

THE STATES assembled on Tuesday,
25th October 1994 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.

All Members were present with the exception of -

Senator Terence John Le Main - out of the
Island
Enid Clare Quenault, Connétable of St.
Brelade - out of the Island
Robin Ernest Richard Rumboll, Deputy of St.
Helier - out of the Island
Terence Augustine Le Sueur, Deputy of St.
Helier - out of the Island
Frank Harrison Walker, Deputy of St.
Helier - out of the Island
Alan Breckon, Deputy of St. Saviour - out
of the Island.

Prayers

Lord Wakeham

The Bailiff welcomed to the House The Rt. Hon.
the Lord Wakeham, Leader of the House of Lords.

Subordinate legislation tabled

The following enactment was laid before the
States, namely -

Road Traffic (Saint
Lawrence) (Amendment No. 6) (Jersey) Order
1994. R & O 8152.

Matter noted - land transaction

THE STATES noted an Act of the Finance and Economics Committee dated 17th October 1994, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved, as recommended by the Public Health Committee, the lease from Mrs. Joan Annie Perrée, née Swift, of the property Flat 1, 73 Rouge Bouillon, St. Helier, for a period of one year from 19th October 1994, at an annual rent of £6,240, with an option to renew for a further period of one year.

Matters lodged

The following subjects were lodged ``au Greffe" -

1. St. Martin's Arsenal infill:
approval of drawings - P.128/94.
Presented by the Housing
Committee.
2. Construction industry: grant of
licences. P.129/94.
Presented by the Finance and
Economics Committee.
3. Draft Sea-Fisheries
(Miscellaneous Provisions) (Amendment
No. 9) (Jersey) Regulations
199 - P.130/94.
Presented by the Agriculture and
Fisheries Committee.
4. Springfield, St. Helier:
purchase and relocation of Royal Jersey
Agricultural and Horticultural
Society - P.131/94.
Presented by the Island
Development Committee.

Arrangement of public business for the present meeting

THE STATES acceded to the request of the President of the Public Health Committee that consideration of the draft Medicines (Jersey) Law 199 (P.106/94 - lodged ``au Greffe" on 23rd August 1994) be deferred from the present meeting to a later date.

THE STATES acceded to the request of the President of the Harbours and Airport Committee

that consideration of the proposition regarding the operation of jet aircraft at the States of Jersey Airport (P.127/94 - lodged ``au Greffe" on 11th October 1994) be deferred from the present meeting to a later date.

The following amendment to the abovementioned proposition was lodged ``au Greffe" -

States of Jersey Airport: operation of jet aircraft P.127/94 - amendment - P.132/94.
Presented by Deputy A.J. Layzell of St. Brelade.

Arrangement of public business for the next meeting on 8th November 1994

THE STATES confirmed that the following subjects lodged ``au Greffe" should be considered at the next meeting on 8th November 1994 -

St. Martin's Arsenal infill: approval of drawings - P.128/94.
Lodged: 25th October 1994.
Housing Committee.

Draft Sea-Fisheries (Miscellaneous Provisions) (Amendment No. 9) (Jersey) Regulations 199 - P.130/94.
Lodged: 25th October 1994.
Agriculture and Fisheries Committee.

Springfield, St. Helier: purchase and relocation of Royal Jersey Agricultural and Horticultural Society - P.131/94.
Lodged: 25th October 1994.
Island Development Committee.

Projet withdrawn

THE STATES noted that, in accordance with Standing Order 17(6), the following subject had been withdrawn -

Draft Firearms (Jersey) Law 199 - P.161/93.
Lodged: 19th October 1993.
Defence Committee.

International Labour Organisation conventions -

question and answer. (Tape No. 255)

Deputy Gary Matthews of St. Brelade asked Senator Reginald Robert Jeune, President of the Policy and Resources Committee, the following question -

``Will the President inform the States which International Labour Organisation conventions apply to Jersey?''

