

THE STATES assembled on Tuesday 22nd June 2010, at 09.30 a.m. under the Presidency of the Deputy Bailiff, William James Bailhache, Esquire.

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

Senator Paul Francis Routier – ill

Senator Terence John Le Main – en défaut (défaut raised at 9.37 a.m.)

Senator Sarah Craig Ferguson – en défaut (défaut raised at 9.40 a.m.)

Senator Alan John Henry Maclean – en défaut (défaut raised at 9.37 a.m.)

Connétable Kenneth Priaulx Vibert of St. Ouen – excused attendance (arrived in the Chamber at 11.41 a.m.)

Connétable Alan Simon Crowcroft of St. Helier – en défaut (défaut raised at 9.46 a.m.)

Connétable Silvanus Arthur Yates of St. Martin – ill

Deputy Daniel John Arabin Wimberley of St. Mary – en défaut (défaut raised at 10.08 a.m.)

Prayers read by the Greffier of the States

Newly-elected Senator Francis du Heaume Le Gresley M.B.E. – welcome

The Deputy Bailiff, on behalf of all members, welcomed newly-elected Senator Francis du Heaume Le Gresley M.B.E. to the Assembly.

Communications by the Presiding Officer

Report of the Investigatory Powers Commissioner for Regulation of Investigatory Powers (Jersey) Law 2005 and Police Procedures and Criminal Evidence (Jersey) Law 2003: 1st January to 31st December 2009.

R.81/2010.

Presented: 22nd June 2010.

Subordinate enactments tabled

The following enactments were tabled, namely –

Motor Traffic (Cabs – Fares and Charges) (Amendment) (Jersey) Order 2010. R&O.56/2010.

Minister for Transport and Technical Services.

Cycle Tracks (Amendment) (Jersey) Order 2010. R&O.57/2010.

Minister for Transport and Technical Services.

Community Provisions (Uzbekistan Sanctions) (Revocation) (Jersey) Order R&O.58/2010.

2010.

Chief Minister.

217 Price code: C

Documents presented or laid

Disposal of States Property: revised procedure (P.63/2010) – comments. P.63/2010. Presented: 21st June 2010. Com.

Privileges and Procedures Committee.

Delegation of functions by Ministers: review of reporting procedures (P.65/2010) – P.65/2010. Com.

comments.

Presented: 21st June 2010. Council of Ministers.

Vote of No Confidence: Chief Minister (P.76/2010) – comments. P.76/2010.

Presented: 21st June 2010. Com.

Chief Minister.

Consultation Green Paper: Competition, Licensing and Regulation in the Car and R.71/2010.

Passenger Ferry Market. Presented: 10th June 2010.

Minister for Economic Development.

States Employment Board: Annual Report 2009. R.72/2010.

Presented: 11th June 2010.

Chief Minister.

H.M. Prison, La Moye: report 2009. R.73/2010.

Presented: 24th June 2010. Minister for Home Affairs.

Jersey Council for Safety and Health at Work – appointment of Chairman. R.74/2010.

Presented: 15th June 2010. Minister for Social Security.

Prison Board of Visitors: Annual Report 2009. R.75/2010.

Presented: 15th June 2010. Minister for Home Affairs.

States of Jersey Owned Utilities Governance Review. R.76/2010.

Presented: 17th June 2010.

Minister for Treasury and Resources.

Jersey New Waterworks Company Limited: annual report and financial statements 2009. R.77/2010.

Presented: 21st June 2010.

Minister for Treasury and Resources.

Jersey Electricity: report and accounts 2009. R.78/2010.

Presented: 21st June 2010.

Minister for Treasury and Resources.

Jersey Post International Limited: business review 2009. R.79/2010.

Presented: 21st June 2010.

Minister for Treasury and Resources.

