

**THE STATES assembled on Wednesday
4th February 2009, at 09.30 a.m.
under the Presidency of Mrs. Anne Helen Harris,
Deputy Greffier of the States.**

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

Senator Stuart Syvret – en défaut (défaut raised at 10.02 a.m.)
Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 9.43 a.m.)
Senator Terence John Le Main– excused attendance
Senator Frederick Ellyer Cohen – en défaut (défaut raised at 9.43 a.m.)
Senator James Leslie Perchard – en défaut (défaut raised at 9.55 a.m.)
Connétable Alan Simon Crowcroft of St. Helier– en défaut (défaut raised at 10.07 a.m.)
Connétable Graeme Frank Butcher of St. John– en défaut

Prayers

Documents presented or laid

Williamson Report: Implementation Plan – approval and funding. R.8/2009.
Presented: 4th February 2009.
Minister for Health and Social Services.

Notification of lodged propositions

Williamson Report: Implementation Plan – funding. P.17/2009.
Lodged: 4th February 2009.
Minister for Treasury and Resources.

Public Elections (Jersey) Law 2002: rescindment of Article 39A. P.18/2009.
Lodged: 4th February 2009.
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the proposer of the following proposition lodged “au Greffe” had informed the Greffier of the States that it had been withdrawn –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 Sex Offenders (Jersey) Law 200-. P.178/2008.
Lodged: 3rd December 2008.
Minister for Home Affairs.

Rôle of the unelected members of the States: review P.5/2009

THE STATES resumed consideration of a proposition of the Deputy of St. Martin concerning a review of the role of the unelected members of the States and, adopting an amendment of the Privileges and Procedures Committee, agreed that in paragraph (a), after the words “current roles of the” there should be inserted the word “following” and the words “the Lieutenant-Governor” should be deleted.

Members present voted as follows –

POUR: 32

CONTRE: 19

ABSTAIN: 0

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator F.E. Cohen
 Senator S.C. Ferguson
 Senator A.J.D. 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. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy of St. Ouen
 Deputy of St. Peter
 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 I.J. Gorst (C)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)

Senator S. Syvret
 Senator B.E. Shenton
 Senator J.L. Perchard
 Senator A. Breckon
 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 P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy D. De Sousa (H)
 Deputy J.M. Maçon (S)

THE STATES, adopting an amendment of the Privileges and Procedures Committee, agreed that in paragraph (a) the words “and the Dean” should be deleted.

Members present voted as follows –

POUR: 31

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator F.E. Cohen
 Senator S.C. Ferguson
 Senator A.J.D. 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. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy J.B. Fox (H)
 Deputy of St. Ouen

CONTRE: 20

Senator S. Syvret
 Senator B.E. Shenton
 Senator J.L. Perchard
 Senator A. Breckon
 Connétable of St. Helier
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy D. De Sousa (H)

ABSTAIN: 0

Deputy of St. Peter
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 I.J. Gorst (C)
Deputy A.E. Jeune (B)
Deputy of St. Mary
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy A.K.F. Green (H)

Deputy J.M. Maçon (S)

THE STATES, adopting an amendment of Deputy Trevor Mark Pitman of St. Helier, agreed that in paragraph (b)(ii), after the words “subsequent report and recommendations” there should be inserted the words “which publication date shall be no later than one year after the appointment of the Chairman and members of the Panel”.

Members present voted as follows –

POUR: 36

Senator S. Syvret
Senator P.F. Routier
Senator B.E. Shenton
Senator J.L. Perchard
Senator A. Breckon
Senator S.C. Ferguson
Senator A.J.D. Maclean
Connétable of St. Ouen
Connétable of Trinity
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 J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy J.A. Hilton (H)
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 D. De Sousa (H)
Deputy J.M. Maçon (S)

CONTRE: 3

Senator F.E. Cohen
Connétable of St. Peter
Deputy E.J. Noel (L)

ABSTAIN: 1

Connétable of Grouville

THE STATES, adopting the proposition of the Deputy of St. Martin, as amended, agreed that—