The President of the Policy and Resources Committee replied as follows -

``International Labour Organisation conventions that apply to Jersey are shown on the list which has been placed on Members desks. (See list at Appendix)

Public sector pay issues - questions and answers. (Tape No. 255)

Deputy Gary Matthews of St. Brelade asked Deputy Leonard Norman of St. Clement, Vice-President of the Establishment the following questions -

- ``1. Will the Vice-President advise the States which International Labour Organisation conventions, if any, the Establishment Committee considers when formulating policies with regard to public sector pay issues?
2. Will the Vice-President explain the purpose of the PE International Comparability Study and Survey of Salaries and Benefits (1990)?
3. Will the Vice-President agree to release the PE report to the media and the general public, if this has not already been done?
4. Will the Vice-President agree that in the PE report, in comparison to like jobs in the public and private sectors, there was a greater remuneration package found in the private sector?
5. Is the Vice-President happy with the current policies on financial arrangements relating to the voluntary

redundancy policy, and, in particular, is the President aware that several States' Committees are not accepting applications for voluntary redundancy under the present financial arrangements, believing that if they were accepted they might compromise both finances and resources?"

The Vice-President of the Establishment Committee replied as follows -

1. There are 40 International Labour Organisation conventions in force in Jersey, of which only a small number relate to public sector pay.

I am sure that the Deputy will appreciate that whenever the Establishment Committee formulates pay policies its prime concerns are the amount the States can afford and how the pay levels of public sector employees compare with those of other groups in Jersey.

The Establishment Committee believes that its current pay policy is fully justified on both counts, particularly when compared with the situation in the United Kingdom and elsewhere where tens of thousands of public sector jobs have been and are continuing to be axed.

2. A Working Party was set up as part of the 1989/90 pay agreement with the associations representing Civil Service staff. This had, as its brief, to identify the remuneration for comparable employment in the private sector. It agreed that this would be achieved by inviting a consultant to undertake a comparability survey of salaries and benefits. The consultant chosen was PE International.
3. No. It will be appreciated by States Members that salary and benefit surveys are sensitive documents and are not, therefore, normally released for general consumption. As a result, the Establishment Committee of the day restricted circulation to States' Members, chief officers, the staff associations and participating

organisations.

The PE report was based on 1990 data and since that year the financial and employment situations within the Island have become radically different.

The Committee feels it wholly inappropriate to make the report available to the media and general public when it is known to be out of date and, therefore, seriously misleading.

4. No. Although it might be possible to identify examples where this is true, PE stated that 'the most significant basis for comparison is the median total cash levels' and the report clearly shows the Civil Service leading the private sector in this respect.

The 1993 Hay 'Compensation Report: Jersey - Financial' shows clearly that the public sector is paying more in basic salaries than the finance Sector. For the lower graded Civil Service jobs the Hay Survey showed that the public sector was leading the market in the Island, and indeed was dragging salaries upwards. It is important, of course, to recognise that this is comparing the public sector with the finance sector, i.e. the market leader in the Island and not comparing it with the general run of private sector organisations which tend to pay lower salaries.

Further evidence of this is in the very large numbers of applicants for recently advertised Civil Service posts and the minimal number of civil servants resigning their positions to take up posts in the private sector.

5. I confirm that I am currently happy with the policies on financial arrangements relating to the voluntary redundancy policy. Having said that they are constantly under review and the Establishment Committee will not hesitate to recommend changes if they become necessary.

I am only aware of one department

(Public Services, of which Committee the Deputy is a member) which is considering not accepting requests for voluntary early retirement and voluntary redundancy. However, I am hopeful that this matter will soon be resolved, both for the benefit of the better management of resources in that department, and for those employees who wish to avail themselves of these opportunities.

The States Personnel Department is currently actively working with all the other major employing and administering departments on requests received from members of their staff."

Inert waste: Public Services Committee - question and answer. (Tape No. 255)

Senator Stuart Syvret asked Deputy Dereck André Carter of St. Helier, President of the Public Services Committee, the following question -

"The Public Services Committee has recently applied for permission to dump 'inert waste' in the new reclamation sites. Will the President inform the States if the Committee defines incinerator ash as 'inert waste'?"

The President of the Public Services Committee replied as follows -

"Yes."

