.19/2011. Amd.Com.
Historical Child Abuse: request to Council of Ministers (P.19/2011) – amendment (P.19/2011 Amd.) – comments. Presented: 1st March 2011. <i>Minister for Treasury and Resources.</i>	P.19/2011. Amd. Com.(2)
Green waste from commercial operators: introduction of charge (P.20/2011) – comments. Presented: 28th February 2011 <i>Minister for Transport and Technical Services.</i>	P.20/2011. Com.

Green waste from commercial operators: introduction of charge (P.20/2011) – comments. Presented: 1st March 2011. <i>Minister for Treasury and Resources.</i>	P.20/2011. Com.(2)
Draft States of Jersey (Miscellaneous Provisions) Law 201-: request to Privy Council (P.26/2011) – comments. Presented: 23rd February 2011. <i>Privileges and Procedures Committee.</i>	P.26/2011. Com.
Births, Marriages and Deaths in 2010: statement. Presented: 21st February 2011. <i>Minister for Home Affairs.</i>	R.14/2011.
Criminal Offences Confiscations Fund: Financial Statements for year ended 31st December 2006. Presented: 22nd February 2011. <i>Minister for Treasury and Resources.</i>	R.15/2011.
Criminal Offences Confiscations Fund: Financial Statements for year ended 31st December 2007. Presented: 22nd February 2011. <i>Minister for Treasury and Resources.</i>	R.16/2011.
Criminal Offences Confiscations Fund: Financial Statements for year ended 31st December 2008. Presented: 22nd February 2011. <i>Minister for Treasury and Resources.</i>	R.17/2011.
Criminal Offences Confiscations Fund: Financial Statements for year ended 31st December 2009. Presented: 22nd February 2011. <i>Minister for Treasury and Resources.</i>	R.18/2011.
Drug Trafficking Confiscations Fund: Financial Statements for year ended 31st December 2006. Presented: 22nd February 2011. <i>Minister for Treasury and Resources.</i>	R.19/2011.
Drug Trafficking Confiscations Fund: Financial Statements for year ended 31st December 2007. Presented: 22nd February 2011. <i>Minister for Treasury and Resources.</i>	R.20/2011.
Drug Trafficking Confiscations Fund: Financial Statements for year ended 31st December 2008. Presented: 22nd February 2011. <i>Minister for Treasury and Resources.</i>	R.21/2011.
Drug Trafficking Confiscations Fund: Financial Statements for year ended 31st December 2009. Presented: 22nd February 2011. <i>Minister for Treasury and Resources.</i>	R.22/2011.

Management of Disciplinary Issues. R.23/2011.  
Presented: 1st March 2011.  
*States Employment Board.*

### Notification of lodged propositions

Draft Public Elections (Amendment No. 4) (Jersey) Law 201- (P.14/2011): amendment. P.14/2011.  
Lodged: 1st March 2011. Amd.  
*Deputy G.P. Southern of St. Helier.* (re-issue)

Electoral Commission: establishment (P.15/2011) – amendment. P.15/2011.  
Lodged: 22nd February 2011. Amd.  
*Senator B.E. Shenton.*

Electoral Commission: establishment (P.15/2011) – second amendment. P.15/2011.  
Lodged: 22nd February 2011. Amd.(2)  
*Deputy of St. Mary.*

Electoral Commission: establishment (P.15/2011) – second amendment P.15/2011.  
(P.15/2011 Amd.(2)) – amendment. Amd.(2)  
Lodged: 22nd February 2011. Amd.  
*Senator B.E. Shenton.*

Historical Child Abuse: request to Council of Ministers (P.19/2011) – amendment P.19/2011.  
(P.19/2011 Amd.) – amendment. Amd.Amd.  
Lodged: 23rd February 2011.  
*Deputy M. Tadier of St. Brelade.*

States Strategic Plan: annual debate on progress. P.27/2011.  
Lodged: 18th February 2011.  
*Deputy P.V.F. Le Claire of St. Helier.*

Draft Licensing (No. 17) (Jersey) Regulations 201-. P.28/2011.  
Lodged: 22nd February 2011.  
*Minister for Economic Development.*

Draft Income Support (Amendment No. 6) (Jersey) Regulations 201-. P.29/2011.  
Lodged: 22nd February 2011.  
*Minister for Social Security.*

