



**THE STATES assembled on Tuesday  
29th March 2011, at 09.30 a.m. under  
the Presidency of the Bailiff,  
Michael Cameron St. John Birt Esquire.**

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

Senator Philip Francis Cyril Ozouf – en défaut  
Senator Bryan Ian Le Marquand – en défaut (défaut raised at 9.41 a.m.)  
Deputy Trevor Mark Pitman of St. Helier – en défaut (défaut raised at 9.41 a.m.)  
Deputy Deborah Jane De Sousa of St. Helier – ill

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Prayers read by the Dean Substitute

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**Subordinate enactments tabled**

The following enactments were tabled, namely –

Airport Dues (Tariff) (Amendment No. 5) (Jersey) Order 2011. <i>Minister for Economic Development.</i>	R&O.31/2011.
Community Provisions (Restrictive Measures – Libya) (Amendment No. 2) (Jersey) Order 2011. <i>Chief Minister.</i>	R&O.32/2011.
Community Provisions (Restrictive Measures – Egypt) (Jersey) Order 2011. <i>Chief Minister.</i>	R&O.33/2011.
Community Provisions (Restrictive Measures – Belarus) (Jersey) Order 2011. <i>Chief Minister.</i>	R&O.34/2011.
Community Provisions (Restrictive Measures – Guinea) (Amendment) (Jersey) Order 2011. <i>Chief Minister.</i>	R&O.35/2011.
Community Provisions (Restrictive Measures – Libya) (Amendment No. 3) (Jersey) Order 2011. <i>Chief Minister.</i>	R&O.36/2011.

**Documents presented or laid**

Assistant Ministers: appointment by the States (P.6/2011) – comments. Presented: 28th March 2011. <i>Council of Ministers.</i>	P.6/2011. Com.
Esplanade Quarter: deferment of works (P.24/2011) – comments. Presented: 28th March 2011. <i>Council of Ministers.</i>	P.24/2011. Com.

Public Holidays and Bank Holidays: designation of 19th October 2011 (P.33/2011) – comments. Presented: 28th March 2011. <i>Council of Ministers.</i>	P.33/2011. Com.
Public Holidays and Bank Holidays: designation of 19th October 2011 (P.33/2011) – comments. Presented: 29th March 2011. <i>Comité des Connétables.</i>	P.33/2011. Com.(2)
States Members’ training (P.34/2011): comments. Presented: 29th March 2011. <i>Privileges and Procedures Committee.</i>	P.34/2011. Com.
Public elections: voting on Sunday 16th October 2011 (P.40/2011) – comments. Presented: 29th March 2011. <i>Privileges and Procedures Committee.</i>	P.40/2011. Com.
Public elections: voting on Sunday 16th October 2011 (P.40/2011) – comments. Presented: 29th March 2011. <i>Comité des Connétables.</i>	P.40/2011. Com.(2)
Criminal Injuries Compensation Board: Report and Accounts for 2010. Presented: 22nd March 2011. <i>Minister for Home Affairs.</i>	R.34/2011.
States of Jersey Law 2005: delegation of functions – Chief Minister to Assistant Minister – March 2011. Presented: 29th March 2011. <i>Chief Minister.</i>	R.35/2011.
Jersey Competition Regulatory Authority: re-appointment of Non-Executive Director. Presented: 29th March 2011. <i>Minister for Economic Development.</i>	R.36/2011.
The States’ management of remuneration for senior posts: Review by the Comptroller and Auditor General. Presented: 29th March 2011. <i>Comptroller and Auditor General.</i>	R.37/2011.
Review of Benefit Levels. Presented: 28th March 2011. <i>Health, Social Security and Housing Scrutiny Panel.</i>	S.R.3/2011.

