

**THE STATES assembled on Tuesday,
26th March 2002 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt, Esq.**

**His Excellency the Lieutenant Governor,
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,
was present**

All members were present with the exception of -

Senator Corrie Stein - out of the Island
Senator Patricia Ann Bailhache - out of the Island
Senator Leonard Norman - absent
Shirley Margaret Baudains, Deputy of St. Helier - ill
Jacqueline Jeannette Huet, Deputy of St. Helier - out of the Island
Celia Joyce Scott Warren, Deputy of St. Saviour - ill

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely -

Island Planning (Tree Preservation) (Grouville) (Jersey) Order 2002. R & O 24/2002.

Island Planning (Tree Preservation) (Saint Helier) (Amendment No. 3) (Jersey) Order 2002. R & O 25/2002.

Water Pollution (Code of Good Agricultural Practice) (Jersey) Order 2002. R & O 26/2002.

Matters presented

The following matters were presented to the States -

Proposed Race Discrimination (Jersey) Law (P.32/2002): comment - P.32/2002. Com.
Presented by the Human Resources Committee.

Jersey Community Relations Trust (P.33/2002): comments - P.33/2002. Com.
Presented by the Human Resources Committee.

States of Jersey Law 1966, as amended: delegation of functions - prison - overnight temporary release - R.C.7/2002.
Presented by the Home Affairs Committee.

THE STATES ordered that the said reports be printed and distributed.

Matters lodged

The following matters were lodged "au Greffe" -

Belle Vue, La Route des Quennevais, St. Brelade: transfer of administration to the Health and Social Services Committee - P.39/2002.
Presented by the Planning and Environment Committee.

Draft Referendum (Jersey) Law 200- P.40/2002.

Presented by the Legislation Committee.

Rent Control Tribunal: appointment of members - P.41/2002.

Presented by the Housing Committee.

Health and Safety Tribunal: appointment of members - P.42/2002.

Presented by the Employment and Social Security Committee.

Family Allowances Tribunal: appointment of members - P.43/2002.

Presented by the Employment and Social Security Committee.

Social Security Tribunal: appointment of members - P.44/2002.

Presented by the Employment and Social Security Committee.

St. Helier Waterfront: lease and sale of land to Waterfront Enterprise Board Limited - P45/2002.

Presented by the Policy and Resources Committee.

Confiscation of alcohol: introduction of legislation. P.46/2002.

Presented by the Deputy of St. Martin and referred to the Home Affairs and Health and Social Services Committees.

Arrangement of public business for the next meeting on 9th April 2002

THE STATES confirmed that the following additional matters lodged “au Greffe” would be considered at the next meeting on 9th April 2002 -

St. Saviour’s Road to Westley Court and Salisbury Cottages: acquisition of road - P.35/2002.

Lodged: 12th March 2002.

Planning and Environment Committee.

Belle Vue, La Route des Quennevais, St. Brelade: transfer of administration to the Health and Social Services Committee - P.39/2002.

Lodged: 26th March 2002.

Planning and Environment Committee.

Rent Control Tribunal: appointment of members - P.41/2002.

Lodged: 26th March 2002.

Housing Committee.

Health and Safety Tribunal: appointment of members - P.42/2002.

Lodged: 26th March 2002.

Employment and Social Security Committee.

Family Allowances Tribunal: appointment of members - P.43/2002.

Lodged: 26th March 2002.

Employment and Social Security Committee.

Social Security Tribunal: appointment of members - P.44/2002.

Lodged: 26th March 2002.

Employment and Social Security Committee.

Albert Pier Café, St. Helier: renewal of concession (P.21/2002)- withdrawn

THE STATES noted that in accordance with Standing Order 22(3) the Deputy of Trinity had instructed the Greffier of the States to withdraw the proposition regarding Albert Pier Café, St. Helier: renewal of concession (P.21/2002 lodged “au Greffe” on 12th February 2002.)

Machinery of Government: establishment of a Privileges and Procedures Committee - P.23/2002

Amendments and Comments

THE STATES commenced consideration of a proposition of the Policy and Resources Committee concerning the Machinery of Government: establishment of a Privileges and Procedures Committee and adopted paragraph (a).

