THE STATES assembled on Tuesday, 8th October 1996 at 9.30 a.m. under the Presidency of the Bailiff, Sir Philip Bailhache

All members were present with the exception of -

Senator Antony Beresford Chinn - out of the Island
Senator Stuart Syvret - suspended
Senator Vernon Amy Tomes - ill
Enid Clare Quénault, Connétable of St.
Brelade - out of the Island
Robert Lester Le Brocq, Connétable of St.
Helier - out of the Island
Philip Roy Cabot, Connétable of Trinity - ill
Imogen Stephanie Nicholls, Deputy of
Grouville - ill.

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely -

- 1. Island Planning (Fees) (Jersey) Order 1996. R & O 8981.
- 2. Building Bye-Laws 1996. R & O 8982.
- 3. Civil Service Administration (Salaries) (Amendment No. 15) (Jersey) Order 1996. R & O 8983.

Matters presented

The following matters were presented to the States -

- Strategic Policy Review and Action Plan 1996 (P.129/96): amendment (P.143/96) - comments - P.169/96. Presented by the Policy and Resources Committee.
- 2. Minimum wage (P.154/96): comments P.170/96.
 Presented by the Finance and Economics Committee.

Matter noted - acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee dated 30th September 1996, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Housing Committee had accepted the lowest of six tenders, namely that submitted by Hacquoil and Cooke Limited in the sum of £216,076.00 in a contract period of 22 weeks for the refurbishment of Westley Lodge, St. Helier.

Matters lodged

The following matters were lodged ``au Greffe" -

- Draft Motor Traffic (No. 5)
 (Jersey) Regulations 199 P.155/96.

 Presented by the Defence
 Committee.
- Draft Hire Cars (No. 6) (Jersey)
 Regulations 199 P.156/96.
 Presented by the Defence
 Committee.
- 3. Draft Public Service Vehicles (Fees) (Amendment No. 7) (Jersey) Regulations 199 P.157/96. Presented by the Defence Committee.
- Draft Motor Vehicles
 (International Circulation) (Amendment
 No. 12) (Jersey) Regulations 199 P.158/96.
 Presented by the Defence

Committee.

- 5. Draft Prison (Amendment No. 4) (Jersey) Law 199 P.159/96. Presented by the Prison Board.
- Draft Criminal Justice
 (Amendment No. 2) (Jersey) Law 199 P.160/96.

 Presented by the Prison Board.
- Draft Termination of Tenancies (Procedure) (Jersey) Law 199 -P.161/96.
 Presented by the Legislation Committee.
- 8. Draft Harbours (Vehicle Ramps) (Jersey) Regulations 199 - P.162/96. Presented by the Harbours and Airport Committee.
- Electricity Link with France (Protection of Submarine Cable) (Jersey) Regulations 199 - P.163/96. Presented by the Harbours and Airport Committee.
- 10. Draft Public Finances
 (Administration) (Amendment No. 8)
 (Jersey) Law 1996 (Appointed Day) Act
 199 P.164/96.
 Presented by the Finance and
 Economics Committee.
- Future of secondary education:
 Jersey College for Girls' relocation P.165/96.
 Presented by Deputy E.M. Pullin
 of St. Saviour.
- 12. La Rocco Apartments, La Pulente,St. Brelade P.166/96.Presented by the Planning andEnvironment Committee.
- 13. Fields 948, 949 and 950, Les Landes, St. Ouen: transfer of administration P.167/96.

Presented by the Planning and Environment Committee.

- 14. Les Landes heathland area, St.Ouen: transfer of administration P.168/96.Presented by the Planning and Environment Committee.
- 15. Police services in Jersey: independent review P.171/96.Presented by the Defence Committee.

Lodged on 1st October 1996

 Minimum wage - P.154/96.
 Presented by the Industrial Relations Committee.

Minimum wage and redundancy payments. P.35/93, P.66/93 and P.199/93 - withdrawn

Senator Richard Joseph Shenton withdrew his proposition regarding a minimum wage and redundancy payments (lodged ``au Greffe" on 23rd March 1993), the Industrial Relations Committee having lodged ``au Greffe" on 1st October 1996 a proposition regarding a minimum wage (P.154/96).