Inert waste: Island Development Committee - questions and answers. (Tape No. 255)

Senator Stuart Syvret asked the Connétable of St. John, President of the Island Development Committee, the following questions -

1. Will the President inform the States if the Island Development Committee is aware of the composition of the 'inert waste' that the Public Services Committee intend to dump in the new reclamation sites?

2. Is the Committee aware of the composition and nature of the

incinerator ash that the Public Services Committee may be intending to dump in the new reclamation sites?

3. Is the Committee aware of local laws, and international conventions, both current and pending, that relate to the exposure of such substances as the ash contains to the marine environment?"

The President of the Island Development Committee replied as follows -

1. There are two sites at which the Public Services Committee intend to dump waste - west of Albert, Phase Two, and the area which will be reclaimed behind the new breakwater at La Collette.

At the moment only inert waste such as rock, builders rubble and subsoil is being dumped at west of Albert, Phase Two. The Public Services Committee was granted, on 28th April 1994, a licence by the Harbours and Airport Committee, under the Food and Environment Protection Act, Jersey Order 1987, to dump at west of Albert, Phase Two, above the mean water springs level when that position is reached on the understanding that no incinerator ash will be placed below that level and that appropriate means will be undertaken to ensure that material does not leach out of the site.

Nothing is being dumped at La Collette at the moment, nor will it be until my Committee has had the opportunity to evaluate the proposals from Public Services.

In both instances, Public Services senior officers have assured my department that no incinerator ash will be dumped until the report of their findings on the most appropriate and environmentally sound method of disposal is published early next month. At that time, my Committee will be able to consider the current application from that Committee.

2. The report to which I have just referred will provide my Committee with

all the details, including that of the ash composition, that it needs to assess the potential environmental effects of the chosen method of disposal. As I have stated, no dumping of ash will be permitted until the Committee is fully aware of all the relevant information.

3. My Committee is aware of local laws and conventions relating to the exposure of such substances as the ash contains, and I presume that Senator Syvret is referring to heavy metals such as mercury, cadmium and lead. The relevance of any specific legislation will depend on the exact method of disposal. Thus my Committee is unable to proceed further at this moment since the Public Services Committee has yet to decide, and advise my Committee, on the preferred method of disposal.

It is now the accepted States policy to follow the spirit of international conventions even if not legally binding to Jersey. I can assure the House that my Committee will consider the issue of ash dumping on the 'precautionary principle' basis which is now a part of virtually all environmental law, and is a specific requirement (Article 2, (2a)) of the Paris Convention for the Prevention of Marine Pollution from Land-based Sources. This is the most relevant convention with respect to our local reclamation and dumping schemes. In layman's terms this implies that 'if in doubt, don't', or in other words one should err on the side of caution."

Foreshore adjoining the Fief de la Fosse -
question and answer. (Tape No. 255)

Senator Stuart Syvret asked Senator Reginald Robert Jeune, President of the Policy and Resources Committee, the following question -

"Will the President inform the States of the current position of the claim by Les Pas Holdings Limited to that part of the foreshore that forms part of the Fief de la Fosse?"

The President of the Policy and Resources Committee replied as follows -

“The House should know that on Tuesday of last week the Policy and Resources Committee agreed a statement that I intended to make today covering the current position regarding the claim of Les Pas Holdings Limited to that part of the foreshore adjoining the Fief de la Fosse. Subsequently, on being informed of the Senator's question, I decided that it would be more appropriate to use the agreed statement as an answer to this question.

On 15th December 1989, Les Pas Holdings Limited served a summons on the Receiver General (for the Crown) and the Greffier of the States (for the public) actioning them ‘pour exhiber titre’ in respect of the areas of foreshore named in the summons. These are all areas of foreshore adjoining the Fief de la Fosse. An action ‘pour exhiber titre’ is effectively a challenge to the defendant's title to the relevant land. In this case it is, effectively, a claim by the company to the specified areas of foreshore.

The action was never tabled because the Receiver General and the Attorney General agreed with the advocate for the claimant company that it should not be tabled, but that any party (the claimant company, or the Crown, or the public - effectively the States) could table it on giving three months' notice to the other parties.