- (a) an independent review be conducted into the current roles of the following unelected members of the States, namely the Bailiff, the Attorney General and the Solicitor General;
- (b) the Council of Ministers, after consultation with the Privileges and Procedures Committee, be requested to submit to the States for approval no later than 31st March 2009 –
 - (i) the names of the proposed Chairman and members of the Panel to conduct the review;
 - (ii) the terms of reference of the Panel and the proposed target dates for the start of the review and the publication of the Panel’s subsequent report and recommendations which publication date shall be no later than one year after the appointment of the Chairman and members of the Panel;
- (c) the Minister for Treasury and Resources be requested to assess whether the review could be funded from within existing resources and, if not, to bring forward for approval a request under Article 11(8) of the Public Finances (Jersey) Law 2005 for the necessary additional funding to cover the cost of the review.

Members present voted as follows –

POUR: 37

Senator S. Syvret
 Senator T.A. Le Sueur
 Senator P.F.C. Ozouf
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator A. Breckon
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of St. Helier
 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 J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 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 D. De Sousa(H)
 Deputy J.M. Maçon (S)

CONTRE: 12

Senator P.F. Routier
 Senator S.C. Ferguson
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Clement
 Connétable of St. Peter
 Deputy of St. Ouen
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy S.S.P.A. Power (B)

ABSTAIN: 0

Change of Presidency

THE STATES re-assembled after the lunch adjournment under the Presidency of the Deputy Bailiff.

Woolworths employees: payment of statutory notice periods P.9/2009

THE STATES, adopting a proposition of Deputy Geoffrey Peter Southern of St. Helier, agreed to request the Minister for Treasury and Resources –

- (a) to enter into negotiations with former employees of the Jersey branch of Woolworths made redundant following the collapse of the parent company, to seek agreement with them on the assignment to the States of any claims that they might have on the administrators of the company and, providing that these negotiations were successful, to further request the Minister to allocate a sum calculated under the statutory notice terms in the Employment (Jersey) Law 2003 to provide compensation to these employees and if this sum could not be identified through the reprioritisation of existing heads of expenditure or year-end balances, to request the Minister to bring forward a request under Article 11(8) of the Public Finances (Jersey) Law 2005 for the necessary additional funding to meet the cost of these payments; and
- (b) to seek reimbursement of the above sum from the administrators.

Members present voted as follows –

POUR: 34

Senator S. Syvret
Senator T.A. Le Sueur
Senator P.F. Routier
Senator B.E. Shenton
Senator A. Breckon
Senator A.J.D. Maclean

Senator B.I. Le Marquand
Connétable of St. Ouen
Connétable of St. Helier
Connétable of St. Brelade
Connétable of St. Clement
Connétable of St. Lawrence
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
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 K.C. Lewis (S)
Deputy M. Tadier (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 D. De Sousa(H)

CONTRE: 9

Senator S.C. Ferguson
Connétable of Trinity
Connétable of Grouville
Connétable of St. Martin
Connétable of St. Peter
Deputy J.A.N. Le Fondré
(L)
Deputy of Trinity
Deputy A.E. Jeune (B)
Deputy E.J. Noel (L)

ABSTAIN: 4

Senator P.F.C. Ozouf
Connétable of St. Mary
Deputy of St. Ouen
Deputy I.J. Gorst (C)

Deputy J.M. Maçon (S)

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(a), the Deputy of St. John had declared an interest and withdrawn from the Chamber for the duration of the debate.

Arrangement of public business for future meetings

THE STATES agreed the following arrangement of public business for future meetings proposed, as amended, by the Chairman of the Privileges and Procedures Committee in accordance with the provisions of Standing Order 88(3) –

