THE STATES assembled on Tuesday, 12th September 2006 at 9.30 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 –

Senator Leonard Norman – en défaut Connétable Richard Edward Norwood Dupré of St. John– excused Deputy Peter Nicholas Troy of St. Brelade– en défaut (défaut raised at 03.18 p.m.) Deputy Patrick John Dennis Ryan of St. Helier– en défaut (défaut raised at 09.46 a.m.)

Prayers.

## Connétable of St. Ouen-re-election

The Deputy Bailiff, on behalf of all members, congratulated Mr. Kenneth Priaulx Vibert on his reelection as the Connétable of St. Ouen.

## Connétable of St. Mary-re-election

The Deputy Bailiff, on behalf of all members, congratulated Mr. Kenneth Alan Le Brun on his reelection as the Connétable of St. Mary.

## **Subordinate enactments tabled**

The following enactments were tabled, namely –

Planning and Building (Planning Fees) (Jersey) Order 2006.  Minister for Planning and Environment.	R&O 76/2006. [re-numbered]
Road Traffic (Grouville) (Amendment No. 3) (Jersey) Order 2006. Minister for Transport and Technical Services.	R&O 81/2006. [re-numbered]
Motor Vehicles (Driving Licences) (Amendment No. 5) (Jersey) Order 2006. Minister for Transport and Technical Services.	R&O 82/2006. [re-numbered]
Road Traffic (Public Parking Places) (Jersey) Order 2006.  Minister for Transport and Technical Services.	R&O 83/2006. [re-numbered]
Jersey International Air Display (Jersey) Order 2006.  Minister for Transport and Technical Services.	R&O 84/2006.
Weights and Measures (Ballast) (Revocation) (Jersey) Order 2006.	R&O 85/2006.

Minister for Economic Development.

Weights and Measures (Person Weighing Machines) (Revocation) (Jersey) Order 2006.

R&O 86/2006.

Minister for Economic Development.

Agricultural Marketing (Milk) (Revocation) (Jersey) Order 2006. *Chief Minister for the Minister for Economic Development.* 

R&O 87/2006.

Road Racing (Motor Vehicle Rally) (Jersey) Order 2006.

Minister for Transport and Technical Services.

R&O 88/2006.

Inquests and Post-Mortem Examinations (Amendment No. 5) Rules 2006.

The Superior Number of the Royal Court.

R&O 89/2006.

R&O 90/2006.

Advocates and Solicitors (Qualifying Examination) (Amendment No. 3) Rules 2006.

The Superior Number of the Royal Court.

Diseases of Animals (Bluetongue) (Jersey) Order 2006.

R&O 91/2006.

Minister for Planning and Environment.

# **Documents presented or laid**

Land Transactions under Standing Order 168(3) – Cool Waters Limited, Sandringham Investments Limited and Dandara (Sandringham) Limited: site of Catherine Quirke House, St. Helier–assignment of Development Agreement.

Presented: 4th August 2006.

Minister for Treasury and Resources.

Land Transactions under Standing Order 168(3) -

R.62/2006.

R.61/2006.

- (a) ENT (Ear, Nose and Throat), Eyes and Audiology departments of the General Hospital: approval of drawings for relocation;
- (b) Field 424, Corbière, St. Brelade: sale of a road, granting of service rights and exchange and counter-exchange of land;
- (c) La Chaumière Wellington Road, St. Saviour: sale under the Assisted House Purchase Scheme;
- (d) La Moye North-East Bunker, St. Brelade: proposed three-year lease.

Presented: 8th August 2006.

Minister for Treasury and Resources.

Land Transactions under Standing Order 168(3) –

R.63/2006.

- (a) Units A24 and A24a, Albert Pier, St. Helier: new 9-year lease to Bontour Agencies Ltd.;
- (b) Unit A5, Albert Pier, St. Helier: lease to F. Battrick and Sons Food Services Ltd.;
- (c) Units A17a and A17b, Albert Pier, St. Helier: new lease to Treewalk Holdings Ltd.

