

**THE STATES assembled on Tuesday
24th February 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 –

Deputy Montfort Tadier of St. Brelade– ill
Deputy Daniel John Arabin Wimberley of St. Mary– en défaut (défaut raised at 12.13 p.m.)

Prayers

Subordinate enactments tabled

The following enactments were tabled, namely –

Air Navigation (Dangerous Goods) (Jersey) Order 2009. <i>Chief Minister.</i>	R&O.13/2009.
Conservation of Wildlife (Protected Plants) (Jersey) Order 2009. <i>Minister for Planning and Environment.</i>	R&O.14/2009.
Road Traffic (Public Parking Places) (Amendment) (Jersey) Order 2009. <i>Minister for Transport and Technical Services.</i>	R&O.15/2009.
Road Racing (Karts) (Jersey) Order 2009. <i>Minister for Transport and Technical Services.</i>	R&O.16/2009.
Employment (Minimum Wage) (Amendment No. 2) (Jersey) Order 2009. <i>Minister for Social Security.</i>	R&O.17/2009.
Collective Investment Funds (Unregulated Funds) (Amendment No. 2) (Jersey) Order 2009. <i>Minister for Economic Development.</i>	R&O.18/2009.

Documents presented or laid

Draft Companies (Amendment No. 10) (Jersey) Law 200 (P.185/2008): comments. Presented: 24th February 2009. <i>Economic Affairs Scrutiny Panel.</i>	P.185/2008. Com.
Energy from Waste facility: rescindment (P.8/2009) – comments. Presented: 23rd February 2009. <i>Council of Ministers.</i>	P.8/2009. Com.(3)

Energy from Waste facility: rescindment (P.8/2009) – second addendum. Presented: 23rd February 2009. <i>Deputy of St. Mary.</i>	P.8/2009. Add.(2).
Priorities for the Strategic Plan: Consultation Document February 2009. Presented: 9th February 2009. <i>Council of Ministers.</i>	R.9/2009.
States of Jersey Law 2005: delegation of functions – Home Affairs. Presented: 10th February 2009. <i>Minister for Home Affairs.</i>	R.10/2009.
States of Jersey Law 2005: delegation of functions – Health and Social Services. Presented: 10th February 2009. <i>Minister for Health and Social Services.</i>	R.11/2009.
States of Jersey Law 2005: delegation of functions – public finances and the Treasury and Resources Department. Presented: 10th February 2009. <i>Minister for Treasury and Resources.</i>	R.12/2009.
Review of Jersey’s Environmental Legislation encompassing considerations relating to waterfront land historically contaminated with ash. Presented: 16th February 2009. <i>Minister for Planning and Environment.</i>	R.13/2009.
Committee of Inquiry to examine the operation of third party planning appeals in the Royal Court (up to 31st March 2008): final report. Presented: 24th February 2009. <i>Committee of Inquiry to examine the operation of third party planning appeals in the Royal Court.</i>	R.14/2009.
Jersey Advisory and Conciliation Service: Annual Report 2008. Presented: 24th February 2009. <i>Minister for Social Security.</i>	R.15/2009.
Customs and Immigration (S.R.14/2008): response of the Minister for Home Affairs. Presented: 23rd February 2009. <i>Minister for Home Affairs.</i>	S.R.14/2008. Res.

Notification of lodged propositions

Energy from Waste facility: rescindment (P.8/2009) – amendment. Lodged: 17th February 2009. <i>Deputy R.G. Le Hérissier of St. Saviour.</i>	P.8/2009. Amd.
Draft Royal Court (Amendment No. 12) (Jersey) Law 200. Lodged: 9th February 2009. <i>Chief Minister.</i>	P.19/2009.
Ratification of the Agreements for the Exchange of Information Relating to Tax Matters between the States of Jersey and the Nordic countries (Denmark, the Faroes, Finland, Greenland, Iceland, Norway and Sweden). Lodged: 10th February 2009. <i>Chief Minister.</i>	P.20/2009.

Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 2) (Jersey) Regulations 2009. Lodged: 10th February 2009. <i>Chief Minister.</i>	P.21/2009.
Law Revision Board: appointment of member. Lodged: 10th February 2009. <i>Minister for Treasury and Resources.</i>	P.22/2009.
Appointments Commission: re-appointment of member. Lodged: 11th February 2009. <i>Chief Minister.</i>	P.23/2009.
States Members' remuneration for 2009. Lodged: 19th February 2009. <i>Connétable of St. Peter.</i>	P.24/2009.
Social Security Tribunal: appointment of members. Lodged: 24th February 2009. <i>Minister for Social Security.</i>	P.25/2009.
Draft Companies (Takeovers and Mergers Panel) (Jersey) Law 2009 (Appointed Day) Act 200-. Lodged: 24th February 2009. <i>Minister for Economic Development.</i>	P.26/2009.
Draft Employment (Amendment No. 5) (Jersey) Law 2009. Lodged: 24th February 2009. <i>Minister for Social Security.</i>	P.27/2009.
Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy. Lodged: 24th February 2009. <i>Deputy of Grouville.</i>	P.28/2009.

