



**THE STATES assembled on Tuesday
28th April 2009, at 09.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**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 Terence John Le Main – en défaut (défaut raised at 9.37 a.m.)
Connétable John Le Sueur Gallichan of Trinity – en défaut (défaut raised at 9.46 a.m.)
Deputy Montfort Tadier of St. Brelade – en défaut (défaut raised at 9.37 a.m.)

Prayers

Mayor of Douglas – welcome

The Bailiff, on behalf of all members, welcomed Mrs. Dorothy Pitts, Mayor of Douglas and her husband Councillor Stephen Pitts from the Isle of Man, who were present in the Gallery.

Mayor of Hedon – welcome

The Bailiff, on behalf of all members, welcomed Mr. Michael Bryan, Mayor of the historic town of Hedon, who was present in the Gallery.

European Regional Conference of l'Assemblée Parlementaire de la Francophonie – thanks

The Bailiff, on behalf of all members, expressed gratitude to the Deputy Greffier of the States and her team for successfully organizing the recent European Regional Conference of the Assemblée Parlementaire de la Francophonie in Jersey.

Subordinate enactments tabled

The following enactments were tabled, namely –

Community Provisions (Control of Exports of Dual-Use Items and Technology) (Application) (Amendment No. 6) (Jersey) Order 2009. <i>Minister for Home Affairs.</i>	R&O.33/2009.
Shipping (Safety of Navigation) (Jersey) Order 2009. <i>Minister for Economic Development.</i>	R&O.34/2009.
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2)	R&O.35/2009.

(Amendment No. 7) (Jersey) Order 2009.
Minister for Social Security.

Documents presented or laid

- Police Complaints and Discipline: extension to Honorary Officers conducting Parish Hall Enquiries (P.30/2009) – comments. P.30/2009.
 Presented: 28th April 2009. Com.(2)
Comité des Connétables.
- Oral Questions with notice: extension to 2 hours (P.40/2009) – comments. P.40/2009.
 Presented: 27th April 2009. Com.
Privileges and Procedures Committee.
- Electricity tariffs: Regulations under Article 22 of the Electricity (Jersey) Law 1937 (P.41/2009) – comments. P.41/2009.
 Presented: 27th April 2009. Com.
Minister for Economic Development.
- Planning and Environment: division into 2 ministerial offices (P.47/2009) – comments. P.47/2009.
 Presented: 27th April 2009. Com.
Council of Ministers.
- Planning and Environment: division into 2 ministerial offices (P.47/2009) – comments. P.47/2009.
 Presented: 27th April 2009. Com.(2)
Minister for Treasury and Resources.
- Oral Questions with notice: abolition of time limit (P.59/2009) – comments. P.59/2009.
 Presented: 28th April 2009. Com.
Council of Ministers.
- Land Transactions under Standing Order 168(3) – site of former Mont Mado Shed, La Rue de la Mare des Pres, St. John – proposed sale. R.33/2009.
 Presented: 6th April 2009.
Minister for Treasury and Resources.
- Strategic Plan: progress against initiatives as at 31st December 2008. R.34/2009.
 Presented: 9th April 2009.
Council of Ministers.
- Jersey Competition Regulatory Authority: Annual Report 2008. R.35/2009.
 Presented: 15th April 2009.
Minister for Economic Development.
- Department of Health and Social Services: structure and organisation. R.36/2009.
 Presented: 16th April 2009.
Comptroller and Auditor General.
- States' Expenditure Forecasts: Evidence submitted by the Comptroller and Auditor General to the Finance Sub-Panel of the Corporate Services Scrutiny Panel. R.37/2009.
 Presented: 16th April 2009.
Comptroller and Auditor General.
- Breach of Privilege: *in camera* debate. R.38/2009.
 Presented: 16th April 2009.

Privileges and Procedures Committee.

Public Sector Manpower Report: December 2008. R.39/2009.
Presented: 16th April 2009.
Minister for Treasury and Resources.

Land Transactions under Standing Order 168(3) – R.40/2009.
(a) V12Q Victoria Pier, V12QQ Victoria Pier, E12 Elizabeth Terminal Café;
(b) 2 Beauvoir Court, La Rue de Samarès, St. Clement – Assisted House Purchase
property.
Presented: 20th April 2009.
Minister for Treasury and Resources.

Land Transactions under Standing Order 168(3) – 60 Les Cinq Chênes, Princes Tower R.41/2009.
Road, St. Saviour, Westley Lodge and Westley Cottage, La Rue de Masurier, St. Saviour.
Presented: 22nd April 2009.
Minister for Treasury and Resources.