Land Transactions under Standing Order 168(3) – R.80/2010. (a) New North Quay (Shop and Stores) N18B, N18BA, N18BB, N18BC and La Collette Marine Leisure Business Park LC28, St. Helier – lease; (b) Les Cinq Chênes Estate, Princes Tower Road, St. Saviour – Boundary with Villa St. Julien and 7 Mountrow Villas. Presented: 21st June 2010. Minister for Treasury and Resources. Fiscal Strategy Review: a public consultation on personal taxation – Green Paper June R.82/2010. 2010. Presented: 22nd June 2010. Minister for Treasury and Resources. Fiscal Strategy Review: a public consultation on corporate taxation – Green Paper June R.83/2010. 2010. Presented: 22nd June 2010. Minister for Treasury and Resources. States Investment Strategies. R.84/2010. Presented: 22nd June 2010. Minister for Treasury and Resources. Jersey Law Commission: Report for 2008. R.85/2010. Presented: 22nd June 2010. Chief Minister. Jersey Law Commission: Report for 2009. R.86/2010. Presented: 22nd June 2010. Chief Minister. **Notification of lodged propositions** Housing Development Fund: cost/benefit analysis (P.61/2010) – amendment. P.61/2010. Lodged: 21st June 2010. Amd. Minister for Treasury and Resources. Machinery of Government: amended structure (P.70/2010) – amendment. P.70/2010. Lodged: 10th June 2010. Amd. Deputy P.V.F. Le Claire of St. Helier. Central Market: Sub Post Office facility – petition (P.74/2010) – amendment. P.74/2010. Lodged: 17th June 2010. Amd. Deputy S. Pitman of St. Helier. Planning and Building Law: repeal of Minister's power to grant permission that is P.78/2010. inconsistent with the Island Plan. Lodged: 10th June 2010. Senator B.E. Shenton.

Public Employees Contributory Retirement Scheme: Membership of the Committee of

P.79/2010.

Management.

Lodged: 11th June 2010.

Chief Minister.

Immigration, Asylum and Nationality Act, 2006 and Immigration and Asylum Act, 1999:

P.80/2010.

Extension of Certain Sections to Jersey.

Lodged: 14th June 2010.

Chief Minister.

Draft Census (Amendment No. 3) (Jersey) Law 201-.

P.81/2010.

Lodged: 14th June 2010.

Chief Minister.

States becoming inquorate during a meeting: revised procedures.

P.82/2010

Lodged: 15th June 2010.

Deputy P.V.F. Le Claire of St. Helier.

Draft Taxation Relief (Arrangement with the United Kingdom) (Jersey) Act 201-.

P.83/2010.

Lodged: 17th June 2010.

Chief Minister.

Human Rights Law: statements of compatibility.

P.84/2010.

Lodged: 17th June 2010. *Deputy of St. Martin.*

Questions in the States: Connétables and political parties.

P.85/2010.

Lodged: 18th June 2010.

Deputy P.V.F. Le Claire of St. Helier.

Jersey Financial Services Commission: appointment of Commissioner.

P.86/2010.

Lodged: 22nd June 2010.

Minister for Economic Development.

Jersey Financial Services Commission: Companies' Register.

P.87/2010.

Lodged: 22nd June 2010.

Deputy P.V.F. Le Claire of St. Helier.

Havre des Pas Swimming Pool: retention of lifeguard service.

P.88/2010.

Lodged: 22nd June 2010.

Deputy P.V.F. Le Claire 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 –

Disposal of States property: revised procedure.

P.63/2010

Lodged: 25th May 2010.

(re-issue)

Deputy P.V.F. Le Claire of St. Helier.

Planning Applications Panel – resignation of member

THE STATES noted the resignation of Deputy Sean Seamus Patrick Augustine Power of St. Brelade from the Planning Applications Panel.

Chairman of the Health, Social Security and Housing Scrutiny Panel – resignation

THE STATES noted the resignation of Senator Alan Breckon as the Chairman of the Health, Social Security and Housing Scrutiny Panel.

Written Questions

(see Official Report/Hansard)

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding the provision of children's toilet facilities at Millbrook Park.

The Minister for Health and Social Services tabled an answer to a question asked by the Connétable of St. Lawrence regarding updating the Health Care Registration Law.

The Minister for Economic Development tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding 'Town Ambassador' schemes.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding energy efficiency savings.

The Chief Minister tabled an answer to a question asked by the Deputy of St. Martin regarding suspension of the Consultant Gynaecologist.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the provision of certain cancer drugs.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Comprehensive Spending Review proposals.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding language teaching in Jersey schools.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Mary regarding monitoring of the Energy from Waste Plant outflow.

The Chief Minister tabled an answer to a question asked by the Deputy of St. Mary regarding the finance industry-related staff in his Department.

The Minister for Home Affairs tabled an answer to a question asked by the Deputy of St. Martin regarding the costs of the Wiltshire Police investigation.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Mary regarding the Town Park.

The Chief Minister tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding public sector salaries over £100,000.

The Minister for Home Affairs tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding rape statistics.

The Minister for Home Affairs tabled an answer to a question asked by the Deputy of St. Mary regarding the interim Metropolitan Police report.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. John regarding by-election costs.

The Chief Minister tabled an answer to a question asked by the Deputy of St. Martin regarding the cost of the suspension of the Consultant Gynaecologist.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. Mary regarding the Central Market sub-post office.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding Jersey Heritage Trust's audited accounts.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Senator A. Breckon regarding the Service Level Agreement with Serco.

