



**THE STATES assembled on Tuesday
12th May 2009, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt Esquire.**

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

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

Senator Stuart Syvret – en défaut (défaut raised at 9.38 a.m.)
Senator Terence Augustine Le Sueur – absent on States business
Senator Frederick Ellyer Cohen – en défaut (défaut raised at 9.38 a.m.)
Connétable Michael Keith Jackson of St. Brelade – en défaut (défaut raised at 9.58 a.m.)

Prayers

H.R.H. The Duke of Gloucester – visit

The Deputy Bailiff advised Members that His Royal Highness The Duke of Gloucester would be visiting the Island on 10th June 2009, in his capacity as Royal Colonel of the Royal Monmouthshire Royal Engineers (Militia). The Regiment, of which the Jersey Field Squadron was a sub-unit, would be on its annual training exercise in Jersey.

Liberation Day – thanks

The Deputy Bailiff, on behalf of all members and the Bailiff, thanked those involved in the organisation of the recent Liberation Day celebrations.

Subordinate enactments tabled

The following enactments were tabled, namely –

Community Provisions (Restrictive Measures – Burma/Myanmar) (Amendment) (Jersey) Order 2009. <i>Chief Minister.</i>	R&O.39/2009.
Fire Precautions (Fees) (Jersey) Order 2009. <i>Minister for Home Affairs.</i>	R&O.40/2009.
Petroleum (Licensing) (Fees) (Amendment No. 2) (Jersey) Order 2009. <i>Minister for Home Affairs.</i>	R&O.41/2009.
Town Criterium (Jersey) Order 2009. <i>Minister for Transport and Technical Services.</i>	R&O.42/2009.

Documents presented or laid

Review of the Roles of the Bailiff, Attorney General and Solicitor General: terms of reference (P.44/2009) – comments. Presented: 8th May 2009. <i>Minister for Treasury and Resources.</i>	P.44/2009. Com.
Review of the Roles of the Bailiff, Attorney General and Solicitor General: terms of reference (P.44/2009) – amendment (P.44/2009 Amd.) – comments. Presented: 11th May 2009. <i>Council of Ministers.</i>	P.44/2009. Amd. Com.
Child abuse compensation claims: freedom of expression for survivors (P.49/2009) – comments. Presented: 11th May 2009. <i>Council of Ministers.</i>	P.49/2009. Com.
Committee of Inquiry: Reg’s Skips Ltd. – Planning applications (P.50/2009) – comments. Presented: 7th May 2009. <i>Minister for Treasury and Resources.</i>	P.50/2009. Com.
Code of Conduct for Elected Members of the States: review (P.63/2009) – comments. Presented: 11th May 2009. <i>Privileges and Procedures Committee.</i>	P.63/2009. Com.
Jersey Police Complaints Authority: report for 2008. Presented: 6th May 2009. <i>Minister for Home Affairs.</i>	R.45/2009.
H.M. Prison, La Moye: report for 2008. Presented: 6th May 2009. <i>Minister for Home Affairs.</i>	R.46/2009.
Public Finances (Jersey) Law 2005: financial planning disclosures for the 6 month period ended 31st December 2008. Presented: 8th May 2009. <i>Minister for Treasury and Resources.</i>	R.47/2009.
Notification of lodged propositions	
Draft Social Security (Television Licence Benefit) (Jersey) Regulations 200-. Lodged: 5th May 2009. <i>Minister for Social Security.</i>	P.64/2009.
Rent Control Tribunal: appointment of Chairman and Members. Lodged: 11th May 2009. <i>Minister for Housing.</i>	P.65/2009
States Employees Standing for Election: use of annual leave and time off in lieu. Lodged: 11th May 2009. <i>Deputy T.M. Pitman of St. Helier.</i>	P.66/2009.
Insolvency: Temporary Scheme for Compensatory Payment – Extension. Lodged: 12th May 2009.	P.67/2009.

Deputy G.P. Southern of St. Helier.