States Assembly Annual Report 2008. R.42/2009.
Presented: 24th April 2009.
Privileges and Procedures Committee.

States of Jersey Complaints Board: findings – Complaint against a decision of the R.43/2009.
Minister for Planning And Environment relating to the property known as Saval,
La Route des Côtes du Nord, Trinity (removal of part of new fencing).
Presented: 28th April 2009.
Privileges and Procedures Committee.

Long term care of the elderly (S.R.12/2008): response of the Minister for Housing. S.R.12/2008.
Presented: 20th April 2009. Res.(2)
Minister for Housing.

Notification of lodged propositions

Review of the roles of the Bailiff, Attorney General and Solicitor General: terms of R.44/2009.
reference (P.44/2009) – amendment. Amd.
Lodged: 21st April 2009.
Deputy of St. Martin.

Suspension of States employees and States of Jersey Police Officers: revised procedures R.46/2009.
(P.46/2009) – amendment. Amd.
Lodged: 21st April 2009.
Minister for Home Affairs.

Suspension of States employees and States of Jersey Police Officers: revised procedures R.46/2009.
(P.46/2009) – second amendment. Amd.(2)
Lodged: 21st April 2009.
Chief Minister.

Draft Shipping (Safety of Navigation) (Jersey) Regulations 200-. R.48/2009.
Lodged: 6th April 2009.
Minister for Economic Development.

Child abuse compensation claims: freedom of expression for survivors. R.49/2009.
Lodged: 6th April 2009.

Senator S. Syvret.

- Committee of Inquiry: Reg's Skips Ltd. – Planning applications. P.50/2009.
Lodged: 6th April 2009.
Minister for Planning and Environment.
- Committee of Inquiry: Reg's Skips Ltd. – Planning applications (P.50/2009) – amendment. P.50/2009.
Lodged: 17th April 2009. Amd.
Deputy R.G. Le Hérisssier of St. Saviour.
- Appointments Commission: appointment of member. P.51/2009.
Lodged: 7th April 2009.
Chief Minister.
- States Strategic Plan 2009 – 2014. P.52/2009.
Lodged: 8th April 2009.
Council of Ministers.
- Minister for Health and Social Services: Vote of No Confidence. P.53/2009.
Lodged: 8th April 2009.
Deputy R.G. Le Hérisssier of St. Saviour.
- Public Finances (Jersey) Law 2005: proposed changes. P.54/2009
Lodged: 9th April 2009.
Public Accounts Committee.
- Economic Stimulus Plan. P.55/2009.
Lodged: 9th April 2009.
Minister for Treasury and Resources.
- Draft Sea Fisheries (Satellite Monitoring) (Jersey) Regulations 200-. P.56/2009.
Lodged: 14th April 2009.
Minister for Economic Development.
- Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Regulations 200-. P.57/2009.
Lodged: 14th April 2009.
Minister for Economic Development.
- Draft Sea Fisheries (Bag Limits) (Jersey) Regulations 200-. P.58/2009.
Lodged: 14th April 2009.
Minister for Economic Development.
- Oral Questions with notice: abolition of time limit. P.59/2009.
Lodged: 15th April 2009.
Deputy M. Tadier of St. Brelade.
- Arrest and detention of Senator Stuart Syvret and associated matters. P.60/2009.
Lodged: 16th April 2009.
Deputy G.P. Southern of St. Helier.
- Arrest and detention of Senator Stuart Syvret and associated matters (P.60/2009): amendment. P.60/2009.
Lodged: 27th April 2009. Amd.
Privileges and Procedures Committee.

Code of Conduct for elected members of the States: review. P.61/2009.
Lodged: 20th April 2009.
Deputy of St. John.

Family X: placement in the United Kingdom. P.62/2009.
Lodged: 22nd April 2009.
Deputy P.V.F. Le Claire of St. Helier.

Code of Conduct for elected members of the States: review. P.63/2009.
Lodged: 28th April 2009.
Deputy of St. John.

Withdrawal of lodged propositions

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

Planning and Environment: division into 2 ministerial offices. P.47/2009.
Lodged: 1st April 2009.
Deputy P.V.F. Le Claire of St. Helier.

Minister for Health and Social Services: Vote of No Confidence. P.53/2009.
Lodged: 8th April 2009.
Deputy R.G. Le Hérissier of St. Saviour.

