

**THE STATES assembled on Wednesday,  
22nd June 2005 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache.**

All members were present with the exception of –

Senator Edward Philip Vibert– ill  
Senator Richard Joseph Shenton – ill  
Alan Breckon, Deputy of St. Saviour– ill  
Michael Andrew Taylor, Deputy of St. Clement– out of the Island  
Colin Hedley Egré, Deputy of St. Peter– ill.

Prayers read by the Greffier of the States.

### **Matters lodged**

The following matters were lodged “au Greffe” –

Warren Farm, Noirmont, St. Brelade. <i>Presented by Deputy S.C. Ferguson of St. Brelade, and referred to the Economic Development and the Environment and Public Services Committees.</i>	P.125/2005.
Restriction on smoking in enclosed workplaces. <i>Presented by the Health and Social Services Committee.</i>	P.126/2005.
Draft Island Planning (Amendment No. 9) (Jersey) Law 200. <i>Presented by the Environment and Public Services Committee.</i>	P.127/2005.
Draft Planning and Building (Amendment No. 3) (Jersey) Law 200. <i>Presented by the Environment and Public Services Committee.</i>	P.128/2005.

### **Migration: monitoring and regulation – P.25/2005 Comments and amendments**

THE STATES resumed consideration of a proposition of the Policy and Resources Committee concerning Migration: monitoring and regulation and adopted an amendment of Deputy Geoffrey Peter Southern of St. Helier that at the end of paragraph 6, after the words “*Social Security registration*”, there be inserted the words “*and to agree that political responsibility for the office should not lie with the Economic Development Committee (or the future Minister for Economic Development) and to charge the Policy and Resources Committee to bring forward proposals for approval by the States on which other Committee (and Minister) should have this responsibility*”.

Members present voted as follows –

#### **POUR: 38**

Senator J.A. Le Maistre  
Senator S. Syvret  
Senator F.H. Walker  
Senator W. Kinnard

#### **CONTRE: 1**

Deputy F.G. Voisin (L)

#### **ABSTAIN: 1**

Deputy M.F. Dubras (L)

Senator P.V.F. Le Claire  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Martin  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. John  
Deputy of Trinity  
Deputy R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy T.J. Le Main (H)  
Deputy G.C.L. Baudains (C)  
Deputy J.L. Dorey (H)  
Deputy P.N. Troy (B)  
Deputy C.J. Scott Warren (S)  
Deputy R.G. Le Hérisier (S)  
Deputy J-A. Bridge (H)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy J.A. Hilton (H)

THE STATES, after further discussion of the proposition of the Policy and Resources Committee, rejected a proposition of Deputy Jacqueline Ann Hilton of St. Helier that the matter be referred back to that Committee.

Members present voted as follows –

**POUR: 11**

Senator S. Syvret  
Senator P.V.F. Le Claire  
Connétable of Grouville  
Deputy R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy P.N. Troy (B)  
Deputy J.A. Martin (H)  
Deputy J.A. Bernstein (B)  
Deputy of Grouville  
Deputy J.A. Hilton

**CONTRE: 35**

Senator J.A. Le Maistre  
Senator L. Norman  
Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement

**ABSTAIN: 0**

Connétable of St. Helier  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of St. John  
Deputy of Trinity  
Deputy of St. John  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy G.C.L. Baudains (C)  
Deputy J.L. Dorey (H)  
Deputy F.G. Voisin (L)  
Deputy C.J. Scott Warren (S)  
Deputy R.G. Le Hérisssier (S)  
Deputy J.B. Fox (H)  
Deputy J-A. Bridge (H)  
Deputy G.P. Southern (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy G.W.J. de Faye (H)

THE STATES, after further consideration of the proposition of the Policy and Resources Committee, adopted a proposition of Senator Jean Amy Le Maistre that, in accordance with Standing Order 26A(1), the question be now put.