States Employees: pay increase for 2009/2010

P.68/2009.

Lodged: 12th May 2009.

Deputy of St. John.

Draft Health Insurance and Income Support (Influenza) (Jersey) Regulations 200-

P.69/2009.

Lodged: 12th May 2009.

Minister for Social Security.

Written Questions

(see Official Report/Hansard)

The Minister for Health and Social Services tabled an answer to a question asked by the Deputy of St. John regarding the revalidation of G.P.s.

The Chief Minister for tabled an answer to a question asked by the Deputy of St. John regarding the Emergencies Council.

The Minister for Economic Development tabled an answer to a question asked by the Deputy of St. John regarding the fisheries vessel, the Norman Le Brocq.

The Minister for Planning and Environment tabled an answer to a question asked by the Deputy of St. John regarding the Water Resources (Jersey) Law 2007.

The Minister for Planning and Environment tabled an answer to a question asked by the Deputy of St. Mary regarding green areas available as amenity space in urban areas.

Oral Questions

(see Official Report/Hansard)

Deputy G.P. Southern of St. Helier asked a question of the Minister for Health and Social Services regarding the progress of negotiations with the Trustees of Brig-y-Don over the future of that children's home.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Minister for Treasury and Resources regarding the beneficiaries of the Fiscal Stimulus Package.

Senator B.E. Shenton asked a question of the Minister for Transport and Technical Services regarding the continuation of the current free bus pass arrangement for pensioners.

Deputy S. Pitman of St. Helier asked a question of the Minister for Social Security regarding his discretionary powers in granting a person a benefit.

Senator B.E. Shenton asked a question of the Minister for Home Affairs regarding the current penalties for driving whilst under the influence of alcohol or drugs, or without insurance.

The Deputy of St. Martin asked a question of H.M. Attorney General regarding the legal definition of a Parish Hall Enquiry.

Deputy T.A. Vallois of St. Saviour asked a question of the Assistant Minister for Treasury and Resources regarding measures to address the backlog in the maintenance of States owned properties.

Deputy T.M. Pitman of St. Helier asked a question of the Assistant Minister for Treasury and Resources

regarding the annual income from 1(1)(k) residents from 2005 to 2007.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Home Affairs regarding the search of Senator Syvret's premises.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding payments under his temporary scheme for the ex-employees of Collas and Le Sueur.

The Connétable of Grouville asked a question of the Assistant Minister for Treasury and Resources regarding allocations from the Drug Confiscation Fund for charities associated with assisting recovery from alcohol and drug abuse.

The Deputy of St. Martin asked a question of the Chairman of Privileges and Procedures Committee regarding a health and safety audit on the public areas of the States Chamber.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Health and Social Services regarding an emergency payment to Brig-y-Don children's home.

THE STATES adopting a proposition of the Deputy of St. John, agreed that Standing Order 63(1) should be suspended in order to remove the 90 minute time limit normally allowed during a meeting for questions of which notice had been given, to be asked and answered.

Members present voted as follows –

POUR: 38

CONTRE: 2

ABSTAIN: 0

Senator S. Syvret
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Peter
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of Grouville
 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 I.J. Gorst (C)
 Deputy of St. John

Connétable of St. Saviour
 Deputy J.B. Fox (H)

Deputy M. Tadier (B)
 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)

The Connétable of St. Helier asked a question of the Minister for Home Affairs regarding the duration and cost to date of the suspension of the Chief Officer of the States of Jersey Police.

Deputy T.M. Pitman of St. Helier asked a question of H.M. Attorney General regarding parliamentary privilege and the security of confidential contact between politicians and their constituents.

Deputy S. Pitman of St. Helier asked a question of the Deputy Chief Minister regarding the Council of Ministers Confidential 'B' agenda.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Treasury and Resources regarding compensation payments to people who invested in high risk/high return schemes.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Education, Sport and Culture answered questions without notice from members.

The Minister for Health and Social Services answered questions without notice from members.