Arrangement of public business for the present meeting

THE STATES acceded to the request of the President of the Finance and Economics Committee that consideration of the proposition regarding the Channel Islands Electricity Grid (P.136/96 - lodged ``au Greffe" on 3rd September 1996) be deferred from the present meeting.

Arrangement of public business for the next meeting on 22nd October 1996

THE STATES confirmed that the following matters lodged ``au Greffe" would be considered at the meeting on 22nd October 1996 -

Draft Criminal Justice (Evidence and Procedure) (Jersey) Law 199 - P.122/96. Lodged: 30th July 1996. Legislation Committee.

Jurats' costs in disallowed remises de biens - (a) Loi (199) (Amendement) sur les remises de biens (Revised) (b) Bankruptcy (Désastre) (Amendment No. 3) (Jersey) Law 199 - P.123/96. Lodged: 30th July 1996. Legislation Committee.

Jersey Post Office

Limited: incorporation - P.146/96. Lodged: 24th September 1996. Committee for Postal Administration.

Jersey Telecoms

Limited: incorporation - P.147/96. Lodged: 24th September 1996 Telecommunications Board.

Minimum wage - P.154/96. Lodged: 8th October 1996 Industrial Relations Committee

Draft Motor Traffic (No. 5) (Jersey) Regulations 199 - P.155/96. Defence Committee.

Draft Hire Cars (No. 6) (Jersey) Regulations 199 - P.156/96. Defence Committee.

Draft Public Service Vehicle (Fees) (Amendment No. 7) (Jersey) Regulations 199 - P.157/96. Defence Committee.

Draft Motor Vehicles (International Circulation) (Amendment No. 12) (Jersey) Regulations 199 - P.158/96. Defence Committee.

Draft Termination of Tenancies (Procedure) (Jersey) Law 199 -P.161/96. Legislation Committee.

Draft Public Finances (Administration) (Amendment No. 8) (Jersey) Law 1996 (Appointed Day) Act 199 -P.164/96. Finance and Economics Committee.

La Rocco Apartments, La Pulente - P.166/96. Planning and Environment Committee.

Fields 948, 949 and 950, Les Landes, St. Ouen: transfer of administration - P.167/96.

Planning and Environment Committee.

Les Landes heathland area, St. Ouen: transfer of administration - P.168/96. Planning and Environment Committee.

New marina: outfall at entrance - questions and answers (Tape No. 362)

Deputy Philip John Rondel of St. John asked Deputy James Thomas Johns of St. Helier, Vice-President of the Harbours and Airport Committee, the following questions -

``1. According to a recent media report the President of the Public Services Committee gave details of an outfall to be constructed at the entrance of the new marina.

Has the Harbours and Airport Committee prepared contingency plans in the event of a contaminated spillage from this outfall, given that the marina should be operational before the cavern under Fort Regent is completed? If so, would the President advise members of these plans? If not, would the President advise members when those plans will be ready?

2. As the discharge which comes out of the outfall in St. Aubin's Bay, although treated, is discoloured, would the President inform the House if he is concerned that the new marina could be affected by contaminated water discharging from the outfall at the marina entrance?"

The Vice-President of the Harbours and Airport Committee replied as follows -

"1. A surface water culvert currently discharges into the area within which the new marina is being constructed. It is therefore necessary to extend this culvert, so that it will discharge into the sea outside the marina entrance.

This culvert usually contains surface

water only, but at times of flash floods, etc. the sewers in St. Helier can become overloaded and a certain amount of sewerage can contaminate this discharge.

In order to eliminate this contamination, the Public Services Department are constructing the cavern under Fort Regent which should, according to current programmes, be fully operational before the marina opens.

The gate at the entrance to the new marina is full height, hydraulically operated and therefore can be shut at any time when there might be a risk of pollution of any kind.

2. We are not concerned because, unlike the outfall in St. Aubin's Bay, the discharge from the culvert will be surface water only and not treated sewerage and therefore will neither be discoloured nor contaminated."

