



**THE STATES assembled on Tuesday
31st March 2009, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt Esquire.**

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

Senator Stuart Syvret – en défaut (défaut raised at 9.42 a.m.)
Senator Paul Francis Routier – en défaut (défaut raised at 9.50 a.m.)
Senator Alan Breckon – absent on States business
Senator Alan John Henry MacLean – en défaut (défaut raised at 9.42 a.m.)
Connétable Alan Simon Crowcroft of St. Helier – en défaut (défaut raised at 9.58 a.m.)
Connétable Michael Keith Jackson of St. Brelade – en défaut (défaut raised at 9.42 a.m.)
Deputy Ian Joseph Gorst of St. Clement – en défaut (défaut raised at 10.23 a.m.)
Deputy Deborah Jane de Sousa of St. Helier – excused attendance

Prayers read by the Greffier of the States

Subordinate enactment tabled

The following enactment was tabled, namely –

Road Traffic (Public Parking Places – Charges) (Jersey) Order 2009. R&O.32/2009.
Minister for Transport and Technical Services.

Documents presented or laid

Ministerial government: review (P.181/2008) – addendum. P.181/2008.
Presented: 27th March 2009. Add.
Deputy of St. John.

Ministerial government: review (P.181/2008) – comments. P.181/2008.
Presented: 30th March 2009. Com.(3)
Privileges and Procedures Committee.

Draft Employment (Amendment No. 5) (Jersey) Law 200- (P.27/2009): amendment P.27/2009.
(P.27/2009 Amd.) – comments. Amd.Com.
Presented: 31st March 2009.
Health, Social Security and Housing Scrutiny Panel.

Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy P.28/2009.
(P.28/2009) – comments. Com.
Presented: 30th March 2009.
Minister for Treasury and Resources.

Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy (P.28/2009) – comments. Presented: 30th March 2009. <i>Council of Ministers.</i>	P.28/2009. Com.(2)
Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy (P.28/2009) – amendment (P.28/2009 Amd.) – comments. Presented: 31st March 2009. <i>Minister for Treasury and Resources.</i>	P.28/2009. Amd.Com.
<i>Ex gratia</i> compensation payment: Mr. and Mrs. R. Pinel (P.29/2009) – comments. Presented: 30th March 2009. <i>H.M. Solicitor General.</i>	P.29/2009. Com.(2)
<i>Ex gratia</i> compensation payment: Mr. and Mrs. R. Pinel (P.29/2009) – comments. Presented: 30th March 2009. <i>Minister for Planning and Environment.</i>	P.29/2009. Com.(3) (re-issue)
<i>Ex gratia</i> compensation payment: Mr. and Mrs. R. Pinel (P.29/2009) – comments. Presented: 31st March 2009. <i>Council of Ministers.</i>	P.29/2009. Com.(4)
Police Complaints and Discipline: extension to Honorary Officers conducting Parish Hall Enquiries (P.30/2009) – comments. Presented: 30th March 2009. <i>H.M. Attorney General.</i>	P.30/2009. Com.
States Employment Board: Annual Report 2008. Presented: 27th March 2009. <i>Chief Minister.</i>	R.28/2009.
Former Sunshine Hotel and Sunshine Cottage, St. Helier: proposed sale. Presented: 27th March 2009. <i>Minister for Treasury and Resources.</i>	R.29/2009.
Land Transactions under Standing Order 168(3) – F24 La Collette, St. Helier – lease. Presented: 31st March 2009. <i>Minister for Treasury and Resources.</i>	R.30/2009.
Customs and Immigration Service: Annual Report 2008. Presented: 31st March 2009. <i>Minister for Home Affairs.</i>	R.31/2009.
Code of Practice on Public Access to Official Information: Annual Report for 2008. Presented: 31st March 2009. <i>Privileges and Procedures Committee.</i>	R.32/2009.
Long term care of the elderly (S.R.12/2008): response of the Minister for Health and Social Services. Presented: 30th March 2009. <i>Minister for Health and Social Services.</i>	S.R.12/2008. Res.

Notification of lodged propositions

Ann Court Site, St. Helier: use for sheltered social housing for the over-55s. P.43/2009.
Lodged: 27th March 2009.
Deputy J.A. Martin of St. Helier.

Review of the roles of the Bailiff, Attorney General and Solicitor General: terms of reference. P.44/2009.
Lodged: 31st March 2009.
Council of Ministers.

