



**THE STATES assembled on Tuesday
24th September 2013, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
William James Bailhache, Esquire.**

**His Excellency the Lieutenant Governor,
General Sir John McColl, K.C.B., C.B.E., D.S.O.
was present.**

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

Senator Philip Francis Cyril Ozouf – absent on States business
Senator Ian Joseph Gorst – excused attendance (arrived in the Chamber at 10.37 a.m.)
Deputy James Gordon Reed of St. Ouen – ill
Deputy Sean Seamus Patrick Augustine Power of St. Brelade – en défaut (défaut raised at
11.06 a.m.)
Deputy James Patrick Gorton Baker of St. Helier – en défaut

Prayers

Subordinate enactments tabled

The following enactments were tabled, namely –

Road Traffic (Public Parking Places) (Amendment No. 9) (Jersey) Order 2013. R&O.126/2013.
Minister for Transport and Technical Services.

Road Racing (Motor Vehicle Rally) (No. 2) (Jersey) Order 2013. R&O.127/2013.
Minister for Transport and Technical Services.

Documents presented or laid

Sunstone Holdings Ltd. and De Lec Ltd. – *ex gratia* payments to investors P.90/2013.
(P.90/2013) – comments. Com.
Presented: 23rd September 2013.
Council of Ministers.

Fiscal Policy Panel: re-appointment of members. R.110/2013.
Presented: 17th September 2013.
Minister for Treasury and Resources.

States of Jersey: Half-Year Corporate Report – June 2013. R.111/2013.
Presented: 18th September 2013.
Minister for Treasury and Resources.

States of Jersey Law 2005: delegation of functions – Social Security – revised delegation of financial authorities September 2013. Presented: 19th September 2013. <i>Minister for Social Security.</i>	R.112/2013.
States of Jersey Law 2005: delegation of functions – Health Care (Registration) (Jersey) Law 1995 – extension of ministerial functions to the Medical Officer of Health. Presented: 19th September 2013. <i>Minister for Health and Social Services.</i>	R.113/2013.
Medium Term Financial Plan Compromises and Central Growth Allocation 2014. Presented: 23rd September 2013. <i>Minister for Treasury and Resources.</i>	R.114/2013.
Residential land availability at January 2013. Presented: 24th September 2013. <i>Minister for Planning and Environment.</i>	R.115/2013.
Minimum wage: Employment Forum’s recommendation and Minister’s response. Presented: 24th September 2013. <i>Minister for Social Security.</i>	R.116/2013.
Land Transactions under Standing Order 168(3) – Maisonette 185, Clos des Sables – transfer of the Public’s flying freehold ownership and cancellation of existing 99 year lease. Presented: 24th September 2013. <i>Minister for Treasury and Resources.</i>	R.117/2013.
Management of Major Property Transactions: Learning from the proposed acquisition of Lime Grove House. Presented: 24th September 2013. <i>Comptroller and Auditor General.</i>	R.118/2013.
Notification of lodged propositions	
Zero-hours contracts: regulation (P.100/2013) – amendment. Lodged: 17th September 2013. <i>Minister for Social Security.</i>	P.100/2013. Amd.
States of Jersey Complaints Panel: appointment of members (P.106/2013) – amendment. Lodged: 23rd September 2013. <i>Privileges and Procedures Committee.</i>	P.106/2013. Amd.
Public Elections: amendments to legislation and administration. Lodged: 18th September 2013. <i>Privileges and Procedures Committee.</i>	P.110/2013.
Income Support Medical Appeal Tribunal: re-appointment of members. Lodged: 18th September 2013. <i>Minister for Social Security.</i>	P.111/2013.

Jersey Financial Services Commission: re-appointment of Commissioner. P.112/2013.
Lodged: 23rd September 2013.
Chief Minister.

Draft Community Provisions (Welfare of Animals During Transport) (Jersey) P.113/2013.
Regulations 201-.
Lodged: 24th September 2013.
Minister for Planning and Environment.

Draft Aquatic Resources (Jersey) Law 201-. P.114/2013.
Lodged: 24th September 2013.
Minister for Economic Development.

Cold Weather Bonus: variation of conditions. P.115/2013.
Lodged: 24th September 2013.
Deputy G.P. Southern of St. Helier.

Withdrawal of lodged propositions

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

Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) P.84/2013.
(Amendment) (Jersey) Law 201-.
Lodged: 2nd July 2013.
Chief Minister.

Minister for External Relations

Senator Sir Philip Martin Bailhache was nominated by the Deputy Chief Minister.
Deputy Gerard Clifford Lemmens Baudains of St. Clement was nominated by Deputy Roy George Le Hérisser of St. Saviour.
Deputy Montfort Tadier of St. Brelade was nominated by Deputy Michael Roderick Higgins of St. Helier.