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Chairman of the Health, Social Security and Housing Scrutiny Panel's Sub-Panel on vulnerable children made a statement concerning the review of the Williamson Report.

Arrangement of business for the present meeting

THE STATES rejected a proposition of Senator Stuart Syvret, in accordance with the provisions of Standing Order 87(2)(a), that the proposition of Deputy Paul Vincent Francis Le Claire of St. Helier entitled 'Family X: placement in the United Kingdom' (P.62/2009) be considered by the Assembly as its first item of public business at the present meeting.

Members present voted as follows –

POUR: 16

Senator S. Syvret
 Senator A. Breckon
 Senator S.C. Ferguson
 Connétable of St. Peter
 Connétable of St. Lawrence

CONTRE: 31

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator J.L. Perchard

ABSTAIN: 0

Deputy of St. Martin	Senator B.I. Le Marquand
Deputy R.G. Le Hérissier (S)	Connétable of St. Ouen
Deputy G.P. Southern (H)	Connétable of Trinity
Deputy of Grouville	Connétable of Grouville
Deputy S. Pitman (H)	Connétable of St. Brelade
Deputy M. Tadier (B)	Connétable of St. Martin
Deputy of St. Mary	Connétable of St. John
Deputy T.M. Pitman (H)	Connétable of St. Saviour
Deputy M.R. Higgins (H)	Connétable of St. Mary
Deputy D. De Sousa (H)	Deputy R.C. Duhamel (S)
Deputy J.M. Maçon (S)	Deputy J.B. Fox (H)
	Deputy J.A. Martin (H)
	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 K.C. Lewis (S)
	Deputy I.J. Gorst (C)
	Deputy of St. John
	Deputy A.E. Jeune (B)
	Deputy A.T. Dupré (C)
	Deputy E.J. Noel (L)
	Deputy T.A. Vallois (S)
	Deputy A.K.F. Green (H)

THE STATES, adopting a proposition of the Minister for Treasury and Resources, agreed, in accordance with the provisions of Standing Order 87(1), to debate the proposition entitled ‘Williamson Report: Implementation Plan – funding’ (P.17/2009) at the present meeting.

THE STATES, adopting a proposition of the Minister for Treasury and Resources, agreed, in accordance with the provisions of Standing Order 87(2), to debate the proposition entitled ‘Williamson Report: Implementation Plan – funding’ (P.17/2009) as the first item of business at the present meeting.

Members present voted as follows –

POUR: 40

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator A. Breckon
 Senator S.C. Ferguson
 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

CONTRE: 7

Senator S. Syvret
 Deputy G.P. Southern (H)
 Deputy S. Pitman (H)
 Deputy of St. John
 Deputy T.M. Pitman (H)
 Deputy D. De Sousa (H)
 Deputy J.M. Maçon (S)

ABSTAIN: 0

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 Hérisssier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy of Grouville
 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 K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 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)

Williamson Report: Implementation Plan – funding P.17/2009

THE STATES commenced consideration of a proposition of the Minister for Treasury and Resources concerning the funding of the Williamson Report implementation plan and noted that the amendment of Deputy Geoffrey Peter Southern of St. Helier to substitute “£1.3 million” with the words “£1.55 million” had been withdrawn.

THE STATES, having noted the undertaking of the Minister for Treasury and Resources in relation to the proposed use of the funds, adopted a proposition of the Minister for Treasury and Resources and agreed that, in accordance with Article 11(8) of the Public Finances (Jersey) Law 2005 to amend the expenditure approval for 2009 approved by the States on 23rd September 2008 in respect of the Health and Social Services Department head of expenditure, to permit the withdrawal of up to an additional £1.3 million from the consolidated fund for its net revenue expenditure in order to fund urgent service improvements to address critical elements of the Williamson Implementation Plan.