Code of Conduct for elected members of the States: review. P.61/2009.
Lodged: 20th April 2009.
Deputy of St. John.

Appointment of Minister for Health and Social Services

The Deputy of Trinity was nominated by the Chief Minister.

Deputy Paul Vincent Francis Le Claire of St. Helier was nominated by the Connétable of St. Helier.

Deputy Geoffrey Peter Southern of St. Helier was nominated by Deputy Montfort Tadier of St. Brelade.

The Deputy of St. Peter was nominated by Deputy Roy George Le Hérissier of St. Saviour.

Senator James Leslie Perchard was nominated by Senator Ben Edward Shenton.

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 a secret ballot, were informed of the following results by the Bailiff –

The Deputy of Trinity	24
Deputy Geoffrey Peter Southern of St. Helier	12
Senator James Leslie Perchard	11
The Deputy of St. Peter	5

Deputy Paul Vincent Francis Le Claire of St. Helier 1

In accordance with Standing Orders 117(11) and (13), Deputy Paul Vincent Francis Le Claire of St. Helier and the Deputy of St. Peter withdrew, and a second secret ballot was then held.

THE STATES were informed of the following results by the Bailiff –

The Deputy of Trinity	27
Deputy Geoffrey Peter Southern of St. Helier	16
Senator James Leslie Perchard	10

The Bailiff accordingly declared that the Deputy of Trinity had been duly elected as the Minister for Health and Social Services.

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 reduction of Income Support payments in October 2009.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding the discharge of effluent into the sea.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding the Economic Stimulus Plan.

The Minister for Treasury and Resources tabled an answer to a question asked by the Connétable of Grouville regarding the Criminal Offences Confiscation Fund and the Drugs Confiscation Fund.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding the discharge of effluent into the sea.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. John regarding monies owed to States Departments by Harcourt Developments.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. John regarding shareholdings held by the Jersey Electricity Company.

The Minister for Housing tabled an answer to a question asked by Deputy D.J. de Sousa of St. Helier regarding Social housing waiting lists.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the employment of staff on the new Energy from Waste Plant site.

H.M. Attorney General tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the submission of campaign expenses by candidates from the 2008 Deputies election.

H.M. Attorney General tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the investigation of breaches of the Public Elections (Jersey) Law 2002.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the exchange rates for the new Energy from Waste Plant site.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy T.M. Pitman

of St. Helier regarding the future management of the Youth Service.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding income tax returns for 1(1)(k) category residents.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Article 38 of the Jersey Teachers Disciplinary and Grievance Procedures.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Jersey's ratification of United Nations' Conventions.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Fiscal Policy Panel.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the development of a policy for children in care.

The Chairman of the Privileges and Procedures Committee tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Parliamentary privilege.

The Minister for Economic Development tabled an answer to a question asked by Deputy A.K.F. Green of St. Helier regarding the condition of La Folie Inn.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy A.K.F. Green of St. Helier regarding design changes to the new Energy from Waste Plant.

The Minister for Planning and Environment tabled an answer to a question asked by the Deputy of St. Mary regarding the testing of sea water from the Castle Quays site.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Mary regarding savings from 'scope adjustments' on the new Energy from Waste Plant.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Mary regarding the cost of transporting contaminated landfill to La Collette 2.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Mary regarding CNIM incinerator plants in the United Kingdom.

The Minister for Housing tabled an answer to a question asked by the Connétable of St. John regarding the sale of States-owned properties.

The Minister for Social Security tabled an answer to a question asked by the Connétable of St. John regarding the nationalities of those currently registered as unemployed.

The Minister for Social Security tabled an answer to a question asked by Deputy S. Pitman of St. Helier regarding the numbers in receipt of various incapacity and invalidity benefits.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy S. Pitman of St. Helier regarding global warming issues.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding outbreaks of the novovirus in Jersey.

The Minister for Home Affairs tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the recruitment of secretarial staff.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy R.G. Le Hérisssier of St. Saviour regarding negotiations with the owners of the Plémont Holiday Village.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy A.K.F. Green of St. Helier regarding the cost of changes made to the Energy from Waste Plant design.

Oral Questions

(see Official Report/Hansard)

The Deputy of St. Mary asked a question of the Minister for Transport and Technical Services regarding the withholding of information relating to the increased cost of the incinerator when the matter was debated on 9th July 2008.