24th February 2009

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|---|--------------------------|
| Draft Amendment (No. 10) of the Standing Orders of the States of Jersey. Lodged: 5th December 2008. <i>Privileges and Procedures Committee.</i> | P.179/2008. |
| Ministerial government: review. Lodged: 10th December 2008. <i>Deputy of St. John.</i> | P.181/2008. |
| Draft Companies (Amendment No. 10) (Jersey) Law 200. Lodged: 23rd December 2008. <i>Minister for Economic Development.</i> <i>(Principles adopted on 3rd February 2009)</i> | P.185/2008. |
| Draft Companies (Amendment No. 3) (Jersey) Regulations 200. Lodged: 23rd December 2008. <i>Minister for Economic Development.</i> | P.186/2008. |
| Draft Summary Fines (Miscellaneous Amendments) (Jersey) Law 200-. Lodged: 13th January 2009. <i>Comité des Connétables.</i> | P.6/2009. |
| Energy from Waste facility: rescindment. Lodged: 20th January 2009. <i>Deputy of St. Mary.</i> | P.8/2009. |
| Energy from Waste facility: rescindment (P.8/2009) – comments. Presented: 3rd February 2009. <i>Minister for Transport and Technical Services.</i> | P.8/2009. Com. |
| Energy from Waste facility: rescindment (P.8/2009) – comments. Presented: 3rd February 2009. Minister for Planning and Environment. | P.8/2009. Com.(2) |
| Energy from Waste facility: rescindment (P.8/2009) – addendum. Presented: 3rd February 2009. <i>Deputy of St. Mary.</i> | P.8/2009. Add. |
| Energy from Waste facility: rescindment (P.8/2009) – addendum (P.8/2009 Add.)– comments. Presented: 3rd February 2009. <i>Minister for Transport and Technical Services.</i> | P.8/2009. Add.Com. |
| Jersey Consumer Council: appointment of Chairman. Lodged: 23rd January 2009. <i>Minister for Economic Development.</i> | P.10/2009. (re-issue) |

Draft Limited Partnerships (Amendment) (Jersey) Law 2009 (Appointed Day) Act 200-. P.11/2009.
Lodged: 23rd January 2009.
Minister for Economic Development.

Waterfront Enterprise Board: appointment of States director. P.13/2009.
Lodged: 28th January 2009.
Senator B.E. Shenton.

Public Employees Contributory Retirement Scheme: membership of the Committee of P.14/2009.
Management.
Lodged: 29th January 2009.
Chief Minister.

Manual Workers' Joint Council: Employers' Side membership. P.15/2009.
Lodged: 29th January 2009.
Chief Minister.

10th March 2009

Ann Court Site, St. Helier: use for sheltered social housing for the over 55s. P.184/2008.
Lodged: 23rd December 2008. (re-issue)
Deputy J.A. Martin of St. Helier.

Voisinage and customary law: review. P.1/2009.
Lodged: 5th January 2009.
Senator B.E. Shenton.

Property sold by the public: restriction on renting back. P.7/2009.
Lodged: 20th January 2009.
Deputy P.V.F. Le Claire of St. Helier.

Waterfront Enterprise Board: revised Memorandum and Articles of Association. P.12/2009.
Lodged: 27th January 2009.
Council of Ministers.

Natural gas pipeline: strategic study. P.16/2009.
Lodged: 29th January 2009.
Deputy P.V.F. Le Claire of St. Helier.

24th March 2008

31st March 2008

Rates: the States' liability. P.147/2008.
Lodged: 16th September 2008.
Connétable of St. Helier.

Rates: the States' liability (P.147/2008) – comments. P.147/2008.
Presented: 16th January 2009. Com.
Minister for Treasury and Resources.

La Pouquelaye old school site: provision of youth and community facilities. P.187/2008.
Lodged: 24th December 2008.
Connétable of St. Helier.

Williamson Report: Implementation Plan – funding. P.17/2009.
Lodged: 4th February 2009.
Minister for Treasury and Resources.

Draft Income Tax (Amendment No. 32) (Jersey) Law 200.
Lodged: 21st October 2008.
Minister for Treasury and Resources.

P.161/2008.

Draft Income Tax (Amendment No. 32) (Jersey) Law 200 (P.161/2008): comments.
Presented: 25th November 2008.
Corporate Services Scrutiny Panel.

P.161/2008.
Com.

12th May 2009

Public Elections (Jersey) Law 2002: rescindment of Article 39A.
Lodged: 4th February 2009.
Deputy G.P. Southern of St. Helier.

P.18/2009.

THE STATES rose at 5.01 p.m.

L-M. HART

Assistant Greffier of the States