Salaries over £100,000: notification to States Assembly. P.30/2011.  
Lodged: 23rd February 2011.  
*Deputy R.G. Le Hérisier of St. Saviour.*

Salaries over £100,000: notification to States Assembly (P.30/2011) – amendment. P.30/2011.  
Lodged: 1st March 2011. Amd.  
*Deputy T.A. Vallois of St. Saviour.*

Committee of Inquiry: States owned or controlled utilities. P.31/2011.  
Lodged: 24th February 2011.  
*Senator A. Breckon.*

**Appointment of Ministers, Committees and Panels**

THE STATES noted the resignation of Deputy Shona Pitman of St. Helier from the Economic Affairs Scrutiny Panel.

**Written Questions**

*(see Official Report/Hansard)*

The Chairman of the Comité des Connétables tabled an answer to a question asked by Senator J.L. Perchard regarding kerbside collection of metal cans and tins.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. John regarding the Fiscal Stimulus spend.

The Minister for Health and Social Services tabled an answer to a question asked by Senator A. Breckon regarding the number of staff on restricted clinical duties.

The Minister for Housing tabled an answer to a question asked by Deputy J.A. Martin of St. Helier regarding Pomme d'Or Farm.

The Minister for Housing tabled an answer to a question asked by Deputy J.A. Martin of St. Helier regarding the replacement of heating systems.

H.M. Attorney General tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding disciplinary provisions for lawyers in public service.

The Minister for Home Affairs tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the draft Discrimination (Jersey) Law 201-.

The Chairman of the Privileges and Procedures Committee tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the draft Freedom of Information (Jersey) Law 201- and the Media Relations code of conduct.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. Martin regarding the Historical Child Abuse Enquiry.

The Chief Minister tabled an answer to a question asked by the Deputy of St. Martin regarding the Historical Child Abuse Inquiry.

H.M. Attorney General tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding presiding over court cases.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the rate of tax for 1(1)(k) residents.

The Minister for Economic Development tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the establishment of the Harbours and Airport Shadow Board.

H.M. Attorney General tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding compliance with the Public Elections (Expenditure and Donations) (Jersey) Regulations 2008.

The Chief Minister tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the remuneration of the Magistrate Designate.

The Chief Minister tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding amendments to the zero-ten policy.

The Chief Minister tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding Jersey's position on Human Rights violations.

The Chairman of the Privileges and Procedures Committee tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding uncontested elections.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding the salary of the Hospital Managing Director.

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

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the tax revenue from non-finance companies.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding tax revenue from the 10% company tax rate.

The Minister for Economic Development tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the 'Advance to Work' scheme.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the appointment process of the Hospital Managing Director.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy D.J. de Sousa of St. Helier regarding the review of mental health.

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

The Chief Minister tabled an answer to a question asked by the Deputy of St. Mary regarding the civil servants' disciplinary and capability procedure.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. Mary regarding a study on comparative 'total tax take' in competitor jurisdictions.

The Chief Minister tabled an answer to a question asked by the Deputy of St. Mary regarding the arrangements for ceasing employment due to incapacity.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding company income tax.

The Minister for Economic Development tabled an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding price promotions on alcohol.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy D.J. de Sousa of St. Helier regarding staff morale.

**Oral Questions**

*(see Official Report/Hansard)*

Deputy J.M. Maçon of St. Saviour asked a question of the Chief Minister regarding senior civil servant salaries.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Minister for Health and Social Services regarding the appointment of KPMG as consultants to assess Jersey's Health and Social Services' policy priorities.

The Deputy of St. Mary asked a question of H.M. Attorney General regarding the investigation into an alleged pollution incident at La Collette.

Deputy A.E. Jeune of St. Brelade asked a question of the Chairman of the Health, Social Security and Housing Scrutiny Panel regarding the consideration given by the Panel to hospital waiting times and hospital projects.

Deputy P.V.F. Le Claire of St. Helier asked a question of the Chief Minister regarding the proposed new migration law.

The Deputy of St. Martin asked a question of the Chief Minister regarding the Napier Terms of Reference.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Economic Development regarding complaints against the conduct of Jersey debt collection agencies.

Deputy T.M. Pitman of St. Helier asked a question of the Chief Minister regarding the number of employees holding 'managerial' roles as opposed to 'frontline' staff.