The Chief Minister tabled an answer to a question asked by Senator J.L. Perchard regarding the Jersey anthem.

H.M. Attorney General tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding rights over Jersey waters.

Oral Questions

(see Official Report/Hansard)

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Home Affairs regarding the 'Metropolitan Police Interim Report'.

The Deputy of St. John asked a question of the Chief Minister regarding the leases and rental sums for the Liberty Wharf site.

The Deputy of St. Martin asked a question of the Minister for Treasury and Resources regarding scaffolding around St James Church.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Home Affairs regarding the receipt of advice on police procedures.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Minister for Home Affairs regarding the recommendations of the Scrutiny Report into the Prison Board of Visitors.

Deputy A.E. Jeune of St. Brelade asked a question of the Chief Minister regarding the role and responsibilities of the Chief Executive to the Council of Ministers.

The Deputy of St. Mary asked a question of the Minister for Treasury and Resources regarding the timetable for the 3% and 5% additional cuts for 2012 and 2013 under the Comprehensive Spending Review.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Economic Development regarding the delay in the opening of the new Air Traffic Control tower at the Airport.

Deputy D.J. de Sousa of St. Helier asked a question of the Minister for Education, Sport and Culture regarding the removal of the Havre des Pas Pool Lifeguards as a Comprehensive Spending Review saving proposal.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Chairman of the Privileges and Procedures Committee regarding the investigation of an alleged secret recording by a States member of another member.

The Deputy of St. Martin asked a question of the Minister for Health and Social Services regarding the suspension of a surgeon since February 2009.

The Deputy of St. John asked a question of the Minister for Social Security regarding visits by Social Security officers to the new Energy from Waste Plant site.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Home Affairs regarding the investigation into 'Operation Blast'.

Deputy M. Tadier of St. Brelade asked a question of the Chairman of the Privileges and Procedures Committee regarding complaints made against Senator Perchard in R.66/2010.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Housing 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 Chairman of the Comité des Connétables made a statement regarding the Island-wide rate for 2010.

Arrangement of public business for current meeting

THE STATES, adopting a proposition of Deputy Geoffrey Peter Southern of St. Helier, agreed to defer consideration of his proposition entitled 'Vote of no confidence: Chief Minister' (P.76/2010) until after the lunchtime adjournment.

Members present voted as follows –

POUR: 22 CONTRE: 18 ABSTAIN: 1

Senator A. Breckon
Senator T.A. Le Sueur
Senator S.C. Ferguson
Connétable of St. Helier
Connétable of Grouville
Connétable of St. Peter
Connétable of St. Lawrence
Senator J.L. Perchard
Senator F. du H. Le Gresley
Connétable of St. Ouen
Connétable of Trinity

Senator A.J.D. Maclean

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 G.P. Southern (H)
Deputy P.V. F. Le Claire (H)

Deputy P.V.F. Le Claire (H) Deputy S. Pitman (H) Deputy of St. John Deputy M. Tadier (B) Deputy A.T. Dupré (C) Deputy M.R. Higgins (H)

Deputy A.K.F. Green (H) Deputy D.J. De Sousa (H) Deputy J.M. Maçon (S) Connétable of St. Brelade Connétable of St. John Connétable of St. Saviour Connétable of St. Clement Connétable of St. Mary Deputy of St. Peter Deputy J.A. Hilton (H) Deputy S.S.P.A. Power (B) Deputy K.C. Lewis (S) Deputy I.J. Gorst (C) Deputy A.E. Jeune (B) Deputy E.J. Noel (L)

Draft Supply of Goods and Services (Amendment) (Jersey) Regulations 201- P.53/2010

THE STATES commenced consideration of the Draft Supply of Goods and Services (Amendment) (Jersey) Regulations 201- 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 Regulations 1 and 2.

THE STATES, in pursuance of Article 94 of the Supply of Goods and Services (Jersey) Law 2009, made Regulations entitled the Supply of Goods and Services (Amendment) (Jersey) Regulations 2010.

Draft Mental Health (Amendment No. 3) (Jersey) Law 201- P.55/2010

THE STATES commenced consideration of the Draft Mental Health (Amendment No. 3) (Jersey) Law 201- and rejected a proposition of Deputy Montfort Tadier of St. Brelade that the meeting should adjourn for lunch.