Appointment of unelected members of the Public Accounts Committee

In accordance with the provisions of Standing Order 124(1), the following nomination was made by Senator Ben Edward Shenton, Chairman of the Public Accounts Committee, as an unelected member of the Public Accounts Committee –

Mr. Alexander Fearn

There having been no further nominations in accordance with the provisions of Standing Order 124(2), the Deputy Bailiff declared that Mr. Alexander Fearn had been duly appointed as an unelected member of the Public Accounts Committee.

Public Accounts Committee: appointment of elected member

In accordance with the provisions of Standing Order 123(1), Senator Ben Edward Shenton, Chairman of the Public Accounts Committee nominated Senator Alan Breckon as a member of the Public Accounts Committee.

There being no other nominations, the Deputy Bailiff declared that Senator Alan Breckon had been duly appointed as an elected member of the Public Accounts Committee.

Written Questions

(see Official Report/Hansard)

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 Stabilisation Fund.

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 latest financial report on Harcourt.

The Minister for Housing tabled an answer to a question asked by the Deputy of St. John regarding the imposition of conditions on the purchase of share transfer properties.

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 use of school buses to ease congestion during the morning rush hour.

The Minister for Social Security tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the dispensing of 'over the counter' medications.

The Chief Minister tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the suspension policy.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the installation and amendment of signs.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the cost of the governance function within the Health and Social Services Department.

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 meanstested travel policy.

The Minister for Economic Development tabled an answer to a question asked by the Deputy of St. John regarding Harbour maintenance arrangements.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. John regarding the status of the development agreement with Harcourt.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding increasing GST during the recession.

The Chairman of the Privileges and Procedures Committee tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Article 39A of the Public Elections (Jersey) Law 2002.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding support for workers made redundant.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the work undertaken by consultants from 2004 to 2009.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the potential to use La Collette for housing purposes.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the road works at Bel Royal.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the assessment of 'j' category housing applications.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding households on protected payments.

The Minister for Health and Social Services tabled an answer to a question asked by Senator P.F. Routier regarding service provision within the Social Services division.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the waste stream criteria applied during the Babbie Fichtner Technology Review 2008.

The Minister for Planning and Environment tabled an answer to a question asked by the Deputy of St. Mary regarding the scoping of the Environment Impact Assessment for the 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 incinerator at Bellozanne.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Mary regarding the contract for the 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 emissions performance of the new Energy from Waste plant.

The Minister for Housing tabled an answer to a question asked by Deputy S. Pitman of St. Helier regarding the development of social housing.

The Minister for Economic Development tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding assistance for Island residents who lost money with Landsbanki Bank.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the payments for the new Energy from Waste plant.

The Minister for Housing tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding 'j' category consents from 2005 to date.

The Minister for Economic Development tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the cost of consultants' reports from 2005 to date.

The Chief Minister tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the number of public sector employees from 2005 to date.

The Minister for Housing tabled an answer to a question asked by Deputy S. Pitman of St. Helier regarding the demand for 2, 3 and 4 bedroom accommodation.

Oral Questions

(see Official Report/Hansard)

THE STATES rejected a proposition of the Deputy of St. Martin 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: 18

Senator B.E. Shenton
Senator A. Breckon
Connétable of St. Lawrence
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy P.V.F. Le Claire (H)
Deputy S. Pitman (H)
Deputy of St. John
Deputy T.M. Pitman (H)
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: 29

Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator T.J. Le Main
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 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. Mary
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
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 A.E. Jeune (B)
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)

ABSTAIN: 0

The Deputy of St. John asked a question of the Minister for Planning and Environment regarding the total fees paid to Hopkins Architects Limited to date by the Planning and Environment Department.

Deputy J.M. Maçon of St. Saviour asked a question of the Minister for Home Affairs regarding measures to deal with potential increases in thefts and burglaries in the Island.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Chairman of the Comité des Connétables regarding the use of land donated to them for the use of families with limited means to use as allotments.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Transport and Technical Services regarding facilities at the new Energy from Waste plant for members of the public to deliver mixed loads of combustibles.

The Deputy of St John asked a question of the Minister for Social Security regarding the cost of supplying medication to patients since the removal of prescription charges.

Deputy P.V.F. Le Claire of St. Helier of asked a question of the Minister for Health and Social Services regarding the cessation of the reciprocal Health agreement with the United Kingdom.

The Deputy of St. Martin asked a question of the Chief Minister regarding the selection of a Chairman and

Panel members to review the role of the Bailiff and the Law Officers.