In accordance with Standing Order 117, each candidate made a speech and was questioned prior to a ballot being held.

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

Senator Sir Philip Martin Bailhache	36
Deputy Gerard Clifford Lemmens Baudains of St. Clement	3
Deputy Montfort Tadier of St. Brelade	7

Members present voted as follows –

MEMBERS VOTING FOR SENATOR BAILHACHE (36 VOTES)

Senator P.F. Routier
Senator A. Breckon
Senator A.J.H. Maclean
Senator B.I. Le Marquand
Senator F. du H. Le Gresley
Senator I.J. Gorst
Senator L.J. Farnham
Senator P.M. Bailhache
The Connétable of St Helier
The Connétable of Trinity
The Connétable of St. Clement
The Connétable of St. Peter
The Connétable of St. Lawrence
The Connétable of St. Mary
The Connétable of St. John
The Connétable of St. Ouen
The Connétable of St. Brelade
The Connétable of St. Martin
The Connétable of St. Saviour
The Deputy of Grouville
Deputy J.A. Hilton
Deputy J.A.N. Le Fondré
The Deputy of Trinity
Deputy S.S. P.A. Power
Deputy K.C. Lewis
Deputy E.J. Noel
Deputy T.A. Vallois
Deputy A.K.F. Green
The Deputy of St. John
Deputy J.H. Young
Deputy S.J. Pinel
The Deputy of St Mary
The Deputy of St Martin
Deputy R.G. Bryans
The Deputy of St Peter
Deputy R.J. Rondel

MEMBERS VOTING FOR DEPUTY BAUDAINS (3 VOTES)

Deputy R.G. Le Hérissier
Deputy J.M. Maçon
Deputy G.C.L. Baudains

MEMBERS VOTING FOR DEPUTY TADIER (7 VOTES)

Deputy R.C. Duhamel
Deputy J.A. Martin
Deputy G.P. Southern
Deputy S. Pitman
Deputy M. Tadier
Deputy T.M. Pitman
Deputy M.R. Higgins

Senator S.C. Ferguson abstained from voting.

The Deputy Bailiff accordingly declared that Senator Sir Philip Martin Bailhache had been duly elected as the Minister for External Relations.

Membership of the Privileges and Procedures Committee

THE STATES noted the resignation of the Deputy of St. Peter as a member of the Privileges and Procedures Committee (as a representative of the Chairmen's Committee).

The following nomination was made by Deputy Jeremy Martin Maçon of St. Saviour, Chairman of the Privileges and Procedures Committee, for a member who was a representative of the Chairmen's Committee –

Senator Sarah Craig Ferguson

There being no other nominations, the Deputy Bailiff declared that Senator Sarah Craig Ferguson had been duly elected as a member of the Privileges and Procedures Committee.

British-Irish Parliamentary Assembly – membership

THE STATES commenced consideration of the nomination and election of members to represent the States of Jersey on the British-Irish Parliamentary Assembly and rejected a proposition of the Connétable of St. John that, in accordance with Standing Order 85, the Assembly move to the consideration of the next item on the Order Paper.

Members present voted as follows –

POUR: 9

Senator S.C. Ferguson
 Connétable of St. Helier
 Connétable of St. John
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisier (S)
 Deputy of Grouville
 Deputy S.S.P.A. Power (B)
 Deputy M.R. Higgins (H)
 Deputy G.C.L. Baudains (C)

CONTRE: 36

Senator P.F. Routier
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity

ABSTAIN: 0

Deputy S. Pitman (H)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy of St. John
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)

THE STATES resumed consideration of the nomination and election of members to represent the States of Jersey on the British-Irish Parliamentary Assembly.

The Connétable of St. Peter was nominated by Deputy Andrew Kenneth Francis Green of St. Helier. Senator Alan Breckon was nominated by Deputy John Hilary Young of St. Brelade. Deputy John Alexander Nicholas Le Fondré of St. Lawrence was nominated by Senator Lyndon John Farnham.

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

The Connétable of St. Peter	21
Senator Alan Breckon	27
Deputy John Alexander Nicholas Le Fondré of St. Lawrence	32

The Deputy Bailiff declared that the member receiving the largest number of votes, Deputy John Alexander Nicholas Le Fondré of St. Lawrence, was duly elected as the Jersey Member, and the member receiving the second largest number of votes, Senator Alan Breckon, had been selected as the Associate Member to represent the States of Jersey on the British-Irish Parliamentary Assembly.

Written Questions

(see Official Report/Hansard)

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the second determinations over decisions on Income Support.

The Minister for Treasury and Resources tabled an answer to a question asked by the Connétable of St. John regarding the annual rental from Liberty Wharf properties.

The Minister for Treasury and Resources tabled an answer to a question asked by the Connétable of St. John regarding Esplanade Quarter and Harcourt.