### **Notification of lodged propositions**

Salaries over £100,000: notification to States Assembly (P.30/2011) – second amendment. Lodged: 22nd March 2011. <i>Deputy I.J. Gorst of St. Clement.</i>	P.30/2011. Amd.(2)
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Salaries over £100,000: notification to States Assembly (P.30/2011) – second amendment (P.30/2011 Amd.(2)) – amendment. Lodged: 23rd March 2011. <i>States Employment Board.</i>	P.30/2011. Amd.(2). Amd.
Draft Freedom of Information (Jersey) Law 201- (P.39/2011): amendment. Lodged: 25th March 2011. <i>Privileges and Procedures Committee.</i>	P.39/2011. Amd.
Public Elections: extension of pre-poll voting arrangements. Lodged: 22nd March 2011. <i>Deputy J.M. Maçon of St. Saviour.</i>	P.42/2011.
Draft Christmas Bonus (Jersey) Law 201-. Lodged: 22nd March 2011. <i>Minister for Social Security.</i>	P.43/2011.
Draft Food Costs Bonus (Jersey) Regulations 201-. Lodged: 22nd March 2011. <i>Minister for Social Security.</i>	P.44/2011.
Draft Separate Limited Partnerships (Jersey) Law 2011 (Appointed Day) Act 201-. Lodged: 22nd March 2011. <i>Minister for Economic Development.</i>	P.45/2011.
Health and Safety Appeal Tribunal: appointment of members. Lodged: 29th March 2011. <i>Minister for Social Security.</i>	P.46/2011.
Jersey Harbours and Airport Shadow Board: Terms of Reference. Lodged: 29th March 2011. <i>Minister for Economic Development.</i>	P.47/2011.
Island Plan 2011: approval. Lodged: 29th March 2011. <i>Minister for Planning and Environment.</i>	P.48/2011.
Code of Practice for Scrutiny Panels and the Public Accounts Committee: amendments. Lodged: 29th March 2011. <i>Chairmen's Committee.</i>	P.49/2011.
Planning Applications Panel: appointment of Members. Lodged: 29th March 2011. <i>Minister for Planning and Environment.</i>	P.50/2011.

### **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 –

Samarès Nursery site, St. Clement: removal from draft Island Plan – petition. Lodged: 1st October 2010. <i>Connétable of St. Clement.</i>	P.131/2010.
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States Strategic Plan: annual debate on progress.  
Lodged: 18th February 2011.  
*Deputy P.V.F. Le Claire of St. Helier.*

P.27/2011.

**Written Questions**

*(see Official Report/Hansard)*

The Minister for Planning and Environment tabled an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding the planning process.

The Minister for Social Security tabled an answer to a question asked by Senator B.E. Shenton regarding an increase in Net Revenue Expenditure.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Senator F. du H. Le Gresley regarding the planning brief for a new primary school.

The Minister for Planning and Environment tabled an answer to a question asked by Senator F. du H. Le Gresley regarding prosecutions under the Water Pollution (Jersey) Law.

The Minister for Transport and Technical Services tabled an answer to a question asked by Senator S.C. Ferguson regarding recycled waste.

The Chief Minister tabled an answer to a question asked by the Deputy of St. John regarding tidal surges and emergency measures.

The Chief Minister tabled an answer to a question asked by the Deputy of St. John regarding nuclear emergency measures.

The Chief Minister tabled an answer to a question asked by the Deputy of St. Martin regarding the Napier Terms of Reference.

The Minister for Health and Social Services tabled an answer to a question asked by the Deputy of St. Martin regarding middle-grade doctors.

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

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding finance sector profits.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the public sector wage freeze.

The Minister for Health and Social Services tabled an answer to a question asked by Senator S.C. Ferguson regarding the working hours of middle-grade doctors.

The Minister for Health and Social Services tabled an answer to a question asked by Senator S.C. Ferguson regarding vacancies for middle-grade doctors.

The Minister for Health and Social; Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the health benefits of milk.

The Chief Minister tabled an answer to a question asked by Senator S.C. Ferguson regarding employment contracts.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy A.E. Jeune of St. Brelade regarding Voluntary Redundancy and Voluntary Early Redundancy packages granted to medical staff.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy A.E. Jeune of St. Brelade regarding hospital staffing.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy A.E. Jeune of St. Brelade regarding the pay of the Director of Social Services.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the role of the Health Protection Unit.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the new Town Park.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding an area plan for Five Oaks.

The Chief Minister tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the reasons why India did not sign the TIEA.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding fly tipping.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding printing costs.

The Minister for Planning and Environment tabled an answer to a question asked by the Deputy of St. Mary regarding prosecution guideline documents.