Deputy S. Pitman of St. Helier asked a question of the Minister for Health and Social Services regarding the salary of the new Hospital Managing Director.

Deputy D.J. de Sousa of St. Helier asked a question of the Minister for Health and Social Services regarding the extension of the Hospital Managing Director's employment contract.

Deputy M.R. Higgins of St. Helier asked a question of the Minister for Health and Social Services regarding the salaries and remuneration packages of the senior management team at Health and Social Services.

Senator S.C. Ferguson asked a question of the Chief Minister regarding the draft Migration legislation.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Treasury and Resources regarding the replacement of lost income tax revenue from non-finance companies.

Deputy P.V.F. Le Claire of St. Helier asked a question of the Minister for Planning and Environment regarding the future of tidal power and renewable energy in the Island.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Housing regarding measures to eliminate the letting of sub-standard rental accommodation in the Island.

Deputy T.M. Pitman of St. Helier asked a question of H.M. Attorney General regarding prosecutions under the Data Protection (Jersey) Law 2005.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Treasury and Resources regarding the balance between personal and company tax revenues.

The Deputy of St. Martin asked a question of the Chief Minister regarding the termination of employment of the Chief Executive to the Council of Ministers.

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Minister for Health and Social Services regarding the cost of the Interim Hospital Managing Director in December 2010.

### **Oral Questions without notice**

*(see Official Report/Hansard)*

The Minister for Planning and Environment 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 Jersey examination results.

### **Changes in Presidency**

The Deputy Bailiff retired from the Chair during consideration of the statement of the Minister for Education, Sport and Culture and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

### **Historical Child Abuse: request to Council of Ministers P.19/2011**

THE STATES commenced consideration of a proposition of Senator Francis Du Heaume Le Gresley regarding a request to the Council of Ministers to reconsider their decision not to hold a Committee of Inquiry to investigate Historical Child Abuse and an amendment of the Deputy of St. Martin that for the word “that” there should be substituted the words “and lodge a proposition asking the States to establish”; for the word “any” there should be substituted the words “the following”; the words “would not be appropriate” should be deleted; and after the words “in the Island” there should be inserted the following questions –

- “1. How have the Island’s children’s homes been run in recent decades?
2. What procedures were in place to recruit staff and how was the performance of staff monitored? Should other steps have been taken to monitor performance?
3. What measures were taken to address inappropriate behaviour from staff when it was discovered, and if those measures were insufficient, what other measures should have been taken?
4. How did those in authority at political and officer level deal with problems that were brought to their attention?
5. What processes were in place to assess the performance of the homes and what action was taken as a result of any problems that were identified?
6. Were there any mechanisms in operation to allow children to report their concerns in safety and what action was taken if and when concerns were voiced?”

THE STATES, adopting an amendment of Deputy Montfort Tadier of St. Brelade to the amendment of the Deputy of St. Martin, agreed that after point 6, there should be inserted the following point –



- “7. Was a consistent and impartial approach taken when deciding on which cases to prosecute; and was the process free from political influence or interference at any level?”.

Members present voted as follows –

**POUR: 27**

Senator P.F. Routier  
 Senator J.L. Perchard  
 Senator A. Breckon  
 Senator F. du H. Le Gresley  
 Connétable of St. Ouen  
 Connétable of St. Helier  
 Connétable of Grouville  
 Connétable of St. Saviour  
 Connétable of St. Clement  
 Connétable of St. Mary  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy R.G. Le Hérisier (S)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 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 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.C. Ozouf  
 Senator B.E. Shenton  
 Senator F.E. Cohen  
 Senator S.C. Ferguson  
 Senator A.J.H. Maclean  
 Senator B.I. Le Marquand  
 Connétable of Trinity  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Deputy J.B. Fox (H)  
 Deputy of St. Ouen  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 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)

**ABSTAIN: 0**

THE STATES resumed consideration of the amendment of the Deputy of St. Martin, as amended.

**Adjournment**

THE STATES adjourned, having agreed to reconvene on Wednesday 2nd March 2011 to continue consideration of the proposition of Senator Francis Du Heaume Le Gresley entitled ‘Historical Child Abuse: request to Council of Ministers’ (P.19/2011) and the outstanding items of public business.

THE STATES rose at 5.31 p.m.

**A.H. HARRIS**

*Deputy Greffier of the States*