Members present voted as follows –

**POUR: 23**

Senator J.A. Le Maistre  
Senator L. Norman  
Senator F.H. Walker  
Senator W. Kinnard  
  
Senator T.A. Le Sueur  
Connétable of St. Ouen  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Deputy of Trinity  
Deputy R.C. Duhamel (S)  
Deputy of St. Martin  
Deputy of St. John  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy F.G. Voisin (L)  
Deputy L.J. Farnham (S)  
Deputy J.B. Fox (H)  
Deputy J-A. Bridge (H)  
Deputy P.J.D. Ryan (H)

**CONTRE: 13**

Senator P.V.F. Le Claire  
Connétable of St. Clement  
Deputy J.J. Huet (H)  
Deputy G.C.L. Baudains (C)  
Deputy C.J. Scott Warren (S)  
Deputy R.G. Le Hérisssier (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)

**ABSTAIN: 0**

THE STATES, adopting a proposition of the Policy and Resources Committee, as amended, referred to their Act

dated 7th October 2003, in which they charged the Policy and Resources Committee, in consultation with other Committees as appropriate, to bring forward for approval detailed proposals on migration policy and supporting regulatory systems, and –

- (a) agreed in principle that the States should monitor and regulate the factors that govern migration in the context of the overall population to ensure a balance between economic growth and the demand for, and supply of, labour, accommodation, infrastructure and resources of the Island, and promote greater social inclusion, as set out in section 3 of the report of the Policy and Resources Committee dated 18th November 2004;
- (b) agreed in principle to –
  - 1. integrate the policy for housing consent, monitoring employment and regulation of undertakings and development to simplify and streamline the processes involved, as detailed in section 5.1 of the said report;
  - 2. have only three categories of registration –
    - (i) those who were **entitled**, comprising persons who qualified as local “(a-h)” under the Housing (General Provisions) (Jersey) Regulations 1970, as amended;
    - (ii) those who became **licensed**, either through gaining a licensed job, including persons who were currently described as “(j)” category, or “(k)” category under the 1970 Regulations; and
    - (iii) those who were **registered-only**, equivalent to those who currently did not qualify under the 1970 Regulations;with aligned criteria to access both employment and accommodation, as detailed in section 5.2 of the said report;
  - 3. link access to accommodation to employment for those who were described as licensed and registered-only in (2) above, as detailed in section 5.3 of the said report;
  - 4. create a register of the Island population in the three categories: entitled, licensed or registered-only, as detailed in section 5.4 of the said report;
  - 5. monitor migration and regulate the factors that govern migration through a system of job licensing for employers and overall control of employment, as detailed in section 5.5 of the said report;
  - 6. designate a single office by July 2005, working with the Housing, Economic Development, Employment and Social Security, and Environment and Public Services Committees, to amalgamate the functions of housing consent, Regulation of Undertakings and Development and Social Security registration and to agree that political responsibility for the office should not lie with the Economic Development Committee (or the future Minister for Economic Development) and to charge the Policy and Resources Committee to bring forward proposals for approval by the States on which other Committee (and Minister) should have this responsibility;
- (c) charged the Policy and Resources Committee, in consultation with the Economic Development, Housing, Home Affairs and Employment and Social Security Committees, to bring forward the necessary legal and other measures to give effect to the above for consideration by the States.

Members present voted as follows –

**POUR: 37**

**CONTRE: 5**

**ABSTAIN: 0**

Senator J.A. Le Maistre

Senator S. Syvret

Senator L. Norman  
Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Ouen  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Deputy of Trinity  
Deputy R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy of St. John  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy G.C.L. Baudains (C)  
Deputy J.L. Dorey (H)  
Deputy F.G. Voisin (L)  
Deputy S.C. Scott Warren (S)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérisier (S)  
Deputy J.B. Fox (H)  
Deputy J-A. Bridge (H)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy of Grouville  
Deputy G.W.J. de Faye (H)

Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy J.A. Bernstein (B)  
Deputy J.A. Hilton (H)

### **Change in Presidency**

The Bailiff retired from the Chair during consideration of the proposition of Deputy Jacqueline Ann Hilton of St. Helier that the proposition of the Policy and Resources Committee concerning Migration: monitoring and regulation, (P.25/2005 lodged “au Greffe” on 8th February 2005), be referred back to that Committee, and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

The Bailiff returned to the Chamber following members voting on the proposition of Deputy Jacqueline Ann Hilton of St. Helier that the proposition of the Policy and Resources Committee concerning Migration: monitoring and regulation, (P.25/2005 lodged “au Greffe” on 8th February 2005), be referred back to that Committee, and the meeting continued under his presidency.