Members present voted as follows -

“Pour” (41)

Senators

Horsfall, Le Maistre, Quérée, Walker, Kinnard, Le Sueur, Le Claire, Lakeman.

Connétables

Grouville, St. Martin, St. Ouen, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John, St. I St. Clement, St. Helier.

Deputies

H. Baudains(C), St. Mary, Trinity, Duhamel(S), Routier(H), Layzell(B), Grouville, St. Marti St. John, Le Main(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, Dorey(H), Troy(B), Voisin(L), Ozc (H), Fox(H), Bridge(H), Martin(H), Southern(H).

“Contre” (3)

Senators

Syvret.

Deputies

Breckon(S), G. Baudains(C).

Change in Presidency

The Deputy Bailiff retired from the Chair prior to consideration of the first amendment of the House Committee to sub-paragraph (i) of paragraph (b) of the proposition of the Policy and Resources Committee regarding the establishment of a Privileges and Procedures Committee as the amendment concerned the position of the Bailiff. Miss Catherine Mary Newcombe, Greffier of the States, presided during consideration of this amendment.

THE STATES commenced consideration of paragraph (b) and adopted the amendment of the House Committee that -

- (1) *In sub-paragraph (i) of paragraph (b) after the words “for approval by the States,” there be inserted the words “following consultation with the Bailiff as President of the States.”.*

Change in Presidency

The Deputy Bailiff resumed the presidency of the States.

THE STATES adopted the amendment of the House Committee that -

- (2) *In sub-paragraph (i) of paragraph (b) after the words “the redrafting of,” there be inserted the words “the States of Jersey Law 1966, as amended and” and after the words “to keep” there be inserted the words “the States of Jersey Law 1966, as amended (or any new legislation replacing that Law) and”.*

Members present voted as follows on amendment (2) -

“Pour” (35)

Senators

Le Maistre, Syvret, Kinnard, Le Claire, Lakeman.

Connétables

Grouville, St. Martin, St. Ouen, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter, St. Clemer

Deputies

H. Baudains(C), St. Mary, Duhamel(S), Routier(H), Breckon(S), Grouville, St. Martin, St. Jol
Le Main(H), Vibert(B), St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Voisin(L), Farnham(S)
Le Hérissier(S), Fox(H), Bridge(H), Martin(H), Southern(H).

“Contre” (8)

Senators

Horsfall, Quérée, Walker, Le Sueur.

Deputies

Trinity, Layzell(B), Dubras(L), Ozouf(H).

THE STATES adopted amendments of the House Committee that -

- (3) *In sub-paragraph (iii) of paragraph (b) after the words “the Chief Minister” there be inserted the words “and any other member or members as appropriate”.*
- (4) *In sub-paragraph (vii) of paragraph (b) after the words “the work of” where they appear for the second time there be inserted the words “the Council of Ministers,”.*

Members present voted as follows on amendment (4) -

“Pour” (27)

Senators

Le Maistre, Syvret, Kinnard, Le Claire.

Connétables

St. Martin, St. Ouen, Trinity, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter, St. Clement.

Deputies

H. Baudains(C), St. Mary, Duhamel(S), Routier(H), Breckon(S), St. Martin, St. John, Le Main(
Vibert(B), St. Ouen, G. Baudains(C), Troy(B), Le Hérissier(S), Martin(H).

“Contre” (16)

Senators

Horsfall, Quérée, Walker, Le Sueur, Lakeman.

Deputies

Trinity, Layzell(B), Grouville, St. Peter, Dubras(L), Dorey(H), Voisin(L), Farnham(S), Ozouf(H), Fo
(H), Bridge(H).

Paragraph (b) was adopted as amended.

THE STATES, commenced consideration of paragraph (i) and adopted an amendment of the House Committee that -

- (5) *In sub-paragraph (viii) of paragraph (c) after the words “proposals for amending” there be inserted the words “, or redrafting, the States of Jersey Law 1966, as amended, and”*

Paragraph (c) was adopted as amended.