The Chief Minister tabled an answer to a question asked by the Deputy of St. Mary regarding the liability of States departments.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Mary regarding land maintained by the Transport and Technical Services Department.

### **Oral Questions**

*(see Official Report/Hansard)*

Senator F. du H. Le Gresley asked a question of the Minister for Planning and Environment regarding the development on the former holiday village site at Portelet Bay.

Deputy M.R. Higgins of St. Helier asked a question of the Chief Minister regarding the supply of census information to the United Kingdom Government or the European Union.

The Deputy of St. Mary asked a question of the Minister for Planning and Environment regarding the cost of railings and a wall around the new Town Park.

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding a recent search of a property in St. Ouen.

The Deputy of St. John asked a question of the Minister for Health and Social Services regarding the reinstatement of the Reciprocal Health Agreement with the United Kingdom.

Deputy K.C. Lewis of St. Saviour asked a question of the Assistant Minister for Treasury and Resources regarding the future of the former d'Hautrée school site.

Deputy G.P. Southern of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding the sources of tax included in the sum of £54 million for 2009 income tax from all trades other than financial intermediation.

Senator S.C. Ferguson asked a question of H.M. Attorney General regarding contempt of the States Assembly.

Deputy R.G. Le Hérisssier of St. Saviour asked a question of the Chief Minister regarding the salary of the incumbent Director of Social Services.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Home Affairs regarding the publication of the response of the former Chief Officer of the States of Jersey Police to the Wiltshire Report.

Senator J.L. Perchard, having made a declaration of interest in accordance with Standing Order 106(2), asked a question of the Minister for Planning and Environment regarding planning applications for Field 528, St. Saviour.

Deputy T.M. Pitman of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding the tax requirement for 1(1)(k) category residents.

The Deputy of St. John asked a question of the Minister for Economic Development regarding increases in the cost for stationing boats.

The Deputy of St. Martin asked a question of the Minister for Education, Sport and Culture regarding primary school catchment areas.

Deputy R.G. Le Hérisssier of St. Saviour asked a question of the Minister for Planning and Environment regarding the modification of a listed building.

Deputy G.P. Southern of St. Helier asked a question of the Chief Minister regarding discussions with pupils of FCJ regarding school milk.

### **Oral Questions without notice**

*(see Official Report/Hansard)*

The Minister for Housing 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)*

Senator P.F. Routier, Assistant Minister to the Chief Minister, made a statement regarding the Draft Control of Housing and Work (Jersey) Law 201- and the Draft Register of Names and Addresses (Jersey) Law 201-.

The Chairman of the Health, Social Security and Housing made a statement regarding the Income Support Benefits Review.

**Assistant Ministers: appointment by the States P.6/2011**

THE STATES rejected a proposition of the Deputy of St. John, to request the Privileges and Procedures Committee to review the current method of appointment and dismissal of Assistant Ministers and to bring forward to the Assembly for approval no later than the end of June 2011 appropriate amendments to legislation to provide that all Assistant Ministers would be elected to office by the Assembly and no longer simply appointed to office by a Minister with the prior consent of the Chief Minister.

Members present voted as follows –

**POUR: 16**

Senator A. Breckon  
 Senator F. du H. Le Gresley  
 Connétable of St. Helier  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy of St. Peter  
 Deputy P.V.F. Le Claire (H)  
 Deputy S. Pitman (H)  
 Deputy of St. John  
 Deputy of St. Mary  
 Deputy T.M. Pitman (H)  
 Deputy T.A. Vallois (S)  
 Deputy M.R. Higgins (H)

**CONTRE: 32**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator T.J. Le Main  
 Senator B.E. Shenton  
 Senator J.L. Perchard  
 Senator S.C. Ferguson  
 Senator A.J.H. 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. Clement  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Deputy R.G. Le Hérisier (S)  
 Deputy J.B. Fox (H)  
 Deputy of St. Ouen  
 Deputy J.A. Hilton (H)  
 Deputy of Trinity  
 Deputy S.S.P.A. Power (B)  
 Deputy K.C. Lewis (S)  
 Deputy I.J. Gorst (C)  
 Deputy M. Tadier (B)  
 Deputy A.E. Jeune (B)  
 Deputy A.T. Dupré (C)  
 Deputy E.J. Noel (L)  
 Deputy A.K.F. Green (H)  
 Deputy J.M. Maçon (S)

**ABSTAIN: 0**

**Mr. Nate Ussary – welcome**

THE STATES welcomed Mr. Nate Ussary, leading member of the United Kingdom’s Organising Committee of the President’s International Prayer Breakfast in Washington D.C., who was present in the public gallery.