Presented: 16th August 2006.

Minister for Treasury and Resources.

States of Jersey Law 2005: delegation of functions – Planning and Environment.

Presented: 16th August 2006.

Minister for Planning and Environment.

R.64/2006.

Jersey Appointments Commission: annual report. R.65/2006.

Presented: 17th August 2006.

Chief Minister.

Jersey Dental Scheme: Annual Report for the year ended 31st December 2005. R.66/2006.

Presented: 18th August 2006. Minister for Social Security.

Land Transactions under Standing Order 168(3) – R.67/2006

(a) Weighbridge, Caledonia Place, St. Helier: approval of a new plan showing the area of land to be included in the proposed lease to WEB approved by the States Assembly under P.45/2002;

(b) Units A24 and A24a, Albert Pier, St. Helier: new 5-month lease to Bontour Agencies Ltd.

Presented: 23rd August 2006.

Minister for Treasury and Resources.

States of Jersey Law 2005: delegation of functions – Planning and Environment – R.68/2006.

provisional listing powers. Presented: 24th August 2006.

Minister for Planning and Environment.

Building a Safer Society: Annual Report 2005. R.69/2006.

Presented: 30th August 2006. Minister for Home Affairs.

Land Transactions under Standing Order 168(3) – R.70/2006.

(a) Le Douet, La Grande Route de St. Jean, St. John: sale under the Assisted House Purchase Scheme;

(b) La Vallée de Saint Pierre, St. Lawrence: sale of an area of land for road widening.

Presented: 5th September 2006. Minister for Treasury and Resources.

International Covenant on Civil and Political Rights: 2006 Report. R.71/2006.

Presented: 8th September 2006.

Chief Minister.

Howard Davis Farm, Trinity: part of Fields 562, 827 and 828 - sale of land P.68/2006. Com.

P.72/2006. Com.

P.92/2006. Com.

(P.68/2006) – comments. Presented: 8th August 2006.

Public Accounts Committee.

Fur products: petition (P.72/2006) – comments.

Presented: 30th August 2006. Minister for Home Affairs.

Annual Business Plan 2007 (P.92/2006): comments.

Presented: 11th September 2006. Environment Scrutiny Panel.

Annual Business Plan 2007 (P.92/2006): amendment (P.92/2006 Amd.)-

P.92/2006. Amd. comments. Com.

Presented: 11th September 2006.

Council of Ministers.

Annual Business Plan 2007 (P.92/2006): third amendment (P.92/2006 Amd.(3))— P.92/2006. Amd. (3) Com.

Presented: 11th September 2006.

Council of Ministers.

Annual Business Plan 2007 (P.92/2006): fifth amendment (P.92/2006 Amd.(5))— P.92/2006. Amd. comments. (5) Com.

Presented: 11th September 2006.

Council of Ministers.

Annual Business Plan 2007 (P.92/2006): sixth amendment (P.92/2006 Amd.(6))— P.92/2006. Amd. comments. (6) Com.

Presented: 11th September 2006.

Council of Ministers.

Annual Business Plan 2007 (P.92/2006): seventh amendment (P.92/2006 Amd. (7)) – comments. P.92/2006. Amd. (7) Com.

Presented: 11th September 2006.

Council of Ministers.

Annual Business Plan 2007 (P.92/2006): eighth amendment (P.92/2006 Amd.(8))— P.92/2006. Amd. comments. (8) Com.

Presented: 11th September 2006.

Council of Ministers.

Annual Business Plan 2007 (P.92/2006): ninth amendment (P.92/2006 Amd.(9))— P.92/2006. Amd. comments. (9) Com.

Presented: 11th September 2006.

Council of Ministers.

Annual Business Plan 2007 (P.92/2006): tenth amendment (P.92/2006 Amd.(10))— P.92/2006. Amd. comments. (10) Com.

Presented: 11th September 2006.

Council of Ministers.