Leachate at Crabbé - questions and answers (Tape No. 362)

Deputy Philip John Rondel of St. John asked Senator John Stephen Rothwell, President of the Agriculture and Fisheries Committee, the following questions -

- ``1. Bearing in mind the problems caused by leachate from the potato dump at Beauport, and which are likely to continue for a number of years, would the President explain why a further leachate problem for the Island has been allowed to occur, through the disposal of farm waste, including potatoes, at Crabbé and why an impervious membrane base and holding tanks were not put into place before this site became operational?
- 2. Would the President inform the States what action has been taken to collect the leachate since the Crabbé site became operational?
- 3. Would the President explain why

fencing around the Crabbé site has been erected above the banks and, in turn, above the skyline, which is both unsightly and not in keeping with the area?"

The President of the Agriculture and Fisheries Committee replied as follows -

``1. First of all one needs to put the problems at Crabbé into the right context. At Beauport if you remember, 4,000 tonnes of good Jersey Royal potatoes were buried because of a price collapse on the United Kingdom market. That was a one off, hopefully never to be repeated.

At Crabbé the dumping of farm waste above ground has continued uninterrupted since late 1987. Crabbé is a problem not a crisis. Possible leachate has been recently discovered in one borehole, that belongs to the Jubilee Trust and use of this borehole was discontinued 12 months ago due to high iron content. Incidentally in 1994 a new septic tank and soakaway was constructed approximately 100 feet from the borehole. Six of the private houses closest to Crabbé have been tested and there is no indication of any chemical change in their water supply.

The idea of laying a membrane base and holding tanks is a very recent recommendation and it must be remembered that any leachate so contained has to be treated and the resulting dry matter removed without rupturing the membrane.

I should explain that there are two dumps at Crabbé immediately adjacent to one another, one operated by the Public Services Department and the other by the Department of Agriculture and Fisheries. Although I was not President when dumping commenced in 1987 I do not believe a membrane and tanks were ever considered as it had always been hoped the site was a short-term expediency. I cannot answer for the Public Services Department who have had a dump there

long before the Department of Agriculture and Fisheries. I should stress that it was an independent report that emphasised in the strongest possible terms that the present practice and management of both sites must be reviewed. In short, current methods of managing the waste are now at variance with sound environmental practice.

I must also stress, the search of alternative sites has been going on for years but all applications thus far have been rejected by the planning authority.

It is almost inconceivable to me that an Island that has spent millions of pounds on incineration and ultra-violet treatment of sewage, etc. cannot cope adequately with the waste from the Island's oldest industry, agriculture.

If members visit Crabbé they will see two sites divided only by a hedge, on one side the Public Services Department dealing with waste, on the other side the Department of Agriculture and Fisheries dealing with waste. In terms of efficient administration and use of manpower resources it make little sense. Two departments cheek by jowl engaged in the same activity.

There is no one at Agriculture who has suitable qualifications for managing waste, or its disposal and it would be financially illogical for us to engage such persons when Public Services already have suitably qualified officers who deal regularly with all waste disposal and treatment, save that of agricultural waste.

Yesterday morning I held a meeting with my Committee, Deputy D.A. Carter, Connétable C.J. Le H. Hinault and Deputy H.H. Baudains and it was agreed that the officers of the three Departments should produce within the next ten days details of the organic waste problems that need to be addressed to ensure that a long-term plan can be produced. These reports will cover agricultural waste, garden

waste, seaweed, etc. It is the intention that these reports will be discussed at political level and where appropriate, specialist advice obtained from ADAS, the Water Research Council and any other appropriate body.

Close co-operation between the various Committees and their officers is essential if the problems of organic waste are to be effectively resolved.

I can inform members that a remedial action plan for Crabbé has already been agreed.

This includes removal of the leachate for treatment at Bellozanne and covering all the dumps so as to prevent rainfall adding to the production of leachate. In addition a security fence has been erected.

I must stress these are short-term measures.

2. As I explained in my answer to question 1 the waste at Crabbé comes from a number of sources and by mixing the incoming loads leachate is reduced as far as possible. The waste ranges from cut, bruised and green potatoes mixed with soil from packing stations. (I must emphasise that these potatoes were never destined for the United Kingdom market - these are the rejects) to tomato haulm, to flower debris and various other agricultural wastes. However, the considerable increase in seaweed collection during 1996 has resulted in the production of larger quantities of leachate which have been so great that from time to time it has seeped into the agricultural site and occasionally on to the lane adjacent to the site.

