

**THE STATES assembled on Tuesday
9th September 2008, at 09.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

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

Senator Terence John Le Main– en défaut (défaut raised at 9.40 a.m.)
Senator Frederick Ellyer Cohen – en défaut (défaut raised at 11.28 a.m.)
Connétable Alan Simon Crowcroft of St. Helier– en défaut (défaut raised at 10.25 a.m.)
Deputy Patrick John Dennis Ryan of St. Helier– ill

Prayers read by the Deputy Greffier of the States

Subordinate enactments tabled

The following enactment was tabled, namely –

Proceeds of Crime (Supervisory Bodies) (Designation of Supervisory Bodies) (Jersey) Order 2008. <i>Minister for Economic Development.</i>	R&O.107/2008.
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Documents presented or laid

Annual Business Plan 2009 (P.113/2008): second amendment (P.113/2008 Amd.(2))– comments. Presented: 9th September 2008. <i>Minister for Economic Development.</i>	P.113/2008. Amd.(2). Com.
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Annual Business Plan 2009 (P.113/2008): eleventh amendment (P.113/2008 Amd. (11)) – comments. Presented: 9th September 2008. <i>Minister for Transport and Technical Services.</i>	P.113/2008. Amd.(11). Com.
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Composting site, La Collette, St. Helier: cessation of operation (P.133/2008)– comments. Presented: 9th September 2008. <i>Minister for Transport and Technical Services.</i>	P.133/2008. Com.
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Public Accounts Committee Report on the Accounts of the States for the year ended 31st December 2007. Presented: 9th September 2008. <i>Public Accounts Committee.</i>	P.A.C.4/2008.
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Notification of lodged propositions

Draft Foundations (Jersey) Law 200-. Lodged: 9th September 2008. <i>Minister for Economic Development.</i>	P.143/2008.
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Draft Income Support (Special Payments) (Cold Weather Payments) (Amendment) (Jersey) Regulations 200-. P.144/2008.
Lodged: 9th September 2008.
Minister for Social Security.

Draft States of Jersey (Powers, Privileges and Immunities) (Scrutiny panels, PAC and PPC) (Amendment) (Jersey) Regulations 200-. P.145/2008.
Lodged: 9th September 2008.
Privileges and Procedures Committee.

Committee of Inquiry: Toxic Incinerator Ash Dumping in the St. Helier Waterfront Land Reclamation Schemes P.96/2008

THE STATES resumed consideration of a proposition of Senator Stuart Syvret concerning the establishment of a Committee of Inquiry into the dumping of Toxic Incinerator Ash in the St. Helier Waterfront Land Reclamation Schemes and rejected the proposed establishment of a Committee of Inquiry in accordance with Standing Order 146, in order to examine all matters relating to the handling and dumping of toxic ash from the Island's municipal waste incinerator into the marine land reclamation sites and other areas; and, specifically –

- (a) to examine the breakdown in public administration which enabled the irresponsible and unsafe dumping of the toxic ash and to examine why this was able to occur and to consider what improvements and safeguards should be introduced in order to ensure that public administration is subject to effective checks and balances;
- (b) to consider what, if any, additional monitoring and precautions should be introduced to safeguard human health from the toxins within the reclamation sites;
- (c) to consider what, if any, additional measures should be taken to protect the marine environment from the toxins within the reclamation sites;
- (d) to consider whether States departments placed Jersey – and by extension the United Kingdom – in a position in which it had breached its obligations under the OSPAR Convention as a result of the dumping;
- (e) to examine and report on any related matters which the Committee considered relevant to its inquiry.

Members present voted as follows –

POUR: 13

Senator S. Syvret
Connétable of St. Mary
Connétable of St. Helier
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy P.N. Troy (B)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy P.V.F. Le Claire (H)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)

CONTRE: 37

Senator L. Norman
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator B.E. Shenton
Senator F.E. Cohen
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence

ABSTAIN: 0

Connétable of Grouville
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Deputy J.J. Huet (H)
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren
(S)
Deputy R.G. Le Hérissier
(S)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy J.A.N. Le Fondré
(L)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy A.J.D. Maclean (H)
Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

Draft Water Resources (Jersey) Law 2007 (Appointed Day) Act 200- P.105/2008

THE STATES, in pursuance of Article 54(2) of the Water Resources (Jersey) Law 2007, made an Act entitled the Water Resources (Jersey) Law 2007 (Appointed Day) Act 2008.