Members present voted as follows -

“Pour” (41)

Senators

Horsfall, Le Maistre, Quérée, Walker, Kinnard, Le Sueur, Le Claire, Lakeman.

Connétables

St. Martin, St. Ouen, Trinity, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John, St. I
St. Clement.

Deputies

H. Baudains(C), St. Mary, Trinity, Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville
St. Martin, St. John, Le Main(H), St. Peter, Dubras(L), St. Ouen, Troy(B), Voisin(L), Farnham(
Le Hérisssier(S), Ozouf(H), Fox(H), Bridge(H), Martin(H), Southern(H).

“Contre” (4)

Senators

Syvret.

Deputies

Vibert(B), G. Baudains(C), Dorey(H).

Paragraphs (d) and (e) were adopted.

THE STATES, adopting the proposition of the Policy and Resources Committee as amended -

- (a) agreed to vary their decision of 28th September 2001 and establish, with immediate effect, a Committee of the States to be known as the Privileges and Procedures Committee;
- (b) agreed that the terms of reference of the Privileges and Procedures Committee should be as follows -
 - (i) to review the practices and procedures of the States Assembly, including access to official information by States members, and to bring forward, for approval by the States following consultation with the Bailiff as President of the States, amendments to, or the redrafting of, the States of Jersey Law 1966, as amended, and the Standing Orders of the States of Jersey to facilitate the introduction and successful operation of the new system of government, and thenceforth to keep the States of Jersey Law 1966, as amended, (or any new legislation replacing the Law) and the Standing Orders under review;
 - (ii) to develop and bring forward, for approval by the States, the terms of reference, conditions and facilities for Scrutiny Committees, and the Public Accounts Committee, and the cost implications and budgetary requirements thereof and, following the introduction of a ministerial system of government, to keep under review the arrangements for scrutiny to ensure successful operation of the new system of government;
 - (iii) to review, and keep under review, in consultation with the Bailiff, as President of the States, the Greffier of the States, and following the introduction of a ministerial system of government, the Chief Minister and any other member or members as appropriate, the general procedures for the timely and efficient management of public business in the States Assembly, including the arrangements for dealing with private members' propositions;
 - (iv) to review, keep under review and, as necessary, bring forward for the approval of the States, proposals for the provision of the accommodation, services and facilities for members and officers of the States Assembly;

- (v) to review, keep under review and, as necessary, bring forward for the approval of the States, proposals for changes to the remuneration and expenses available to elected members, and proposals concerning how such payments should be determined;
 - (vi) to develop and bring forward for approval by the States a Code of Conduct for all members of the States, to keep this Code under review, to put in place suitable arrangements for the enforcement of the Code, and in this context to promote high standards amongst members and to champion and defend the privileges of members;
 - (vii) to bring forward for the approval of the States proposals for the provision of information to the public about the work of the States Assembly, and, following the introduction of a ministerial system, about the work of the Council of Ministers, the Scrutiny Committees, and the Public Accounts Committee, and to keep these public information services under review;
 - (viii) to review and keep under review the Code of Practice on Public Access to Official Information adopted by the States on 20th July 1999 and, if necessary, bring forward proposals to the States for amendments to the Code including, if appropriate the introduction of legislation, taking into account the new system of government;
 - (ix) in consultation with the Greffier of the States, to bring forward proposals, including resource requirements, for the approval of the States for the establishment of a service for the recording and transcription of States proceedings and, should the States so decide, for the recording and transcription of the proceedings of Scrutiny Committees, and the Public Accounts Committee;
 - (x) to bring forward proposals to the States on the future composition of the Privileges and Procedures Committee, its powers and resource requirements, following the introduction of a ministerial system and, if necessary, to make proposals for revised or additional terms of reference for the new Committee;
 - (xi) in carrying out the responsibilities described in (i)-(x) above, to have regard to the legislative programme that will be in progress to enable the transition to a new system of government;
- (c) agreed that, once established, the Privileges and Procedures Committee should bring forward proposals to the States on the matters identified at (b) above, in the following time scale -

Before the end of August 2002:

- (i) on the formation of scrutiny committees, in accordance with the Act of the States dated 28th September 2001, including the composition of, proposed method of appointment to, terms of reference of, and provision of facilities for Scrutiny Committees together with a detailed resource plan;
- (ii) on a Code of Conduct for members;
- (iii) on the provision of appropriate accommodation, services and facilities for members;
- (iv) on the remuneration and expenses provision for elected members of the States, including roles such as ministers, chairmen of scrutiny committees, assistant ministers and others;

Before the end of December 2002:

- (v) on the provision of information to the public about the work of the States Assembly, and, following the introduction of a ministerial system, about the work of the Scrutiny Committees;
- (vi) on the Code of Practice on Public Access to Official Information;
- (vii) on the establishment of a recording and transcription service for the States Assembly and, should the States so decide, on the establishment of a recording and transcription service for

the Scrutiny Committees;

(viii) on proposals for amending, or re-drafting, the States of Jersey Law 1966, as amended, and the Standing Orders of the States of Jersey;

- (d) agreed that adequate resources, both financial and manpower, be made available to the Privileges and Procedures Committee from the date of its establishment; and
- (e) agreed that the House Committee should be disbanded from the date of establishment of the Privileges and Procedures Committee and approved the draft Transfer of Functions (Privileges and Procedures Committee) (Jersey) Act 2002 attached at the Appendix.

Machinery of Government: Special Committee on the Composition and Election of the States Assembly - P.26/2002

Amendment and comments

THE STATES commenced consideration of a proposition of the Policy and Resources Committee concerning the Machinery of Government: Special Committee on the Composition and Election of the States Assembly and adopted an amendment of Senator Jean Amy Le Maistre that the proposition be numbered as paragraph (i) and after the proposition there be inserted the following paragraph -

‘(ii) to agree that the Special Committee shall hold its meetings in public and shall publish all written submissions made to it.’

Members present voted as follows on the amendment -

“Pour” (42)

Senators

Horsfall, Le Maistre, Syvret, Walker, Kinnard, Le Sueur, Le Claire, Lakeman.

Connétables

St. Ouen, Trinity, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter, St. Clei
St. Helier.

Deputies

St. Mary, Trinity, Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, St. Martin, St. Joh
Le Main(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Voisin(l
Farnham(S), Le Hérissier(S), Ozouf(H), Fox(H), Martin(H), Southern(H).

“Contre” (1)

Deputies

H. Baudains(C).

THE STATES, adopting a proposition of the Policy and Resources Committee as amended -

- (i) established a Special Committee, comprising five elected members of the States, to consider, through a process of public hearings and consultation, the composition and election of the States Assembly and to make recommendations which were consistent with the decision of the States of 28th September 2001 and which would facilitate the introduction of a ministerial system of government with a system of scrutiny, on -
 - (a) whether there should be changes to the existing composition of the States Assembly;
 - (b) whether the constituencies of elected members should be amended and, if so, how;
 - (c) whether the term of office of elected members should be amended and, if so, how;

- (d) how and when members should be elected to the States;
 - (e) whether there should be a maximum level of election expenses for candidates standing for the States;
 - (f) whether all candidates standing for election to the States should be required to produce a policy statement and, if so, how this should be defined and controlled;
 - (g) whether a Chief Electoral Officer should be appointed by the States and, if so, what the duties of such an Officer should be;
 - (h) whether there should be a central register of voters and, if so, how this should be defined and managed.
- (ii) agreed that the Special Committee should hold its meetings in public and should publish all written submissions made to it.

Members present voted as follows -

“Pour” (40)

Senators

Horsfall, Le Maistre, Syvret, Walker, Kinnard, Le Sueur, Le Claire, Lakeman.

Connétables

St. Ouen, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter, St. Clement, St. Hel

Deputies

H. Baudains(C), St. Mary, Trinity, Duhamel(S), Routier(H), Breckon(S), Grouville, St. Marti
St. John, Le Main(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Troy(B), Voisin(I)
Farnham(S), Le Hérissier(S), Ozouf(H), Fox(H), Martin(H), Southern(H).

“Contre” (1)

Deputies

Dorey(H).

THE STATES rose at 5.36 p.m.

C.M. NEWCOMBE

Greffier of the States.