Because the case is pending there is a limit to what can properly be said without infringing the provisions of Standing Order 24. To remind the House, paragraph 2 of Standing Order 24 of the Standing Orders of the States of Jersey provides that -

‘Reference shall not be made to a case pending in a Court of Law in such a way as, in the opinion of the Bailiff, might prejudice the case’.

What can be said is that -

1. The company Les Pas Holdings Limited has served a summons challenging the right of the Crown and the public to the various areas of foreshore, or of

land which has been reclaimed over the foreshore, in the area adjoining the Fief de la Fosse. This includes areas at Havre des Pas, La Collette and west of Albert.

2. The States have been advised that the claim is without merit and have notified the company accordingly.
3. The company has informed the States' legal adviser of the intention to table the summons. It will be tabled on 5th January 1995."

Supplementary votes of credit

THE STATES considered an Act of the Finance and Economics Committee dated 3rd October 1994 presenting Acts of the undermentioned Committees and, acceding to the requests contained therein, granted to the said Committees supplementary votes of credit out of the general reserve as follows -

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Finance and Economics Committee

Non-departmental expenditure

0603 Court and case costs, fees and expenses	350,000
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Defence Committee

Police

1201 Staff	31,100
1203 Supplies and services	12,800
1204 Transport	800
1205 Establishment	24,000

Total request	68,700
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Public Services Committee

Incinerator

2122 Premises	135,000
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Public Health Committee

Community Health Services

3203 Supplies and services	70,000
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Grants - Community Care Services

3214 Alcohol Advice Centre and Shelter
49,200

Total request 119,200

Tourism Committee

Advertising, publicity and promotional
expenses

4614 Paris office 35,200
4616 Advertising and publicity 67,900
4617 Promotional expenses 26,900

Total request 130,000

£

Establishment Committee

Pensions and pension fund contributions
5116 Voluntary severance pay 1,500,000

Special Committee on Freedom of Information

7200 Miscellaneous expenses 5,200

CAPITAL VOTES OF CREDIT

Public Services Committee

C0389 West of Albert Pier Reclamation
Phase II 150,000

Education Committee

C2547 First Tower School - extension 130,
000

Public Health Committee

C2712 The Limes development 511,200

Occupation and Liberation Committee

C2502 Liberation Square 175,000

Harbours and Airport Committee

C0260 Touchdown/taxiway loop 09 490,000

The total requests granted for the
October Supply Day amounted to £3,764,300. The
deferred Supply item amounted to £200,000.

States Committees' vote transfers, inflation and pay awards

THE STATES noted decisions taken by the Finance and Economics Committee in accordance with subparagraphs (a) and (b) of paragraph (2) of Article 18 of the Public Finances (Administration) (Jersey) Law 1967, as amended -

REVENUE EXPENDITURE

1993 (after October 1993 Supply Day)	
pay award and inflation requests	£668,500
1993 vote transfers (after October 1993 Supply Day)	£6,937,252
1994 vote transfers	£1,613,800

CAPITAL EXPENDITURE

1993 inflation requests (after October 1993 Supply Day)	£77,500
1993 vote transfers (after October 1993 Supply Day)	£304,976
1994 vote transfers	£11,977,400
1994 inflation requests	£943,100

Longbeach, Gorey - compensation: supplementary vote of credit. P.133/94

THE STATES deferred consideration of the request of the Island Development Committee for a supplementary vote of credit in the sum of £200,000 for settlement of a claim in respect of the Longbeach development, Gorey (Vote No. 5207 - Legal Claims Contingency).

The proposition relative thereto was lodged "au Greffe" by Senator Richard Joseph Shenton.