Unfortunately a large proportion of this seaweed is sea lettuce and is not suitable for use as an agricultural fertilizer in contrast to the mature seaweed collected in the winter.

Originally no provision was made to collect the leachate from either area at Crabbé but in the late summer of

1994 the Public Services Department constructed a large soakaway on their site and, at the same time engineered a sluice so that any drainage from the agricultural site was led off into their soakaway. This soakaway was constructed and is managed by the Public Services Department. In the light of current thinking it would appear that this action in this area is not compatible with good environmental practice.

3. The fencing around the whole of the Crabbé site has been erected by the Public Services Department - as I have already stated this was one of the short-term recommendations to secure the sites. Once the long-term future of this site is decided no doubt a more aesthetically pleasing fence can be established."

Committee of Inquiry: Limited Liability Partnerships (Jersey) Law 199 - P.153/96

THE STATES, adopting a proposition of Senator Pierre François Horsfall -

- (1) in accordance with Article 30 of the States of Jersey Law 1966, approved the appointment of a Committee of Inquiry to investigate the procedure followed in relation to the timetabling, preparation and presentation to the States of the draft Limited Liability Partnerships (Jersey) Law 199 (P.84/96);
- (2) requested the senior Senator to present for the approval of the States nominations for the President and members of the Committee of Inquiry.

Members present voted as follows -

"Pour" (44)

Senators

Shenton, Jeune, Horsfall, Rothwell, Le Main, Le Maistre, Stein, Quérée, Bailhache.

Connétables

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

Deputies

Rumboll(H), Wavell(S), Norman(C), St. Peter, H. Baudains(C), Le Sueur(H), St. Ouen, Coutanche(L), Huelin(B), St. Mary, S. Baudains(H), Le Geyt(S), Walker(H), Crespel(H), Pullin(S), Carter(H), Johns(H), Duhamel(S), Matthews(B), Routier(H), Dorey(H), Layzell(B), Breckon(S), Huet(H), St. Martin, St. John.

``Contre" (0)

Health and Social Services towards 2000: Strategy 1997-2000 - P.106/96

THE STATES, adopting a proposition of the Health and Social Services Committee, approved in principle the policy objectives for the development, implementation and co-ordination of health and social services for the period 1997-2000, outlined in the report `Health and Social Services - Towards 2000' as follows -

- 1. Community and Social Services
- 2. Public Health Services
- 3. General and Acute Services
- 4. Resources -
 - (a) Financial strategy
 - (b) Capital programme
 - (c) Information strategy
 - (d) Human resources strategy
 - (e) Legislation programme.

Advocates and Solicitors (Jersey) Law 199 - P.108/96, P.115/96, P.133/96

THE STATES commenced consideration of the draft Advocates and Solicitors (Jersey) Law 199 and adopted the Preamble and Article 2.

Article 3 was adopted as amended, the States having adopted an amendment of Senator Corrie Stein that, in clause (ii) of sub-paragraph (b) of paragraph (3), for the words ``five years" there should be substituted the words ``three years".

Members present voted on the amendment as follows -

"Pour" (20)

Senators

Shenton, Horsfall, Rothwell, Le Main, Stein, Bailhache.

Connétables

St. Clement, St. Peter, St. Martin, St. John.

Deputies

Wavell(S), S. Baudains(H), Crespel(H), Carter(H), Johns(H), Matthews(B), Routier(H), Dorey(H), Breckon(S), St. Martin.

"Contre" (18)

Senator

Jeune.

Connétables

St. Lawrence, St. Mary, St. Saviour, St. Ouen.

Deputies

Rumboll(H), Norman(C), St. Peter, H. Baudains(C), St. Ouen, Coutanche(L), Huelin(B), St. Mary, Le Geyt(S), Pullin(S), Duhamel(S), Layzell(B), St. John.

Articles 4, 5 and 6 were considered together.