### **Jersey Employment Tribunal: appointment of members – P.97/2005 Amendment**

THE STATES, adopting a proposition, as amended, of the Employment and Social Security Committee, appointed, in accordance with Regulation 3 of the Employment Tribunal (Jersey) Regulations 2005 and on the

recommendation of the Jersey Appointments Commission, the following persons as members of the Jersey Employment Tribunal with effect from 1st July 2005, and for the periods shown –

Advocate David Fisher Le Quesne (Chair)–	5 years
Mrs. Nicola SantosCosta (Deputy Chair) –	5 years
Mrs. Susan Armes–	4 years
Mrs. Mary Curtis–	3 years
Mrs. Kelly Flageul–	3 years
Mrs. Carol Harvey–	5 years
Mr. Patrick Kirwan–	5 years
Mr. Samuel Le Breton–	5 years
Mr. James McCartan–	4 years
Mr. William McPhee–	1 year
Mr. Stewart Mourant–	5 years
Mr. Peter Woodward–	4 years
Mr. Alan Hall–	2 years

#### **Public Employees Contributory Retirement Scheme Committee of Management: membership – P.100/2005**

THE STATES, adopting a proposition of the Policy and Resources Committee, and in accordance with Regulation 3(5) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989 as amended, approved the appointment of Mr. Michael John Pinel as an employer representative on the Committee of Management for the period ending 31st December 2006, in place of the Chief Executive of the States Human Resources Department.

#### **States Members' remuneration Review Body: amended terms of reference – P.101/2005**

THE STATES, adopting a proposition of the Privileges and Procedures Committee, referred to their Act dated 13th May 2003, in which they agreed that an independent States Members' Remuneration Review Body comprising persons who were not members of the States should be established, to their Act dated 25th November 2003, in which they approved detailed terms of reference for the Body, and to their Act dated 22nd June 2004, in which they appointed the members of the Body, and –

agreed that the terms of reference of the Body should be amended to enable it to consider and make recommendations on any matter relating to the remuneration, allowances and benefits available to elected members of the States as it considered appropriate, provided that no such recommendations made by the Body on matters other than on the actual level of remuneration payable to all elected members should be implemented until they had been debated and agreed by the States.

Members present voted as follows –

**POUR: 35**

**CONTRE: 3**

**ABSTAIN: 0**

Senator J.A. Le Maistre  
Senator S. Syvret  
Senator L. Norman  
Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Connétable of St. Ouen  
Connétable of St. Brelade

Senator P.F.C. Ozouf  
Deputy J.J. Huet (H)  
Deputy of St. John

Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Deputy of Trinity  
Deputy R.C. Duhamel (S)  
Deputy of St. Martin  
Deputy M.F. Dubras (L)  
Deputy G.C.L. Baudains (C)  
Deputy J.L. Dorey (H)  
Deputy P.N. Troy (B)  
Deputy F.G. Voisin (L)  
Deputy C.J. Scott Warren (S)  
Deputy R.G. Le Hérisier (S)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy J.A. Bernstein (B)  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy of Grouville  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)

**Public Employees Contributory Retirement Scheme Committee of Management: appointment of Chairman – P. 102/2005**

THE STATES, adopting a proposition of the Finance and Economics Committee, approved, in accordance with Regulation 3(6) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989 the appointment of Mr. Ronald Amy O.B.E. as Chairman of the Committee of Management, for a period of 3 years commencing 1st July 2005.

**Adjournment**

THE STATES then adjourned, having agreed to reconvene on Tuesday 28th June 2005, in order to consider the outstanding matters of public business.

THE STATES rose at 5.35 p.m.

**M.N. DE LA HAYE**

*Greffier of the States.*