Jersey Transport Authority: responsibilities - P.123/94

THE States, adopting a proposition of Deputy Derek Ryder Maltwood of St. Mary -

- (1) agreed to constitute the Jersey Transport Authority as a Committee of the States under Article 28 of the States of Jersey Law 1966, with a membership comprising -

a President appointed by the States;

one representative of each of the following Committees -

Agriculture and Fisheries,

Harbours and Airport, and

Tourism,

nominated by the Committee concerned; and

three Members of the States appointed by the States;

(2) approved the Authority's terms of reference as follows -

(a) to be responsible for the licensing of air transport services between Jersey and the United Kingdom, the Isle of Man and the other Channel Islands;

(b) to consider and safeguard the Island's interests in all matters connected with air services to and from the Island;

(c) to consider and safeguard the Island's interests in all matters connected with shipping services to and from the Island;

(d) to have access to, and be consulted by, any airline or shipping service operator in all matters affecting the operation, or proposed operation, of the air or shipping services to and from the Island;

(e) to give attention to the way in which the air and shipping transport interests of the Island can best be fostered and co-ordinated;

(3) rescinded -

- (a) their Act dated 28th November 1947, approving the functions and constitution of the Channel Islands Air Advisory Council, and their Acts dated 9th March 1948 and 15th June 1961, respectively modifying the constitution of, and the functions and the representation of the States on, the Council;
 - (b) their Act dated 17th December 1974, approving the constitution, functions and membership of the Channel Islands Transport Advisory Council;
 - (c) their Act dated 10th June 1980, constituting the Transport Advisory Council and modifying the representation of the States on the Channel Islands Air Advisory Council;
 - (d) their Act dated 5th May 1967, changing the name of the Transport Advisory Council to the Jersey Transport Authority; and
 - (e) their Act dated 22nd June 1993, modifying the constitution of the Jersey Transport Authority;
- (4) noted the draft policy statement on air transport licensing set out in Appendix 1 of the report dated 8th September 1994 of the Jersey Transport Authority;
- (5) approved, in principle, the procedure for processing permit applications set out in Appendix 2 of the said report;
- (6) charged the Authority to present to the States legislation to provide for the licensing of air transport between Jersey and the United Kingdom, the Isle of Man and the other Channel Islands, and to request the Policy and Resources Committee to include the drafting of the legislation in the appropriate order of priority in the States Legislation Programme for 1994/95.

During consideration of the proposition regarding the Jersey Transport Authority the Bailiff retired from the Chamber. The debate continued under the Presidency of the Deputy Bailiff.

Jersey Transport Authority: vacancy in Presidency

The Deputy Bailiff, in accordance with Article 28(3) of the States of Jersey Law 1966, gave notice of a vacancy in the Presidency of the Jersey Transport Authority, newly constituted as a Committee of the States.

Florence Boot Cottages, Grève d'Azette, St. Clement - P.124/94

THE STATES, adopting a proposition of the Island Development Committee -

- (a) authorised the termination, with immediate effect, of the existing 75 year lease dated 14th May 1923, between the public and the trustees of the Florence Boot Cottages, of an area of land measuring six vergées 26 perch (as shown on drawing No. 1/C/21) at Grève d'Azette, St. Clement;
- (b) authorised the Greffier of the States to sign the said drawing on their behalf;
- (c) authorised the lease by the public to the trustees of the Florence Boot Cottages of the said land for a period of 99 years with effect from the termination of the lease referred to in (a), for a single payment of £99; and
- (d) authorised the Attorney General and the Greffier of the States pass the necessary contract on behalf of the public.

La Ville Machon, La Route des Côtes du Nord, Trinity: agricultural building in green zone - P.125/94

THE STATES, adopting a proposition of the Island Development Committee -

(a) supported the intention of the Island Development Committee to grant planning permission for the construction of an agricultural building at La Ville Machon, La Route des Côtes du Nord, Trinity, as shown on drawing No. 441/1, which was situated within an area designated as green zone on the Island Map, as amended, 1/87;

(b) authorised the Greffier of the States to sign the said drawing on their behalf.

Liberation Square: approval of drawings - P.126/94

THE STATES, adopting a proposition of the Occupation and Liberation Committee, referred to their Acts dated 24th August and 28th September 1993, and -

(a) approved drawings Nos. 2894/10B, 11B, 12B, 13 and 14, showing the proposed redevelopment of the existing temporary Liberation Square, Weighbridge, St. Helier, as a permanent public square;

(b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Members present voted as follows -

``Pour" (45)

Senators

Shenton, Jeune, Horsfall, Rothwell, Le Maistre, Stein, Quérée, Chinn, Bailhache, Syvret, Tomes.