Annual Business Plan 2007 (P.92/2006): eleventh amendment (P.92/2006 Amd. (11)) – comments. P.92/2006. Amd. (11) Com.

Presented: 11th September 2006.

Council of Ministers.

Annual Business Plan 2007 (P.92/2006): twelfth amendment (P.92/2006 Amd. (12)) – comments. P.92/2006. Amd. (12) Com.

Presented: 11th September 2006.

Council of Ministers.

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

Presented: 1st September 2006.

H.M. Attorney General.

# **Notification of lodged propositions**

Annual Business Plan 2007 (P.92/2006): amendment.

Lodged: 18th August 2006.

P.92/2006. Amd.

Privileges and Procedures Committee.

Annual Business Plan 2007 (P.92/2006): second amendment. Lodged: 24th August 2006. Deputy R.G. Le Hérissier of St. Saviour.	P.92/2006. Amd. (2)
Annual Business Plan 2007 (P.92/2006): second amendment (P.92/2006 Amd. (2)) – amendment.  Lodged: 11th September 2006.  Chief Minister.	P.92/2006. Amd. (2)Amd.
Annual Business Plan 2007 (P.92/2006): third amendment. Lodged: 25th August 2006. Deputy R.G. Le Hérissier of St. Saviour.	P.92/2006. Amd. (3)
Annual Business Plan 2007 (P.92/2006): fourth amendment. Lodged: 29th August 2006. Senator B.E. Shenton.	P.92/2006. Amd. (4)
Annual Business Plan 2007 (P.92/2006): fourth amendment (P.92/2006 Amd.(4))—amendment. Lodged: 11th September 2006. <i>Chief Minister</i> .	P.92/2006. Amd. (4)Amd.
Annual Business Plan 2007 (P.92/2006): fifth amendment. Lodged: 29th August 2006. Deputy R.G. Le Hérissier of St. Saviour.	P.92/2006. Amd. (5)
Annual Business Plan 2007 (P.92/2006): sixth amendment. Lodged: 29th August 2006. Deputy R.G. Le Hérissier of St. Saviour.	P.92/2006. Amd. (6)
Annual Business Plan 2007 (P.92/2006): seventh amendment. Lodged: 29th August 2006. Deputy R.G. Le Hérissier of St. Saviour.	P.92/2006. Amd. (7)
Annual Business Plan 2007 (P.92/2006): eighth amendment. Lodged: 29th August 2006. Deputy S.C. Ferguson of St. Brelade.	P.92/2006. Amd. (8)
Annual Business Plan 2007 (P.92/2006): ninth amendment. Lodged: 29th August 2006. Deputy S. Power of St. Brelade.	P.92/2006. Amd. (9)
Annual Business Plan 2007 (P.92/2006): tenth amendment. Lodged: 29th August 2006. Deputy S. Power of St. Brelade.	P.92/2006. Amd. (10)
Annual Business Plan 2007 (P.92/2006): eleventh amendment. Lodged: 29th August 2006.  Deputy of St. Ouen.	P.92/2006. Amd. (11)
Annual Business Plan 2007 (P.92/2006): twelfth amendment. Lodged: 29th August 2006. Deputy R.G. Le Hérissier of St. Saviour.	P.92/2006. Amd. (12)

