

**THE STATES assembled on Tuesday,
7th November 2006 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**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 –

Connétable Kevin Priaulx Vibert of St. Ouen– en défaut (défaut raised at 10.14 a.m.)
Connétable Geoffrey William Fisher of St. Lawrence– en défaut
Deputy Judith Ann Martin of St. Helier– en défaut
Deputy James Gordon Reed of St. Ouen– absent due to illness
Deputy Shona Pitman of St. Helier– absent on States’ business
Deputy Andrew David Lewis of St. John– en défaut (défaut raised at 10.14 a.m.)

Prayers

Subordinate enactments tabled

The following enactments were tabled, namely –

Planning and Building (Environmental Impact) (Jersey) Order 2006. <i>Minister for Planning and Environment.</i>	R&O 106/2006.
Waste Management (Forms) (Jersey) Order 2006. <i>Minister for Planning and Environment.</i>	R&O 107/2006.
Waste Management (Exemptions from Licensing) (Jersey) Order 2006. <i>Minister for Planning and Environment.</i>	R&O 108/2006.
Human Rights (Amendment) (Jersey) Order 2006. <i>Chief Minister.</i>	R&O 115/2006.
Consumer Safety (Protective Helmets) (Jersey) Order 2006. <i>Minister for Economic Development.</i>	R&O 116/2006.
Financial Services (Trust Company Business (Registration and Fees)) (Amendment) (Jersey) Order 2006. <i>Minister for Economic Development.</i>	R&O 117/2006.

Documents presented or laid

Land Transactions under Standing Order 168(3): 7 Devonshire Place, St. Helier– sale. Presented: 27th October 2006. <i>Minister for Treasury and Resources.</i>	R.86/2006.
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Land Transactions under Standing Order 168(3): lease of office accommodation at Jersey Airport to – (a) TDS Ltd.; (b) Airx Ltd.; (c) Air Atlantique Ltd. Presented: 2nd November 2006. <i>Minister for Treasury and Resources.</i>	R.87/2006.
The impact of the fulfilment industry on the local economy. Presented: 30th October 2006. <i>Economic Affairs Scrutiny Panel.</i>	S.R.7/2006.
Ministerial Government: review of first 12 months (P.77/2006) – comments. Presented: 6th November 2006. <i>Council of Ministers.</i>	P.77/2006. Com.
Waterfront Enterprise Board: appointment of Chairman – publication of transcript of <i>in camera</i> debate (P.119/2006) – comments. Presented: 30th October 2006. <i>Privileges and Procedures Committee.</i>	P.119/2006. Com.
Waterfront Enterprise Board: appointment of Chairman – publication of transcript of <i>in camera</i> debate (P.119/2006) – comments. Presented: 7th November 2006. <i>Council of Ministers.</i>	P.119/2006. Com.(2)
Draft Amendment (No. 31) to the Tariff of Harbour and Light Dues (P.138/2006): comments. Presented: 7th November 2006. <i>Minister for Treasury and Resources.</i>	P.138/2006. Com.
Draft Harbours (Amendment No. 40) (Jersey) Regulations 200 (P.139/2006): comments. Presented: 7th November 2006. <i>Minister for Treasury and Resources.</i>	P.139/2006. Com.

Notification of lodged propositions

Ministerial Government: review of first 12 months (P.77/2006) – amendment. Lodged: 7th November 2006. <i>Privileges and Procedures Committee.</i>	P.77/2006. Amd.
Draft Restriction on Smoking (Workplaces) (Jersey) Regulations 200- (P.114/2006): amendments. Lodged: 7th November 2006. <i>Minister for Economic Development.</i>	P.114/2006. Amd.
Draft Human Rights (Jersey) Law 2000 (Appointed Day) Act 200-. Lodged: 30th October 2006. <i>Chief Minister.</i>	P.140/2006.
Draft Highway Encroachments (Amendment No. 2) (Jersey) Regulations 200-. Lodged: 31st October 2006. <i>Minister for Transport and Technical Services.</i>	P.141/2006.

Data Protection Commissioner: appointment. Lodged: 1st November 2006. <i>Minister for Treasury and Resources.</i>	P.142/2006.
Data Protection Tribunal: appointment. Lodged: 1st November 2006. <i>Minister for Treasury and Resources.</i>	P.143/2006.
Committee of Inquiry: mobile telecommunications. Lodged: 2nd November 2006. <i>Deputy P.J.D. Ryan of St. Helier.</i>	P.144/2006.
Composition and Election of the States Assembly: proposed reform. Lodged: 3rd November 2006. <i>Senator B.E. Shenton.</i>	P.145/2006.
Jersey Overseas Aid Commission: appointment of Non-States Commissioner. Lodged: 7th November 2006. <i>Deputy J.J. Huet of St. Helier.</i>	P.146/2006.