Connétables

St. Clement, St. Lawrence, St. Mary, St. Peter, Grouville, St. Helier, St. Saviour, Trinity, St. Martin, St. Ouen, St. John.

Deputies

Wavell(S), Norman(C), St. Peter, H. Baudains(C), Coutanche(L), Huelin(B), St. Mary, S. Baudains(H), Le Fondré(L), Le Geyt(S), Crespel(H), Pullin(S), Trinity, Carter(H), Johns(H), Duhamel(S), Matthews(B), Routier(H), Dorey(H),

Layzell(B), Grouville, Huet(H), St. Martin.

``Contre" (0)

THE STATES rose at 4 p.m.

G.H.C. COPPOCK

Greffier of the States.

APPENDIX

INTERNATIONAL LABOUR ORGANISATION

Conventions in force - October 1994

Up to 16th October 1950 Jersey, Guernsey and the Isle of Man were considered an integral part of the national metropolitan territory of the United Kingdom. Since this date, at the request of the United Kingdom Government, the Islands are regarded as non-metropolitan territories. Conventions ratified after this date are applicable only under the procedure set out in Article 35 of the ILO Constitution.

- 1 Applicable without modification
- 2 Applicable with modification(s)

Convention	Type of Declarati on	
(No. 2) Unemployment 1919		1
(No. 5) Minimum Age (Industry) 1919	1	
(No. 7) Minimum Age (Sea) 1920		1
(No. 8) Unemployment Indemnity (Shipwreck) 1920	1	
(No. 10) Minimum Age (Agriculture) 1921	1	
(No. 11) Right of Association (Agriculture) 1921	1	
(No. 12) Workmen's Compensation (Agriculture) 1921	1	
(No. 15) Minimum Age (Trimmers and Stokers) 1921	1	

(No. 16) Medical Examination of Young Persons (Sea) 1921	1
(No. 17) Workmen's Compensation (Accidents) 1925	1
(No. 19) Equality of Treatment (Accident Compensation) 1925	1
(No. 22) Seamen's Articles of Agreement 1926	1
(No. 24) Sickness Insurance (Industry) 1927	1
(No. 25) Sickness Insurance (Agriculture) 1927	1
(No. 29) Forced Labour 1930 (See No.105)	1
(No. 32) Protection against Accidents (Dockers) (Revised) 1932	1
(No. 35) Old-Age Insurance (Industry, etc.) 1933	1
(No. 36) Old-Age (Insurance) (Agriculture) 1933	1
(No. 37) Invalidity Insurance (Industry, etc.) 1933	1
(No. 38) Invalidity Insurance (Agriculture) 1933	1
(No. 39) Survivors' Insurance (Industry, etc.) 1933	1
(No. 40) Survivors' Insurance (Agriculture) 1933	1
(No. 42) Workmen's Compensation (Occupational Diseases) (Revised) 1934	1
(No. 44) Unemployment Provision 1934	1
(No. 50) Recruiting of Indigenous Workers 1936	1
(No. 56) Sickness Insurance (Sea) 1936	1
(No. 64) Contracts of (Indigenous Workers) 1939	1
(No. 65) Penal Sanctions (Indigenous Workers) 1939	1
(No. 69) Certification of Ships' Cooks 1946	1
(No. 74) Certification of Able Seamen 1946	1
(No. 81) Labour Inspection 1947	1
(No. 86) Contracts of Employment (Indigenous Workers) 1947	1
(No. 87) Freedom of Association and Protection of the Right to Organise 1948	1
(No. 97) Migration for Employment (Revised) 1949	1
(No. 98) Right to Organise and Collective Bargaining 1949	1

(No. 105) Abolition of Forced
Labour 1957 1
(No. 108) Seafarers' Identity
Documents 1958 1
(No. 115) Radiation Protection
1960 1
(No. 140) Paid Educational Leave
1974 2
(No. 160) Labour Statistics 1985 2