Policing commercial and profit-making events: new 'user pays' charge. Lodged: 21st July 2006. Minister for Home Affairs.	P.94/2006.
Employee protection: legislation. Lodged: 27th July 2006. Senator B.E. Shenton.	P.95/2006.
Draft The Law Society of Jersey (Amendment) Law 200 Lodged: 1st August 2006. Chief Minister.	P.96/2006.
Draft Waste Management (OECD Revised Decision) (Jersey) Regulations 200 Lodged: 1st August 2006. Minister for Planning and Environment.	P.97/2006.
Draft Waste Management (Jersey) Law 2005 (Appointed Day) Act 200 Lodged: 1st August 2006. Minister for Planning and Environment.	P.98/2006.
Draft Licensing (Licence Fees) (Jersey) Regulations 200 Lodged: 3rd August 2006. Minister for Economic Development.	P.99/2006.
Draft Social Security (Reciprocal Agreement with the Netherlands) (Jersey) Act 200 Lodged: 11th August 2006. Chief Minister.	P.100/2006.
Code of Practice for Scrutiny Panels and the Public Accounts Committee. Lodged: 15th August 2006. <i>Chairmen's Committee</i> .	P.101/2006.
Code of Practice for Scrutiny Panels and the Public Accounts Committee (P.101/2006): amendment. Lodged: 6th September 2006. Chairmen's Committee.	P.101/2006. Amd.
Draft Income Support (Jersey) Law 200 Lodged: 29th August 2006. Minister for Social Security.	P.102/2006.
Draft Weights and Measures (Amendment) (Jersey) Law 200 Lodged: 31st August 2006. Minister for Economic Development.	P.103/2006.
Draft Amendment (No. 5) of the Standing Orders of the States of Jersey. Lodged: 5th September 2006.  Privileges and Procedures Committee.	P.104/2006.
Draft Maintenance Orders (Enforcement) (Amendment No. 2) (Jersey) Law 200. Lodged: 8th September 2006. <i>Chief Minister</i> .	P.105/2006.
Draft Lois sur la Société de Bienfaisancede la MarineMarchande de Jersey (Repeals) (Jersey) Law 200	P.106/2006.

Lodged: 8th September 2006.

Chief Minister.

Statistics User Group: appointment of Chairman.

P.107/2006.

Lodged: 12th September 2006.

Chief Minister.

Draft Data Protection (Appeals) (Jersey) Regulations 200-.

P.108/2006.

Lodged: 12th September 2006.

Minister for Treasury and Resources.

#### Withdrawal of lodged propositions

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

Draft Electronic Communications (Amendment) (Jersey) Law 200-.

P.79/2006.

Lodged: 27th June 2006.

Minister for Economic Development.

Income Tax: exemption thresholds, allowances and a higher rate.

P.93/2006.

Lodged: 18th July 2006.

Deputy G.P. Southern of St. Helier.

## **Written Questions**

(see Official Report)

The Chairman of the Privileges and Procedures Committee tabled an answer to a question asked by Deputy Roy George Le Hérissier of St. Saviour regarding operating costs of the States Assembly.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy Sean Seamus Patrick Augustine Power of St. Brelade regarding restrictive covenants applicable in respect of the operatior of the AquaSplash swimming pool.

## **Oral Questions**

(see Official Report)

Deputy Sean Seamus Patrick Augustine Power of St. Brelade asked a question of the Minister for Planning and Environment regarding the operation of the fishery protection vessel, the Norman Le Brocq.

Deputy Geoffrey Peter Southern of St. Helier asked a question of the Minister for Social Security regarding integration of the Reduced-Price Milk Scheme into the proposed Income Support Scheme.

Deputy Judith Ann Martin of St. Helier asked a question of the Chief Minister regarding Jersey's powers to vet people coming from Romania and Bulgaria to live and work in the Island once these countries had joined the E.U. and assuming that the U.K. maintains its open-door policy.

Deputy Paul Vincent Francis Le Claire of St. Helier asked a question of the Minister for Transport and Technica Services regarding the compost operation and the use of sewerage or effluent as an additive.

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding police officer resources engaged in connection with public events held at the Royal Jersey Showground and the Howard Davis Park on Friday and Saturday 1st and 2nd September 2006.

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding H.M. Chief Inspector of Prisons inspection of H.M. Prison, La Moye in June 2005 and, in particular, the recommendation regarding the development of a Performance Improvement Plan.

Deputy Deidre Wendy Mezbourian of St. Lawrence asked a question of the Minister for Home Affairs regarding H.M. Chief Inspector of Prisons inspections of H.M. Prison, La Moye in 2001 and 2005 and, in particular, the recommendations regarding Suicide Prevention and Self Harm Reduction.