Deputy A.K.F. Green of St. Helier asked a question of the Assistant Minister for Economic Development regarding potato leachate discharged from Beauport.

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Minister for Transport and Technical Services regarding the annual sum payable by Connex for the rental of Liberation Station.

Deputy S. Pitman of St. Helier asked a question of the Minister for Housing regarding the amount of former States-owned properties sold since the implementation of the Housing Property Plan.

Senator S. Syvret asked a question of the Minister for Economic Development regarding the employment of non-‘j’ category staff employed in his Department.

The Connétable of St. Helier asked a question of the Chief Minister regarding the completion of the Millennium Town Park project by 2011.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Treasury and Resources regarding the proposed deemed rental charge.

The Deputy for St. Martin asked a question of the Chairman of the Privileges and Procedures Committee regarding Article 39A of the Public Elections (Jersey) Law 2002.

The Deputy of Grouville asked a question of the Minister for Transport and Technical Services regarding the basis on which the figure of over 250 households per year from 2008 to 2035 was used within the waste arisings model to justify the size of the new incinerator.

Senator S. Syvret asked a question of H.M. Attorney General regarding the appeal mechanisms available to victims of crimes should a decision be made not to prosecute their cases.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Home Affairs answered questions without notice from members.

The Chief Minister answered questions without notice from members.

Draft Companies (Amendment No. 10) (Jersey) Law 200 second reading P.185/2008

THE STATES resumed consideration of the Draft Companies (Amendment No. 10) (Jersey) Law 200, having adopted the principles at its meeting of 3rd February 2009.

THE STATES adopted Articles 1 to 17.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Companies (Amendment No. 10) (Jersey) Law 200.

Draft Companies (Amendment No. 3) (Jersey) Regulations 200 P.186/2008

THE STATES commenced consideration of the Draft Companies (Amendment No. 3) (Jersey) Regulations 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 Regulations 1 to 5.

THE STATES, in pursuance of in pursuance of Articles 2B, 115B, 181 and 220 of the Companies (Jersey) Law 1991, made Regulations entitled the Companies (Amendment No. 3) (Jersey) Regulations 2009.

Draft Summary Fines (Miscellaneous Amendments) (Jersey) Law 200- P.6/2009

THE STATES commenced consideration of the Draft Summary Fines (Miscellaneous Amendments) (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 to 9.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Summary Fines (Miscellaneous Amendments) (Jersey) Law 200-.

Arrangement of business for the present meeting.

THE STATES rejected a proposition of Deputy Andrew Kenneth Francis Green of St. Helier that all other public business should be taken before the consideration of P.8/2009 (Energy from Waste facility: rescindment) and P.179/2008 (Draft Amendment (No. 10) of the Standing Orders of the States of Jersey).

Members present voted as follows –

POUR: 22

Senator A. Breckon
Connétable of St. Helier
Connétable of St. Martin
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy R.G. Le Hérisssier (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
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 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: 27

Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator B.E. Shenton
Senator F.E. Cohen
Senator S.C. Ferguson

Senator A.J.D. Maclean
Senator B.I. Le Marquand
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 J.B. Fox (H)
Deputy of St. Ouen
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)
Deputy of St. John

ABSTAIN: 0

Deputy E.J. Noel (L)

Energy from Waste facility: rescindment P.8/2009

THE STATES commenced consideration of a proposition of the Deputy of St. Mary concerning the proposed rescindment of the Energy from Waste facility.

THE STATES, adopting an amendment of Deputy Roy George Le Hérissier of St. Saviour, agreed that in paragraph (c) for the words “one month” there should be substituted the words “3 months”.

Members present voted as follows –

POUR: 37

Senator T.A. Le Sueur
Senator F.E. Cohen
Senator A. Breckon
Senator S.C. Ferguson
Senator A.J.D. Maclean
Connétable of St. Ouen
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. 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 Grouville
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy of St. John
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 D. De Sousa (H)
Deputy J.M. Maçon (S)

CONTRE: 7

Senator S. Syvret
Senator B.I. Le Marquand
Connétable of St. Peter
Deputy of St. Ouen
Deputy J.A. Hilton (H)
Deputy S.S.P.A. Power (B)
Deputy A.K.F. Green (H)

ABSTAIN: 0

THE STATES resumed consideration of the proposition of the Deputy of St. Mary concerning the proposed rescindment of the Energy from Waste facility, as amended.

Changes in Presidency

The Deputy Bailiff retired from the Chamber during consideration of the proposition of the Deputy of St. Mary concerning the proposed rescindment of the Energy from Waste facility, as amended ('Energy from Waste facility: rescindment') (P.8/2009) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 25th February 2009 to continue consideration of the 'Energy from Waste facility: rescindment' (P.8/2009), as amended, and the outstanding items of public business.

THE STATES rose at 5.27 p.m.

M.N. DE LA HAYE

Greffier of the States