Draft Housing (General Provisions) (Amendment No. 26) (Jersey) Regulations 200-. P.45/2009.
Lodged: 31st March 2009.
Minister for Housing.

Suspension of States employees and States of Jersey Police Officers: revised procedures. P.46/2009.
Lodged: 31st March 2009.
Deputy of St. Martin.

The following matter was inadvertently placed on the principal Order Paper before the matter had been approved by the Minister for Treasury and Resources and was therefore deemed to have been withdrawn –

Historic Child Abuse Enquiry: funding for 2009. P.42/2009.
Lodged: 26th March 2009.
Minister for Treasury and Resources.

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 –

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.

Written Questions

(see Official Report/Hansard)

The Minister for Treasury and Resources tabled an answer to a question asked by Senator B.E. Shenton regarding the control of States expenditure.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Mary regarding the monitoring and regulation of the construction of the Energy from Waste plant and all the other activities at La Collette.

The Minister for Health and Social Services tabled an answer to a question asked by the Deputy of Grouville regarding the withdrawal of the reciprocal Health agreement with the United Kingdom.

The Minister for Housing tabled an answer to a question asked by the Deputy of St. John regarding the demolition of Ann Court.

The Minister for Home Affairs tabled an answer to a question asked by the Deputy of St. John regarding the

importation of TASAR stun-guns for use in Jersey.

The Minister for Economic Development tabled an answer to a question asked by the Deputy of St. John regarding talks between the Red Ensign Group and United Kingdom authorities.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. John regarding the Energy from Waste plant contract.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding statutory notice payments to ex-Woolworths employees.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the stimulus of the economy.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding income inequalities contained within the Strategic Plan.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern regarding the withdrawal of transitional benefits to households receiving Income Support.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern regarding the limitation of inward migration.

Oral Questions

(see Official Report/Hansard)

Deputy M. Tadier of St. Brelade asked a question of the Minister for Education, Sport and Culture regarding the recent appointment of the new Head of La Moye school.

The Deputy of St. Mary asked a question of the Assistant Minister for Planning and Environment regarding licences for land reclamation, bioremediation, ash disposal, aggregates recycling, green waste composting, and storage of asbestos at La Collette.

The Deputy of St. Martin asked a question of the Chief Minister regarding changes to inheritance legislation.

Deputy M.R. Higgins of St. Helier asked a question of the Minister for Transport and Technical Services regarding the transfer of thousands of tonnes of heavily contaminated landfill from the Castle Quay site to La Collette Reclamation site.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Assistant Minister for Economic Development regarding Jersey fishermen landing their catches directly at St. Malo.

Deputy G.P. Southern of St. Helier asked a question of the Chairman of the Comité des Connétables regarding postal voting.

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Assistant Minister for Planning and Environment regarding the discharge permit application for the “treated brackish water” from the excavation pit at La Collette.

Deputy T.M. Pitman of St. Helier asked a question of the Chief Minister regarding his confidence in the Minister for Health and Social Services.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Home Affairs regarding the behaviour of cyclists.

The Deputy of Grouville asked a question of the Minister for Economic Development regarding the potential impact of the loss of the Reciprocal Health agreement with the UK on tourism.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Home Affairs regarding the sale of alcohol to people under age.

Deputy G.P. Southern of St. Helier asked a question of the Chairman of the Privileges and Procedures Committee regarding the relevance of the Nolan test to Article 39A of the Public Elections (Jersey) Law 2002.

The Deputy of Grouville asked a question of the Minister for Treasury and Resource regarding the compilation of responses to questions on GST.

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding the appointment of an Acting Deputy Chief Officer of the States of Jersey Police.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Home Affairs regarding changes in legislation to make parents more responsible for their children's behaviour.

Deputy T.M. Pitman of St. Helier asked a question of the Attorney General regarding alleged breaches of the Public Elections (Jersey) Law 2002.

Deputy A.T. Dupré of St. Clement asked a question of the Minister for Health and Social Services regarding the impact of his recent comments on those with suicidal tendencies or coming to terms with bereavements from suicide.