Withdrawal of lodged propositions

THE STATES noted that, in accordance with Standing Order 34(1), the proposer of the following proposition lodged “au Greffe” had informed the Greffier of the States that it had been withdrawn –

Code of Practice for Scrutiny Panels and the Public Accounts Committee. Lodged: 15th August 2006. <i>Chairmen’s Committee.</i>	P.101/2006.
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Written Questions

(see Official Report)

1. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier on 10th October 2006 regarding the cost of removing leachate from green waste and potato waste.
2. The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy Roy George Le Hérisser of St. Saviour regarding the implementation of the recommendations of the Committee of Inquiry into the Tender Process and Award of Bus Services Contract.
3. The Minister for Home Affairs tabled an answer to questions asked by Deputy Shona Pitman of St. Helier regarding the use of mobile phones by drivers and incidences of speeding and drink driving.
4. The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy Shona Pitman of St. Helier regarding the use of mobile phones by drivers of vehicles operated by the Department
5. The Minister for Education, Sport and tabled an answer to question asked by Deputy Shona Pitman of St. Helier regarding measures taken to tackle discrimination
6. The Minister for Social Security tabled an answer to questions asked by Deputy Geoffrey Peter Southern of St. Helier regarding the availability of income support to those in the second and third quintiles.
7. The Minister for Economic Development tabled an answer to questions asked by Deputy Geoffrey Peter Southern of St. Helier regarding support for the retail sector.

8. The Minister for Economic Development tabled an answer to questions asked by Deputy Geoffrey Peter Southern of St. Helier regarding the Enterprise and Business Development Strategy.
9. The Chief Minister tabled an answer to questions asked by Deputy Geoffrey Peter Southern of St. Helier regarding the creation of a population register.
10. The Minister for Social Security tabled an answer to a question asked by Deputy Geoffrey Peter Southern of St. Helier regarding new pensions legislation.
11. The Minister for Economic Development tabled an answer to a question asked by Deputy Geoffrey Peter Southern of St. Helier regarding the source of additional funding given to the Battle of Flowers Association.
12. The Minister for Economic Development tabled an answer to questions asked by Deputy Geoffrey Peter Southern of St. Helier regarding the grants to support event-led tourism.
13. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy Geoffrey Peter Southern of St. Helier regarding the proposed Stabilisation Fund.
14. The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy Geoffrey Peter Southern of St. Helier regarding the new summer and school bus contracts.
15. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy Geoffrey Peter Southern of St. Helier regarding the zero/ten tax proposals.
16. The Minister for Economic Development tabled an answer to a question asked by Deputy Geoffrey Peter Southern of St. Helier regarding the delay of Flybe flight BE953 from Gatwick on 28th October 2006.
17. The Minister for Planning and Environment tabled an answer to questions asked by Deputy Geoffrey Peter Southern of St. Helier regarding the provision of 3 bedroom houses.
18. The Minister for Education, Sport and Culture tabled an answer to question asked by Deputy Shona Pitman of St. Helier regarding education on road safety issues.
19. The Minister for Education, Sport and Culture tabled an answer to question asked by Deputy Shona Pitman of St. Helier regarding a replacement for the 'Move-on' café.
20. The Minister for Home Affairs tabled an answer to a question asked by Deputy Shona Pitman of St. Helier regarding measures taken to tackle discrimination.

Oral Questions

(see Official Report)

1. Deputy Roy George Le Hérisier of St. Saviour asked a question of the Minister for Transport and Technical Services regarding the bus contract agreed with Connex for the leisure and school bus services.
2. Deputy Gerard Clifford Lemmens Baudains of St. Clement asked a question of the Minister for Home Affairs regarding consultation with crime victims and clarification of figures relating to alleged speeding on La Grande Route de la Côte
3. Deputy Deirdre Wendy Mezbourian of St. Lawrence asked a question of the Minister for Education, Sport and Culture regarding consultation with the Planning and Environment Department on the proximity of any telephone masts and base units to schools.
4. Deputy Geoffrey Peter Southern of St. Helier asked a question of the Minister for Education, Sport and Culture regarding teachers' pension arrangements.
5. Deputy Kevin Charles Lewis of St. Saviour asked a question of the Minister for Home Affairs regarding

penalties for selling alcohol to underage drinkers.