Deputy Geoffrey Peter Southern of St. Helier asked a question of the Minister for Treasury and Resources regarding the progress made in connection with the appointment of advisors to the proposed privatisation of Jersey Telecom.

Deputy Alan Breckon of St. Saviour asked a question of the Minister for Social Security regarding the provisior and publishing frequency of unemployment figures for 2006.

Deputy Deidre Wendy Mezbourian of St. Lawrence asked a question of the Chairman of the Comité des Connétables regarding the number of Honorary Police Officers engaged on duty in connection with public events held at the Royal Jersey Showground and the Howard Davis Park on Friday and Saturday 1st and 2nd September 2006.

# **Oral Questions without notice**

(see Official Report)

The Minister for Education, Sport and Culture answered questions without notice from members.

The Chief Minister answered questions without notice from members.

# Annual Business Plan 2007 – P.92/2006 Amendments

THE STATES commenced consideration of a proposition of the Chief Minister regarding the Annual Business Plan 2007, and adopted a proposition of the Chief Minister that, in accordance with paragraphs (4) and (5) of Article 11 of the Public Finances (Jersey) Law 2005, they agree to consider amendments moved by the Chief Minister forthwith without the requirement for such amendments to be lodged at least 14 days before the start of the debate.

THE STATES commenced consideration of paragraph (a)(i) of the proposition requesting that they approve the summary key objectives and performance criteria for 2007 of the Chief Minister's Department as detailed on pages 8 to 10 of the Annex to the draft Annual Business Plan 2007, and adopted an amendment of the Deputy of St. Ouen that in paragraph (a)(i), after the words'pages 8 to 10 of the Annex", there be inserted the words –

"except that in Objective 1, on page 8 of the Annex, after the existing performance/success criteria, inse the following new items –

- The development of any new initiatives, policies or strategies supported by all cost and revenue implications.
- *New policies prioritised within approved revenue and manpower resources.*
- States income and expenditure maintained within the financial constraints /cash limits agreed in the Annual Business Plan."

THE STATES adopted an amendment of Deputy Roy George Le Hérissier of St. Saviour that in paragraph (a)(i after the words "pages 8 to 10 of the Annex", there be inserted the words –

"except that in Objective 2, on page 8 of the Annex, after the existing performance/success criteria, insert th following new item –

Report by the end of 2007 on the situation facing Jersey residents who do not have the automatic right to work and settle in European Union countries, with recommendations."

THE STATES adopted an amendment of the Deputy of St. Ouen that in paragraph (a)(i), after the words pages 8 to 10 of the Annex", there be inserted the words –

"except that in Objective 5, on page 9 of the Annex, after the existing performance/success criteria, inse the following new items –

- An improved management reporting, risk management and overall accounting system to support transformation project established.
- All public sector pension obligations properly monitored and accounted for.
- Annual Business Plan delivered and monitored within financial constraints."

THE STATES rejected an amendment of Deputy Roy George Le "pages 8 to 10 of the Annex", there be inserted the words –

"except that in Objective 7, on page 10 of the Annex, after the existing performance/success criteria, inserthe following new item –

• Investigation and report upon the feasibility of work permits as a way of regulating the local labour market as an alternative to the proposed Migration Policy approved by the States in 2005."

Members present voted as follows -

POUR: 21 CONTRE: 29 ABSTAIN: 0

Senator S. Syvret Connétable of St. Peter Deputy R.C. Duhamel (S) 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 Hérissier (S) Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy S.C. Ferguson (B) Deputy of St. Peter Deputy J.A. Hilton (H) Deputy P.V.F. Le Claire (H) Deputy D.W. Mezbourian (L) Deputy of Trinity

Deputy S.S.P.A. Power (B)

Deputy S. Pitman (H)

Deputy K.C. Lewis (S)

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. Quen Connétable of St. Saviour Connétable of St. Mary 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 Deputy J.B. Fox (H) Deputy of St. Ouen Deputy P.J.D. Ryan (H) Deputy G.W.J. de Faye (H) Deputy J.A.N. Le Fondré (L) Deputy A.J.H. Maclean (H) Deputy of St. John Deputy I.J. Gorst (C) Deputy of St. Mary

THE STATES adopted, as amended, paragraph (a)(i).