Members present voted as follows –

POUR: 33

Senator L. Norman
Senator W. Kinnard

Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator B.E. Shenton
Senator F.E. Cohen
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. Martin
Connétable of St. Saviour

CONTRE: 2

Deputy of St. Martin
Deputy G.C.L. Baudains
(C)

ABSTAIN: 0

Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)

Change of Presidency

The Bailiff retired from the Chair during consideration of the Draft Water Resources (Jersey) Law 2007 (Appointed Day) Act 200- and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye Greffier of the States.

Rent Control Tribunal: appointment of Chairman and Members P.106/2008

THE STATES, adopting a proposition of the Minister for Housing, agreed, in pursuance of paragraph (1) of Article 3 of the Dwelling Houses (Rent Control) (Jersey) Law 1946, as amended, to appoint the following persons to act as Chairman and Members of the Rent Control Tribunal for a period ending on 12th April 2009, namely –

Mr. Eric Henry Le Ruez- Chairman
Mr. Edward George Trevor MBE
Mr. Jeremy James Robin Johnson
Mrs. Mary Margaret Gaiger.

Members present voted as follows –

POUR: 37

CONTRE: 2

ABSTAIN: 0

Senator L. Norman
Senator W. Kinnard
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator B.E. Shenton
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville

Deputy G.C.L. Baudains
(C)
Deputy I.J. Gorst (C)

Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy of St. Mary

Bailiff of Jersey: cessation of dual rôle P.112/2008

THE STATES rejected a proposition of Deputy Shona Pitman of St. Helier–

- (a) to agree in principle that the dual rôle of the Bailiff as both President of the States and President of the Royal Court should cease and that the Bailiff and Deputy Bailiff should be replaced as Presiding Officers of the States by an elected Speaker and Deputy Speaker;
- (b) to charge the Privileges and Procedures Committee to bring forward for approval the necessary legislation and to report on the financial implications of giving effect to the decision so that the Speaker could be elected no later than after the elections in 2011.

Members present voted as follows –

POUR: 5

Senator S. Syvret
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy P.V.F. Le Claire (H)
Deputy S. Pitman (H)

CONTRE: 46

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator B.E. Shenton
Senator F.E. Cohen
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter

ABSTAIN: 1

Deputy R.C. Duhamel (S)

Connétable of St. Clement
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Lawrence
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Deputy A. Breckon (S)
 Deputy J.J. Huet (H)
 Deputy of St. Martin
 Deputy G.C.L. Baudains (C)
 Deputy P.N. Troy (B)
 Deputy C.J. Scott Warren
 (S)
 Deputy R.G. Le Hérisssier
 (S)
 Deputy J.B. Fox (H)
 Deputy S.C. Ferguson (B)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy G.W.J. de Faye (H)
 Deputy J.A.N. Le Fondré
 (L)
 Deputy D.W. Mezbourian
 (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy A.J.D. Maclean (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy I.J. Gorst (C)
 Deputy of St. Mary

Planning and Environment: division into 2 ministerial offices P.114/2008.

THE STATES rejected a proposition of Deputy Paul Vincent Francis Le Claire of St. Helier to request the Chief Minister to bring forward for approval the necessary Regulations under the States of Jersey Law 2005 to allow for the division of the ministerial office of Planning and Environment into 2 ministerial offices to be known as the Minister for Planning and the Minister for the Environment.

Members present voted as follows –

POUR: 14

Senator S. Syvret
 Connétable of St. Mary
 Connétable of St. Clement
 Connétable of St. Helier
 Deputy R.C. Duhamel (S)
 Deputy A. Breckon (S)
 Deputy J.J. Huet (H)

CONTRE: 34

Senator L. Norman
 Senator F.H. Walker
 Senator W. Kinnard
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator P.F.C. Ozouf

ABSTAIN: 0

Deputy of St. Martin
Deputy R.G. Le Hérisier
(S)
Deputy J.A. Martin (H)
Deputy P.V.F. Le Claire (H)
Deputy D.W. Mezbourian
(L)
Deputy S. Pitman (H)
Deputy of St. John

Senator T.J. Le Main
Senator B.E. Shenton

Senator F.E. Cohen
Senator J.L. Perchard
Connétable of St. Ouen

Connétable of St. Peter
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Connétable of St. Saviour
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren
(S)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy of St. Mary

Declaration of interest

In accordance with the provisions of Standing Order 106(1)(c), Deputy Peter Nicholas Troy of St. Brelade and Deputy John Alexander Le Fondré of St. Lawrence declared an interest but remained in the Chamber for the duration of the debate.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 10th September 2008, to consider the outstanding items of public business.

THE STATES rose at 5.32 p.m.

A.H. HARRIS

Deputy Greffier of the States