Deputy S. Pitman of St. Helier asked a question of the Minister for Social Security regarding back payments from Social Security for claimants of Long Term Invalidity Allowance, Short Term Invalidity Allowance or Invalidity Allowance.

Deputy M. Tadier of St. Brelade asked a question of the Assistant Minister for Economic Development regarding the removal of the cash machine in the Arrivals Hall at Jersey Airport.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Home Affairs regarding the investigation of complaints regarding allegations of breaches of the Public Elections (Jersey) Law 2002 during the 2008 elections.

Deputy R.G. Le Hérisssier of St. Saviour asked a question of the Chief Minister regarding the number of apprenticeships currently offered within the States.

Deputy D.J. de Sousa of St. Helier asked a question of the Minister for Housing regarding the number of new 3 and 4-bedroom houses due to be built for States rental in the next 3 years.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Education, Sport and Culture regarding youth and sport facilities to eliminate anti social behaviour.

The Deputy of St. John asked a question of the Chief Minister regarding the admittance of staff from private schools to the Public Employees Contributory Retirement Scheme.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Treasury and Resources regarding increasing the upper limit of income tax.

The Deputy of St. Mary asked a question of the Minister for Treasury and Resources regarding the additional funding of £1.65 million for the Energy from Waste Plant.

Deputy T.M. Pitman of St. Helier asked a question of H.M. Attorney General regarding the decision to arrest Senator Stuart Syvret and search his residence.

The Deputy of St. John asked a question of the Chief Minister regarding the number of local applicants for the post of Director of Human Resources and local succession planning.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Treasury and Resources regarding the disregard of employee social security contributions for income tax purposes.

The Deputy of St. Martin asked a question of the Chief Minister regarding Article 26(1) of the Court of Appeal (Jersey) Law 1961.

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding the arrest of Senator Syvret and the action taken by the States Police.

Deputy R.G. Le Hérisssier of St. Saviour asked a question of the Minister for Home Affairs regarding the accountability of the Police.

Change of Presidency

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

Urgent oral question by Deputy S. Pitman of St. Helier to the Minister for Housing

(see Official Report)

In accordance with the provisions of Standing Order 15 relating to urgent oral questions, Deputy S. Pitman of St. Helier asked the following question of the Minister for Housing, which had been approved by the Bailiff –

“Would the Minister advise whether people who have expressed an interest in the purchase of properties under the Homebuyer Scheme at La Providence have been told that they must set up a mortgage by 1st May 2009, and, if so, would he confirm that only one bank has so far expressed an interest in the scheme and, if so, advise why the scheme is still going ahead?”

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Economic Development 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)

The Chief Minister made a statement regarding P.49/2009 ‘Child abuse compensation claims: freedom of expression for survivors’.

The Chief Minister made a statement regarding public sector pay increases in 2009/2010.

H.M. Attorney General made a statement regarding the results of the Deputies’ elections in St. Helier No. 2 District.

Arrangement of Public Business for the present meeting

THE STATES, adopting a proposition of Deputy Geoffrey Peter Southern, agreed, in accordance with the provisions of Standing Order 87(1), to debate the proposition concerning the arrest and detention of Senator Stuart Syvret and associated matters (P.60/2009 lodged ‘au Greffe’ on 16th April 2009) at this meeting once consideration of all of the other public business scheduled for the present meeting had been completed.

Members present voted as follows –

POUR: 30

Senator T.A. Le Sueur
 Senator P.F.C. Ozouf
 Senator B.E. Shenton
 Senator A. Breckon
 Senator B.I. Le Marquand
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Brelade
 Connétable of St. John
 Connétable of St. Lawrence
 Deputy of St. Martin
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 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 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: 14

Senator P.F. Routier
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Connétable of St. Ouen
 Connétable of Grouville
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of St. Clement
 Deputy R.C. Duhamel (S)
 Deputy of St. Ouen
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy of St. John
 Deputy E.J. Noel (L)

ABSTAIN: 1

Connétable of St. Mary

Police Complaints and Discipline: extension to Honorary Officers conducting Parish Hall Enquiries P.30/2009

THE STATES commenced consideration of a proposition of the Deputy of St. Martin concerning proposed amendments to the Police (Complaints and Discipline) (Jersey) Law 1999.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 29th April 2009 to continue consideration of the proposition of the Deputy of St. Martin, Police Complaints and Discipline: extension to Honorary Officers conducting Parish Hall Enquiries (P.30/2009), and the outstanding items of public business.

THE STATES rose at 5.42 p.m.

A.H. HARRIS