THE STATES, adopting paragraph (a)(ii) of the proposition, approved the summary key objectives and performance criteria for 2007 of the Economic Development Department as detailed on pages 24 and 25 of the Annex to the draft Annual Business Plan 2007.

Senator Philip Francis Cyril Ozouf, Minister for Economic Development, in accordance with the provisions of Standing Order 106(b), declared an interest but remained in the Chamber for the duration of the debate on the summary key objectives and performance criteria for 2007 of the Economic Development Department as detailed on pages 24 and 25 of the Annex to the draft Annual Business Plan 2007.

THE STATES adopting paragraph (a)(iii) of the proposition, approved the summary key objectives and performance criteria for 2007 of the Education, Sport and Culture Department, as detailed in pages 35 to 37 of the Annex to the draft Annual Business Plan 2007.

Senator Michael Edward Vibert, Minister for Education, Sport and Culture, in accordance with the provisions of Standing Order 106(b), declared an interest but remained in the Chamber for the duration of the debate on the summary key objectives and performance criteria for 2007 of the Education, Sport and Culture Department, as detailed in pages 35 to 37 of the Annex to the draft Annual Business Plan 2007.

THE STATES commenced consideration of paragraph (a)(iv) of the proposition requesting that they approve the summary key objectives and performance criteria for 2007 of the Health and Social Services Department as detailed on pages 48 to 50 of the Annex to the draft Annual Business Plan 2007, and of an amendment of Deputy Roy George Le Hérissier of St. Saviour that in paragraph (a)(iv), after the wordspages 48 to 50 of the Annex", there be inserted the words—

"except that in Objective 2, on page 49 of the Annex, after the existing performance/success criteria, insert the following new item –

*Introduce independent complaints process by January 2007.*",

and adopted an amendment to that amendment of the Chief Minister that for the words "by January 2007", there be substituted the words "by December 2007".

THE STATES adopted the amendment, as amended, of Deputy Roy George Le Hérissier of St. Saviour.

THE STATES adopted an amendment of Deputy Roy George Le Hérissier of St. Saviour that in paragraph (a)(iv after the words "pages 48 to 50 of the Annex", there be inserted the words -

- "except that in Objective 3, on page 49 of the Annex, for the words" Financial balance is both a key objective and a legal requirement for States Departments. It provides the essential platform on which to manage and develop services" substitute the words –
- Financial balance achieved and, in the process, the costs of each defined service area and relevant overheads identified, so that meaningful comparisons can be made year to year and with other jurisdictions."

THE STATES adopted, as amended, paragraph (a)(iv).

THE STATES commenced consideration of paragraph (a)(v) of the proposition requesting that they approve the summary key objectives and performance criteria for 2007 of the Home Affairs Department, as detailed in pages 61 and 62 of the Annex to the draft Annual Business Plan 2007, and adopted an amendment of Deputy Roy George Le Hérissier of St. Saviour that in paragraph (a)(v), after the word\$pages 61 and 62 of the Annex", there be inserted the words –

"except that in Objective 4, on page 62 of the Annex, after the words" Sentence Planning and other programmes" insert the words "which will have a demonstrable impact in reducing offending behaviour."

THE STATES adopted, as amended, paragraph (a)(v).

# Adjournment

THE STATES then adjourned, having agreed to reconvene the next day, Wednesday 13th September 2006, in order to continue consideration of the proposition of the Chief Minister regarding the Annual Business Plan 2007, (P.92/2006 lodged "au Greffe" on 18th July 2006), together with the outstanding matters of public business.

THE STATES rose at 5.30 p.m.

M.N. DE LA HAYE

Greffier of the States