Suspension of Standing Order 63(1)

THE STATES, adopting a proposition of the Deputy of St. Martin, agreed to suspend Standing Order 63(1) 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: 24

Senator S. Syvret
 Senator P.F. Routier
 Senator B.E. Shenton
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of Trinity
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John

CONTRE: 14

Senator T.A. Le Sueur
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator J.L. Perchard
 Senator B.I. Le Marquand
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Deputy R.G. Le Hérisssier (S)
 Deputy J.A. Hilton (H)
 Deputy S.S.P.A. Power (B)
 Deputy I.J. Gorst (C)

ABSTAIN: 0

Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

Deputy R.G. Le Hérisser of St. Saviour asked a question of the Minister for Transport and Technical Services regarding the provision of more capacity on public transport during the morning rush hour.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Transport and Technical Services answered questions without notice from members.

The Minister for Treasury and Resources answered questions without notice from members.

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Vice-Chairman of the Health and Social Security and Housing Scrutiny Panel made a statement regarding the Williamson Report Review Sub-Panel.

Ministerial government: review P.181/2008

THE STATES rejected a proposition of the Deputy of St. John requesting that the Privileges and Procedures Committee carried out a review of the current system of Government and presented a report with fully researched recommendations to the States within 9 months, and lodged a proposition so that the proposals for improvement could be debated by the States.

Members present voted as follows –

POUR: 9

Connétable of St. John
 Connétable of St. Peter
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy G.P. Southern (H)
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy of St. John
 Deputy T.M. Pitman (H)

CONTRE: 42

Senator S. Syvret
 Senator T.A. Le Sueur
 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 A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade

ABSTAIN: 0

Connétable of St. Martin
 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 J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of Grouville
 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 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)

Draft Royal Court (Amendment No. 12) (Jersey) Law 200- P.19/2009

THE STATES commenced consideration of the Draft Royal Court (Amendment No. 12) (Jersey) Law 200- 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 Royal Court (Amendment No. 12) (Jersey) Law 200-.

Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy P.28/2009

THE STATES commenced consideration of a proposition of the Deputy of Grouville concerning the exemption or zero rating of food from GST and rejected an amendment of Deputy Andrew Kenneth Francis Green of St. Helier that after the words “(ii) domestic energy;” there should be added the words –

“ and

(iii) catering services in “provided” and “registered non-provided” schools;”

Members present voted as follows –

POUR: 19

CONTRE: 32

ABSTAIN: 0

Senator S. Syvret

Senator T.A. Le Sueur

Senator B.E. Shenton	Senator P.F. Routier
Senator B.I. Le Marquand	Senator P.F.C. Ozouf
Connétable of St. Helier	Senator T.J. Le Main
Deputy R.G. Le Hérisssier (S)	Senator F.E. Cohen
Deputy J.A. Martin (H)	Senator J.L. Perchard
Deputy G.P. Southern (H)	Senator S.C. Ferguson
Deputy of Grouville	Senator A.J.D. Maclean
Deputy of St. Peter	Connétable of St. Ouen
Deputy J.A. Hilton (H)	Connétable of Trinity
Deputy P.V.F. Le Claire (H)	Connétable of Grouville
Deputy S. Pitman (H)	Connétable of St. Brelade
Deputy K.C. Lewis (S)	Connétable of St. Martin
Deputy of St. John	Connétable of St. John
Deputy M. Tadier (B)	Connétable of St. Saviour
Deputy of St. Mary	Connétable of St. Clement
Deputy T.M. Pitman (H)	Connétable of St. Peter
Deputy M.R. Higgins (H)	Connétable of St. Lawrence
Deputy A.K.F. Green (H)	Connétable of St. Mary
	Deputy R.C. Duhamel (S)
	Deputy of St. Martin
	Deputy J.B. Fox (H)
	Deputy of St. Ouen
	Deputy J.A.N. Le Fondré (L)
	Deputy of Trinity
	Deputy S.S.P.A. Power (B)
	Deputy I.J. Gorst (C)
	Deputy A.E. Jeune (B)
	Deputy A.T. Dupré (C)
	Deputy E.J. Noel (L)
	Deputy T.A. Vallois (S)
	Deputy J.M. Maçon (S)

THE STATES resumed consideration of a proposition of the Deputy of Grouville concerning the exemption or zero rating of food from GST.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 1st April 2009 to continue its consideration of the proposition of the Deputy of Grouville entitled ‘Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy’ (P.28/2009) and the outstanding items of public business.

THE STATES rose at 5.28 p.m.

M.N. DE LA HAYE

Greffier of the States