Article 4 was adopted as amended, the States having adopted amendments of Deputy Dereck André Carter of St. Helier that in sub-paragraph (b) of paragraph (1) after the words ``paragraph (2)" there should be added the words ``or (3)" and that after paragraph (2) there should be added the following paragraph -

- ``(3) The requirements are that he has -
- (a) passed the qualifying examination; and
- (b) completed a total of five years' employment in a relevant office or in more than one such office, of which the whole of the two years immediately preceding his application for admission as a solicitor in accordance with Article 8 has been spent in such employment."

Article 5 was adopted.

Article 6 was adopted as amended, the States having adopted an amendment of Deputy Carter that in sub-paragraph (a) of paragraph (5) after the words ``in a different form" there should be inserted the words ``, including the form of a preliminary examination and a final examination which shall together constitute the qualifying examination,".

Members present voted on Articles 4 and 6 together as follows -

``Pour'' (24)

Senators

Shenton, Le Main.

Connétables

St. Clement, St. Mary, St. Peter, Grouville, St. Saviour, St. Martin, St. Ouen, St. John.

Deputies

St. Peter, Le Sueur(H), Huelin(B), S. Baudains(H), Le Geyt(S), Pullin(S), Carter(H), Duhamel(S), Routier(H), Dorey(H), Breckon(S), Huet(H), St. Martin, St. John.

"Contre" (17)

Senators

Jeune, Horsfall, Rothwell, Quérée, Bailhache.

Deputies

Rumboll(H), Wavell(S), Norman(C), H. Baudains(C), St. Ouen, Coutanche(L), St. Mary, Walker(H), Crespel(H), Johns(H), Matthews(B), Layzell(B).

Articles 7, 8, 9, 10, 11, 12 and 13 were adopted.

Article 1 was adopted as amended, the States having adopted an amendment of Deputy Carter that in paragraph (1), in the definition of ``qualifying examination", for the words ``subparagraph (2) of paragraph 5 and subparagraph (2) of paragraph 6" there should be substituted the words ``sub-paragraph (2) of paragraph 4 and sub-paragraph (2) of paragraph 5".

The First and Second Schedules were adopted.

The Third Schedule was adopted as amended, the States having adopted amendments of Deputy Carter that -

in sub-clause (ii) of clause (a) of sub-paragraph (1) of paragraph (2) -

- (a) for the words ``clause (a) of subparagraph (2) of paragraph 5" there should be substituted the words ``clause (a) of sub-paragraph (2) of paragraph 4";
- (b) for the words "sub-paragraph (2) of paragraph 6" there should be substituted the words "sub-paragraph (2) of paragraph 5";

in paragraph 3, for the words ``sub-paragraph (2) of paragraph 6" there should be substituted the words ``sub-paragraph (2) of paragraph 5";

the entire paragraph 4 should be deleted;

paragraph 5, should be renumbered as paragraph 4;

in paragraph 6 -

- (a) should be renumbered as paragraph 5; and
- (b) in sub-paragraph (1), for the words "paragraph 7" there should be

substituted the words "paragraph 6";

paragraphs 7 and 8 should be renumbered as paragraphs 6 and 7 respectively.

The Fourth Schedule was adopted.

The Bill, as amended, was adopted in Second Reading (P.172/96).

Committee of Inquiry: Limited Liability Partnerships (Jersey) Law 199 - P.153/96: appointment of President and Members

THE STATES appointed Senator Richard Joseph Shenton as President of the Committee of Inquiry regarding the Limited Liability Partnerships (Jersey) Law 199.

The President of the Committee of Inquiry, having agreed to the appointment of four members of the Committee, nominated for appointment -

Senator Patricia Ann Bailhache Malcolm Pollard, Connétable of St. Peter Jeremy Laurence Dorey, Deputy of St. Helier

Frederick John Hill, Deputy of St. Martin, nominated for appointment as members -

Shirley Margaret Baudains, Deputy of St. Helier Robert Charles Duhamel, Deputy of St. Saviour Imogen Stephanie Nicholls, Deputy of Grouville

THE STATES having proceeded to a secret ballot, the Bailiff declared the following results -

Senator Bailhache
Connétable of St. Peter
Deputy Dorey
Deputy S. Baudains
Deputy Duhamel
21 votes
Deputy Nicholls
17 votes.
30 votes
33 votes
20 votes

The Bailiff accordingly declared that the following had been elected members of the Committee of Inquiry -

Senator Bailhache Connétable of St. Peter Deputy Dorey Deputy Duhamel.