Members present voted as follows –

POUR: 11 CONTRE: 31 ABSTAIN: 0

Senator T.A. Le Sueur Deputy of St. Martin Deputy R.G. Le Hérissier (S) Senator T.J. Le Main Deputy G.P. Southern (H) Senator J.L. Perchard Deputy J.A.N. Le Fondré (L) Senator A. Breckon Deputy S. Pitman (H) Senator S.C. Ferguson Deputy I.J. Gorst (C) Senator A.J.D. Maclean Deputy of St. John Senator B.I. Le Marquand Deputy M. Tadier (B) Senator F. du H. Le Gresley Deputy A.E. Jeune (B) Connétable of St. Ouen Connétable of Trinity Deputy A.T. Dupré (C) Connétable of Grouville Deputy J.M. Maçon (S) Connétable of St. Brelade 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 J.B. Fox (H)

Deputy J.A. Martin (H)

Deputy of St. Ouen

Deputy J.A. Hilton (H)

Deputy P.V.F. Le Claire (H)

Deputy of Trinity

Deputy S.S.P.A. Power (B)

Deputy K.C. Lewis (S)

Deputy E.J. Noel (L)

Deputy T.A. Vallois (S)

Deputy A.K.F. Green (H)

Deputy D.J. De Sousa (H)

THE STATES, having resumed consideration of the Draft Mental Health (Amendment No. 3) (Jersey) Law 201-, adopted the principles.

Members present voted as follows -

POUR: 41 CONTRE: 1 ABSTAIN: 0

Deputy of St. Martin

Senator T.A. Le Sueur

Senator T.J. Le Main

Senator A. Breckon

Senator S.C. Ferguson

Senator A.J.D. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Connétable of St. Ouen

Connétable of St. Helier

Connétable of Trinity

Connétable of Grouville

Connétable of St. Brelade

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 J.B. Fox (H)

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy of St. Ouen

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 T.M. Pitman (H)

Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)

Deputy T.A. Vallois (S)

Deputy A.K.F. Green (H)

Deputy D.J. De Sousa (H)

Deputy J.M. Maçon (S)

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 to 9, apart from 8(e).

Members present voted as follows –

POUR: 42 CONTRE: 0 ABSTAIN: 0

Senator T.A. Le Sueur

Senator T.J. Le Main

Senator B.E. Shenton

Senator F.E. Cohen

Senator S.C. Ferguson

Senator A.J.D. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Connétable of Trinity

Connétable of Grouville

Connétable of St. Brelade

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 G.P. Southern (H)

Deputy of St. Ouen

Deputy of Grouville

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 K.C. Lewis (S)

Deputy I.J. Gorst (C)

Deputy of St. John

Deputy M. Tadier (B)

Deputy A.E. Jeune (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.J. De Sousa (H)

Deputy J.M. Maçon (S)

THE STATES adopted Article 8(e).

Members present voted as follows –

POUR: 36 CONTRE: 9 ABSTAIN: 0

Senator T.A. Le Sueur 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

Senator F. du H. Le Gresley

Connétable of St. Ouen

Connétable of Trinity

Connétable of Grouville

Connétable of St. Brelade

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 J.B. Fox (H)

Deputy J.A. Martin (H)

Deputy of St. Ouen

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 I.J. Gorst (C)

Deputy M. Tadier (B)

Deputy A.E. Jeune (B)

Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)

Deputy of St. Martin

Deputy R.G. Le Hérissier (S)

Deputy G.P. Southern (H)

Deputy of Grouville

Deputy K.C. Lewis (S)

Deputy of St. John

Deputy T.M. Pitman (H)

Deputy D.J. De Sousa (H)

Deputy J.M. Macon (S)

Deputy T.A. Vallois (S)

Deputy M.R. Higgins (H)

Deputy A.K.F. Green (H)

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Mental Health (Amendment No. 3) (Jersey) Law 201-.

Vote of No Confidence: Chief Minister P.76/2010

THE STATES rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier that they had no confidence in the Chief Minister.

Members present voted as follows -

POUR: 9 CONTRE: 38 ABSTAIN: 0

Deputy of St. Martin
Deputy G.P. Southern (H)
Deputy S. Pitman (H)
Deputy M. Tadier (B)
Deputy of St. Mary
Deputy T.M. Pitman (H)
Deputy M.R. Higgins (H)
Deputy D.J. De Sousa (H)
Deputy J.M. Maçon (S)

Senator T.A. Le Sueur Senator P.F.C. Ozouf Senator T.J. Le Main Senator F.E. Cohen Senator S.C. Ferguson Senator A.J.D. Maclean Senator B.I. Le Marquand Senator F. du H. Le Gresley Connétable of St. Ouen Connétable of Grouville

Connétable of Grouville
Connétable of St. Brelade
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 I.B. Fox (H)

Deputy R.G. Le Hérissier (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 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)

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 23rd June 2010 to consider the outstanding items of public business.

THE STATES rose at 5.30 p.m.

M.N. DE LA HAYE

Greffier of the States