6. The Connétable of Grouville asked a question of the Minister for Planning and Environment regarding applications for the erection of mobile phone masts on agricultural fields.
7. Deputy Geoffrey Peter Southern of St. Helier asked a question of the Minister for Economic Development regarding consultation with the fulfilment industry.
8. Deputy Sean Power of St. Brelade asked a question of the Chief Minister regarding rents of premises in the Waterfront Leisure complex.
9. Deputy Roy George Le Hérissier of St. Saviour asked a question of the Minister for Health and Social Services regarding the use of Jury's Inn Hotel in Southampton for accommodating patients, relatives and friends of cancer patients.
10. The Connétable of St. Helier asked a question of the Minister for Education, Sport and Culture regarding his timetable for implementing a strategy on access to early years education and care.
11. Senator Ben Edward Shenton asked a question of the Minister for Health and Social Services regarding the possible health impacts of mobile phone masts.

Oral Questions without notice

(see Official Report)

The Minister for Economic Development answered questions without notice from members.

The Chief Minister answered questions without notice from members.

Hon. Denis Marshall, QSO, Secretary-General, Commonwealth Parliamentary Association – welcome

The Bailiff, on behalf of members, welcomed to the Assembly the Hon. Denis Marshall, QSO, Secretary-General of the Commonwealth Parliamentary Association, who was present in the public gallery.

Fulfilment industry – statement

(see Official Report)

The Minister for Economic Development made a statement concerning the fulfilment industry.

Code of Practice for Scrutiny Panels and the Public Accounts Committee (P.101/2006): withdrawal – statement

(see Official Report)

The President of the Chairmen's Committee made a statement regarding the withdrawal of the Code of Practice for Scrutiny Panels and the Public Accounts Committee (P.101/2006).

Jersey Airport future strategy – statement

(see Official Report)

Deputy Alan John Henry Maclean of St. Helier, Assistant Minister for Economic Development, made a statement regarding the future strategy for Jersey Airport.

**Provision of Pedestrian Crossings – P.60/2006
Comments**

THE STATES, adopting a proposition of the Connétable of St Helier requested the Minister for Transport and Technical Services to provide unlit pedestrian crossings ('Jersey Crossings') at –

(a) the junction of Burrard Street and Halkett Place as shown on Drawing No. 2006/05/a.

Members present voted as follows –

POUR: 27

Senator S. Syvret
Senator P.F. Routier
Senator T.J. Le Main
Senator B.E. Shenton
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement

Connétable of St. Helier
Connétable of St. Brelade
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy C.J. Scott Warren (S)
Deputy J.B. Fox (H)
Deputy G.P. Southern (H)
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian (L)
Deputy S.S.P.A. Power (B)
Deputy A.J.H. Maclean (H)
Deputy of St. John

CONTRE: 18

Senator L. Norman
Senator T.A. Le Sueur
Senator P.F.C. Ozouf
Connétable of Trinity
Connétable of Grouville
Connétable of St. John
Connétable of St. Martin
Deputy J.J. Huet (H)
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy R.G. Le Hérisier (S)
Deputy S.C. Ferguson (B)
Deputy of St. Peter
Deputy G.W.J. de Faye (H)
Deputy of Trinity
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy of St. Mary

ABSTAIN: 1

Senator F.E. Cohen

(b) the junction of Mulcaster Street, Wharf Street and the Weighbridge as shown on Drawing No. 2006/05/b.

Members present voted as follows –

POUR: 26

Senator S. Syvret
Senator P.F. Routier
Senator T.J. Le Main
Senator B.E. Shenton
Senator J.L. Perchard
Connétable of St. Ouen

CONTRE: 18

Senator L. Norman
Senator T.A. Le Sueur
Senator P.F.C. Ozouf
Connétable of Grouville
Connétable of St. John
Connétable of St. Martin

ABSTAIN: 1

Senator F.E. Cohen

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

Changes in Presidency

The Bailiff retired from the Chair following the lunch adjournment, during the consideration of the proposition of the Connétable of St. Helier regarding the provision of pedestrian crossings and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States. The Bailiff resumed the Chair later during the debate on this proposition.

Draft Housing (General Provisions) (Amendment No. 23) (Jersey) Regulations 200- P.109/2006

THE STATES, in pursuance of Articles 14 and 21 of the Housing (Jersey) Law 1949, made Regulations entitled the Housing (General Provisions) (Amendment No. 23) (Jersey) Regulations 2006.

Draft Rates (Apportionment) (Jersey) Regulations 200- P.110/2006

THE STATES, in pursuance of Article 20(2) of the Rates (Jersey) Law 2005, made Regulations entitled the Rates (Apportionment) (Jersey) Regulations 2006.