Strategic Policy Review and Action Plan 1996 - P.129/96, P.143/96, P.169/96

THE STATES resumed consideration of subparagraph (a) of paragraph 2 of the Strategic Policy Review and Action Plan 1996 proposed by the Policy and Resources Committee discussion of which had been discontinued at the meeting on 11th September 1996.

After discussion, Deputy Gary Matthews of St. Brelade withdrew his proposed amendment that at the end of sub-paragraph (a) of paragraph 2, there should be inserted the words ``, except for the proposals in paragraphs 1.20 to 1.23 for the formation of a Corporate Strategy Unit."

Sub-paragraph (a) of paragraph 2 was adopted.

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

1. received the Strategic Policy Review and Action Plan 1996 - Part I; and -

approved the recommendations of the Working Party on Population Policy as set out in clauses (i)-(v) in subparagraph 2.2 of that Part;

- 2. received the Strategic Policy Review 1996 Part II and -
 - (a) endorsed the resource allocation strategy of the Policy and Resources Committee as set out in sub-paragraph 1.1 to 1.23 of that Part;
 - (b) approved the cash limits for each of the non-trading Committees for 1997 as set out in Appendix 1.2;
 - (c) approved the recommended capital programme for 1997 as set out in Appendices 2.1 to 2.3; and approved, in principle, the capital programme for 1998 to 2000 as set out in Appendices 2.1, 2.2 and 2.4 with the exception that in view of the decision of the States on 27th October 1992 to support

the establishment of an Archive Service for Jersey and the provision of suitable premises for housing the archives (P.99/92), and in view of the continuing vulnerability and deterioration of the archives, agreed that the construction of new accommodation to provide for a States Archive should be treated as a special case when considering the States Capital Programme for 1998;

- (d) approved the States Legislation Programme for 1997 as set out in Appendix 3.3;
- (e) endorsed the manpower policy of the Establishment Committee 1997-2001 as set out in sub-paragraphs 6.1 to 6.22 of that Part and in particular approved -
 - (i) that the policy be based on control of the number of staff employed;
 - (ii) that States Departments be subject to an external service review over the next three years.

Training and Employment Partnership: strategy - P.137/96 and P.144/96

THE STATES, adopting a proposition of the Policy and Resources Committee, approved the strategy that the Training and Employment Partnership had developed on behalf of the Employment and Social Security Committee for producing a more flexible and highly skilled workforce which could react to international competition in ever-changing markets.

Police Force (Amendment No. 6) (Jersey) Law 199 - P.145/96

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Police Force (Amendment No. 6) (Jersey) Law 199.

Parish Rate Law (Jersey) Law 199 - P.148/96

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Parish Rate Law (Jersey) Law 199.

Smoking and health - P.150/96

THE STATES, adopting a proposition of the Health and Social Services Committee -

- (a) requested the Finance and Economics Committee to amend Article 1 of the "Loi (1937) sur la perception d'un impôt sur le tabac", as amended, to increase in 1997 the duty on cigarettes and other tobacco products by an amount equivalent to 16 pence on the price of a packet of 20 cigarettes;
- (b) agreed in principle to increase annually to the year 2000, by an amount over and above the level of inflation, the relative price of tobacco products.

Licensing (No. 11) (Jersey) Regulations 1996 - P.151/96

THE STATES, in pursuance of Article 92 of the Licensing (Jersey) Law 1974, as amended, made Regulations entitled the Licensing (No. 11) (Jersey) Regulations 1996.

States of Jersey (Amendment No. 5) Law 1996 (Appointed Day) Act 1996 - P.152/96

THE STATES, in pursuance of Article 2 of the States of Jersey (Amendment No. 5) Law 1996, made an Act entitled the States of Jersey (Amendment No. 5) Law 1996 (Appointed Day) Act 1996.

THE STATES rose at 5.45 p.m.

G.H.C. COPPOCK

Greffier of the States.