**Salaries over £100,000: notification to States Assembly P.30/2011**

THE STATES, having commenced consideration of a proposition of Deputy Roy George Le Hérissier of St. Saviour concerning the proposed notification to the States Assembly of public sector salaries over £100,000, commenced an amendment of Deputy Ian Joseph Gorst of St. Clement and, adopting an amendment of the States Employment Board to that amendment, agreed that after the words “to control and monitor senior salaries” there should be inserted the words “with the exception of all clinical locum appointments where the appointment is to cover annual leave, sickness and other absences of permanent staff”.

Members present voted as follows –

**POUR: 36**

Senator T.A. Le Sueur  
 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  
 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  
 Deputy R.G. Le Hérissier (S)  
 Deputy J.B. Fox (H)  
 Deputy J.A. Martin (H)  
 Deputy of St. Ouen  
 Deputy of St. Peter  
 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)  
 Deputy of St. John  
 Deputy M. Tadier (B)  
 Deputy T.M. Pitman (H)

**CONTRE: 9**

Senator B.E. Shenton  
 Senator J.L. Perchard  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy G.P. Southern (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy A.E. Jeune (B)  
 Deputy of St. Mary  
 Deputy M.R. Higgins (H)

**ABSTAIN: 0**



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)

THE STATES, adopting an amendment of Deputy Ian Joseph Gorst of St. Clement, as amended, agreed that after the words “States Employment Board,” there should be inserted the words “within 2 weeks of the publication of the report of the Comptroller and Auditor General on senior salaries, to lodge for approval by the States proposals for a new mechanism to control and monitor senior salaries with the exception of all clinical locum appointments where the appointment is to cover annual leave, sickness and other absences of permanent staff and to further request the Board to give consideration to the feasibility of introducing a notification procedure as part of the new procedures so that” and for the words “to present a report” there should be substituted the words “a report would be presented”.

Members present voted as follows –

**POUR: 48**

**CONTRE: 0**

**ABSTAIN: 0**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator T.J. Le Main  
 Senator B.E. Shenton  
 Senator J.L. Perchard  
 Senator A. Breckon  
 Senator S.C. Ferguson  
 Senator B.I. Le Marquand  
 Senator F. du H. Le Gresley  
 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 Hérissier (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 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 J.M. Maçon (S)

THE STATES, adopting an amendment of Deputy Tracy Anne Vallois of St. Saviour, agreed that after the words “or other external body),” there should be inserted the words “and following the signature of a ministerial decision by the Minister responsible for the Department where the public employee is to be employed confirming the Minister’s support for the post and the proposed remuneration,”.

Members present voted as follows –

**POUR: 45**

**CONTRE: 1**

**ABSTAIN: 0**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator T.J. Le Main  
 Senator B.E. Shenton  
 Senator A. Breckon  
 Senator S.C. Ferguson  
 Senator A.J.H. Maclean  
 Senator B.I. Le Marquand  
 Senator F. du H. Le Gresley  
 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 Hérissier (S)  
 Deputy J.B. Fox (H)  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of St. Ouen

Deputy E.J. Noel (L)

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 T.A. Vallois (S)  
Deputy M.R. Higgins (H)  
Deputy A.K.F. Green (H)  
Deputy J.M. Maçon (S)

### **Adjournment**

THE STATES adjourned, having agreed to reconvene on Wednesday 30th March 2011 to continue its consideration of the proposition of Deputy Roy George Le Hérissier of St. Saviour entitled 'Salaries over £100,000: notification to States Assembly' (P.30/2011), as amended, and the outstanding items of public business.

THE STATES rose at 5.31 p.m.

**A.H. HARRIS**

*Deputy Greffier of the States*