Draft Electronic Communications (Amendment) (Jersey) Law 200- P.111/2006

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Electronic Communications (Amendment) (Jersey) Law 200-.

St. Aubin: proposed land reclamation and improvements– impact assessment – P.113/2006

THE STATES, adopting a proposition of Deputy Sarah Craig Ferguson of St. Brelade referred to the Strategic Plan 2006-2011 (sub-paragraphs 4.7.6 and 6.4.3) adopted on 28th June 2006, and requested the Minister for Transport and Technical Services in conjunction with the Minister for Economic Development and Minister for Planning and Environment to research fully the feasibility and cost of the following –

- (a) the infill of an area of foreshore at St. Aubin to provide for increased local amenities;
- (b) the creation of a gated wet basin in St. Aubin's harbour with associated access pontoons;
- (c) the part-pedestrianisation of the Bulwarks;
- (d) the completion of an economic, environmental and engineering assessment fully to determine the potential impact of the proposed development.

and report to the States thereon within a period of 18 months.

Members present voted as follows –

POUR: 41

Senator L. Norman
 Senator F.H. Walker
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator F.E. Cohen
 Senator J.L. Perchard
 Connétable of St. Ouen
 Connétable of St. Saviour
 Connétable of St. Mary
 Connétable of St. Peter
 Connétable of St. Clement
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. John
 Connétable of St. Martin
 Deputy R.C. Duhamel (S)
 Deputy A. Breckon (S)
 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 Hérisier (S)
 Deputy J.B. Fox (H)
 Deputy G.P. Southern (H)
 Deputy S.C. Ferguson (B)
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy G.W.J. de Faye (H)
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy D.W. Mezbourian
 (L)
 Deputy of Trinity
 Deputy S.S.A.P. Power (B)
 Deputy A.J.H. Maclean (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John

CONTRE: 5

Senator S. Syvret
 Senator W. Kinnard
 Senator T.J. Le Main
 Senator B.E. Shenton
 Deputy J.J. Huet (H)

ABSTAIN: 1

Connétable of St. Brelade

Deputy I.J. Gorst (C)
Deputy of St. Mary

In accordance with Standing Order 106(1)(b) the Connétable of St. Brelade declared an interest but remained in the Chamber for the duration of the debate.

Draft Amendment (No. 6) of the Standing Orders of States of Jersey– P.116/2006

THE STATES, in pursuance of Article 48 of the States of Jersey Law 2005, made Amendment (No. 6) to the Standing Orders of the States of Jersey.

Members present voted as follows –

POUR: 41

Senator S. Syvret
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
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 St. Helier
Connétable of Trinity
Connétable of Grouville
Connétable of St. John
Connétable of St. Brelade
Connétable of St. Martin
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
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 Hérisier (S)
Deputy J.B. Fox (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy P.V.F. Le Claire (H)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S.S.A.P. Power (B)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)

CONTRE: 3

Senator L. Norman
Deputy J.J. Huet (H)
Deputy of St. John

ABSTAIN: 0

Deputy of St. Mary

Draft Public Employees (Retirement) (Amendment No. 6) (Jersey) Law 200 P.118/2006

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Public Employees (Retirement) (Amendment No. 6) (Jersey) Law 200.

**Waterfront Enterprise Board: appointment of Chairman – publication of transcript of *in camera* debate – P.119/2006
Amendment**

THE STATES commenced consideration of a proposition of Deputy Paul Vincent Francis Le Claire–

- (a) to agree, in accordance with the provisions of Standing Order 160(4), that the transcript of the section of the debate relating to the appointment of a new Chairman of the Waterfront Enterprise Board (P.89/2006) that was conducted *in camera* on 19th July 2006 should be made public by the Greffier of the States 14 days after the adoption of this proposition, except that any member who so wishes shall be permitted to notify the Greffier during this 14 day period that he or she wishes the text of his or her speech (and any reference to it in the speeches of other members) not to be included in the published transcript and, in these circumstances, the transcript shall only record the fact that the member concerned spoke during the debate without including the text of the contribution made; and
- (b) agree that debates relating to appointments made by the States should no longer be conducted *in camera* and to request the Privileges and Procedures Committee, in consultation with Ministers as necessary, to bring forward amendments to all relevant legislation to give effect to the proposal.

Adjournment

THE STATES then adjourned, having agreed to reconvene the next day, Wednesday 8th November 2006, in order to continue consideration of the proposition of Deputy Paul Vincent Francis Le Claire of St. Helier and other outstanding matters of public business.

THE STATES rose at 5.30 p.m.

M.N. DE LA HAYE

Greffier of the States