Members present voted as follows –

POUR: 45

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Connétable of St. Ouen

CONTRE: 2

Deputy G.P. Southern (H)
 Deputy T.M. Pitman (H)

ABSTAIN: 3

Senator S. Syvret
 Senator A. Breckon
 Deputy D. De Sousa (H)

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 of Grouville
 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 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)

Changes in Presidency

The Deputy Bailiff retired from the Chamber during consideration of the Williamson Report: Implementation Plan – funding (P.17/2009) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Draft Health and Safety at Work (Amendment No. 4) (Jersey) Law 200- P.37/2009

THE STATES commenced consideration of the Draft Health and Safety at Work (Amendment No. 4) (Jersey) Law 200- and adopted the principles.

Members present voted as follows –

POUR: 35

CONTRE: 8

ABSTAIN: 0

Senator P.F. Routier

Senator B.E. Shenton

Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Connétable of St. Hélier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy I.J. Gorst (C)
 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)

Senator J.L. Perchard
 Connétable of St. Ouen
 Connétable of St. John
 Connétable of St. Mary
 Deputy of St. Martin
 Deputy K.C. Lewis (S)
 Deputy of St. John

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Articles 1 and 2.

Members present voted as follows –

POUR: 32

CONTRE: 8

ABSTAIN: 0

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Connétable of St. Hélier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter

Senator B.E. Shenton
 Senator J.L. Perchard
 Connétable of St. Ouen
 Connétable of St. John
 Connétable of St. Mary
 Deputy of St. Martin
 Deputy K.C. Lewis (S)
 Deputy of St. John

Connétable of St. Lawrence
Deputy R.C. Duhamel (S)
Deputy R.G. Le Hérissier (S)
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy I.J. Gorst (C)
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)

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Health and Safety at Work (Amendment No. 4) (Jersey) Law 200-.

Draft Loi (200-) (Amendement No. 11) réglant la procédure criminelle P.39/2009

THE STATES commenced consideration of the Draft Loi (200-) (Amendement No. 11) réglant la procédure criminelle and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Articles 1 and 2.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Draft Loi (200-) (Amendement No. 11) réglant la procédure criminelle.

Review of the roles of the Bailiff, Attorney General and Solicitor General: terms of reference P.44/2009

THE STATES commenced consideration of a proposition of the Council of Ministers concerning the terms of reference for a review of the roles of the Bailiff, Attorney General and Solicitor General and, adopting an amendment of the Deputy of St. Martin, agreed that at the end of paragraph (b) after the word “accordingly” there should be inserted the words “except the Review shall be undertaken by a Chairman and 4 independent members and not by a Chairman and 2 independent members as set out on page 4 of the said Report”.

THE STATES, adopting a proposition of the Council of Ministers, as amended, agreed to refer to their Act dated 4th February 2009 in which they agreed that an independent review should be conducted into the roles of the Bailiff, the Attorney General and the Solicitor General; and

- (a) approved the draft terms of reference of the review as set out in the Appendix to the report of the Council of Ministers dated 31st March 2009; and

- (b) approved the process for the appointment of the Chairman and members of the Panel as set out in the said report and to vary their decision of the 4th February in relation to the appointments process accordingly, except the Review should be undertaken by a Chairman and 4 independent members and not by a Chairman and 2 independent members as set out on page 4 of the said Report.

Members present voted as follows –

POUR: 37

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator A. Breckon
 Connétable of St. Helier
 Connétable of Trinity
 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.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 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 I.J. Gorst (C)
 Deputy M. Tadier (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: 4

Senator S.C. Ferguson
 Connétable of Grouville
 Connétable of St. Peter
 Deputy of Grouville

ABSTAIN: 0**Draft Housing (General Provisions) (Amendment No. 26) (Jersey) Regulations 200- P.45/2009**

THE STATES commenced consideration of the principles of the Draft Housing (General Provisions) (Amendment No. 26) (Jersey) Regulations 200-.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 13th May 2009 to continue consideration of the Draft Housing (General Provisions) (Amendment No. 26) (Jersey) Regulations 200- and the outstanding items of public business.

THE STATES rose at 5.30 p.m.

M.N. DE LA HAYE

Greffier of the States