The Minister for Treasury and Resources tabled an answer to a question asked by the Connétable of St. John regarding the financial and planning details of the Esplanade Quarter.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy J.A. Martin of St. Helier regarding the performance record of Liberty Bus in relation to complaints and staffing issues.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the benefits of Ragwort.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding alterations to La Route du Fort and St. Clement's Road junction.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the operation of the Energy from Waste plant.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding underspends and negotiations for public sector pay.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the publication of a claimant-friendly version of the Income Support calculator.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding breastfeeding and maternity leave.

Oral Questions

(see Official Report/Hansard)

Deputy J.H. Young of St. Brelade asked a question of the Minister for Education, Sport and Culture regarding schools charging their former pupils fees for providing the school attendance certificates required for residence cards.

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Minister for Treasury and Resources regarding a review of JT's wholesale rental structure.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Transport and Technical Services regarding tenders for the Energy from Waste Plant.

Deputy J.A. Hilton of St. Helier asked a question of the Minister for Planning and Environment regarding a meeting between himself and representatives of the Co-op.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding zero-hours contract staff and proposals to sanction those leaving employment 'without good reason'.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Treasury and Resources regarding plans to improve access to Fort Regent.

Deputy T.M. Pitman of St. Helier asked a question of the Chief Minister regarding the full and complete costs arising from the secret court proceedings against former Senator Stuart Syvret.

Deputy J.H. Young of St. Brelade asked a question of the Minister for Education, Sport and Culture regarding sites under consideration for the new Les Quennevais School.

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Chairman of the Public Accounts Committee regarding a study of the fibre optic project undertaken by JT.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding the numbers of under and overpayments of Income Support.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Transport and Technical Services regarding the redirection of traffic around Mount Bingham in order to alleviate traffic congestion caused by the recent rock fall.

Deputy T.M. Pitman of St. Helier asked a question of H.M. Attorney General regarding compliance with Article 6 of the European Convention on Human Rights.

Changes in Presidency

The Deputy Bailiff retired from the Chamber whilst consideration was given to the question of Deputy J.A. Hilton of St. Helier relating to the planning application of the Co-op, and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States, until the Assembly moved to the next question, at which point the Deputy Bailiff returned to the Chamber.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Transport and Technical Services answered questions without notice from members.

The Minister for Home Affairs answered questions without notice from members.

Organ Donors' Register P.89/2013

THE STATES commenced consideration of a proposition of Deputy Roy George Le Hérisssier of St. Saviour and rejected paragraph (a) requesting the Minister for Health and Social Services to establish an Organ Donors' Register in Jersey.

Members present voted as follows –

POUR: 7

Senator A. Breckon
 Senator S.C. Ferguson
 Deputy R.G. Le Hérisssier (S)
 Deputy G.P. Southern (H)
 Deputy S. Pitman (H)
 Deputy M. Tadier (B)
 Deputy M.R. Higgins (H)

CONTRE: 37

Senator P.F. Routier
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour

ABSTAIN: 0

Deputy R.C. Duhamel (S)
 Deputy J.A. Martin (H)
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)

THE STATES, adopting paragraph (b) of the proposition of Deputy Roy George Le Hérisssier of St. Saviour, agreed to request the Minister for Health and Social Services to review the current policy in respect of organ donations and to bring forward recommendations for improvement.

Members present voted as follows –

POUR: 42

Senator P.F. Routier
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.G. Le Hérisssier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy J.A. Hilton (H)

CONTRE: 2

Deputy R.C. Duhamel (S)
 Deputy G.C.L. Baudains (C)

ABSTAIN: 0

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 M. Tadier (B)
Deputy T.M. Pitman (H)
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)
Deputy of St. John
Deputy J.H. Young (B)
Deputy S.J. Pinel (C)
Deputy of St. Mary
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy of St. Peter
Deputy R.J. Rondel (H)

Sunstone Holdings Ltd. and De Lec Ltd. – *ex gratia* payments to investors P.90/2013

THE STATES commenced consideration of a proposition of Senator Alan Breckon regarding the payment of *ex gratia* sums from central reserves to investors who suffered financial losses as a result of investments they had made in Sunstone Holdings Ltd. and/or De Lec Ltd.

Changes in Presidency

The Deputy Bailiff retired from the Chamber during consideration of the proposition of Senator Alan Breckon entitled ‘Sunstone Holdings Ltd. and De Lec Ltd. – *ex gratia* payments to investors’ (P.90/2013) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 25th September 2013 to continue consideration of the proposition of Senator Alan Breckon entitled ‘Sunstone Holdings Ltd. and De Lec Ltd. – *ex gratia* payments to investors’ (P.90/2013) and the outstanding items of public business.

THE STATES rose at 5.27 p.m.

M.N. DE LA HAYE

Greffier of the States