

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 6th NOVEMBER 2013

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[9:30]

The Roll was called and the Dean led the Assembly in Prayer.

PUBLIC BUSINESS – resumption

Senator P.F. Routier:

I have had a number of Members approach me with regard to their wish to attend a funeral this morning and I would like to propose that if we have not finished our business by 11.30 a.m., that we adjourn and then return at 2.00 p.m. I would like to formally propose that.

The Bailiff:

Do Members agree to that? It seems very sensible. Very well, so it is agreed.

1. Public Elections: Single Transferable Voting System (S.T.V.) and an Alternative Voting System (A.V.) (P.86/2013) - deferred

The Bailiff:

Yes, so we return then to the Order Paper. Now, the next matter is Projet 86 lodged by Deputy Tadier - Public Elections: Single Transferable Voting System and Alternative Voting System - but, Deputy, I think you have indicated that you wish to defer that one?

Deputy M. Tadier of St. Brelade:

Yes, Sir, I would like to defer that for 2 weeks.

The Bailiff:

Very well, so that is deferred.

2. Public Elections: amendments to legislation and administration (P.110/2013)

The Bailiff:

So the next matter then is Projet 110 - Public Elections: amendments to legislation and administration - lodged by the Privileges and Procedures Committee. It is an extremely lengthy proposition. Would Members agree to take it as read?

2.1 Deputy J.A. Martin of St. Helier (Privileges and Procedures Committee - rapporteur):

Just before it is read, the committee would like to withdraw paragraph (F)(a). There has been an amendment lodged. It has not been lodged long enough but we need to have more discussion and we feel that for a clean debate we can bring that back on another day. I do not know if I am allowed to just ... but they do not hang together so I am in your hands, Sir.

The Bailiff:

Very well. You just want to not proceed today with (F)(a)? Yes, that seems in order. Very well. So then we, having taken the proposition as read, do I understand, Deputy Martin, you are acting as rapporteur for this matter?

Deputy J.A. Martin:

Yes, thank you, Sir.

The Bailiff:

Very well. Then, I invite you to speak to the proposition.

Senator S.C. Ferguson:

Excuse me, do you not mean capital F? It was capital F, I think.

Deputy J.A. Martin:

It was capital (F) little (a). You have to say that very slowly. **[Laughter]** I took advice earlier on how to withdraw that part. I am acting as rapporteur because when the Constable of St. Helier was the Chair of P.P.C. (Privileges and Procedures Committee), he set up 3 sub-committees and luckily I did have Deputy Maçon on my committee, a very hardworking Member, and I also would like to thank the other Deputies, which was Deputy Southern, Deputy Le Hérissier, Deputy Noel. Our clerk was the Assistant Greffier and she has worked tirelessly putting public meetings together, surveys online, trips to Guernsey, very interesting times and also the Electoral Officer at the Town Hall, he was there in an advisory capacity as he does manage a very large electoral roll. We were asked to look at the electoral process through the eyes of a voter and that is what we have tried to do. We have tried to step away from being in the States and look at how do you vote and make the process as easy as possible. We also tried to keep the amendments to the law as simple as possible but I will obviously go through parts of it and there are a few amendments. I think we accept most of them. Obviously, there are a couple of contentious ones, which we will have a debate on when we get to probably the amendment. So part (A)(a) is for persons under 16, who will be 16 at the election, to be able to vote up to 3 months before. This also ties in with people who will be able to vote for the first time because they have been a citizen for 2 years but they might just miss that cut-off day. This then goes also down to (A)(d)(i). Again, these will be people who are putting their names on the electoral roll for the first time so they then ... it would not work if they move from one Parish to another. They would never have voted before or never been on an electoral roll. (A)(b), we have an amendment to this. There are some comments from the Comité des Connétables. Going round and speaking to the Parish secretaries when we met them as a whole and when we met some individually, it is quite clear that they maintain the register and it seems with the perception of anyone who may be involved in the election not having anything to do with the electoral roll, we thought it seemed sensible to make the Parish secretary ...

Connétable J.L.S. Gallichan of Trinity:

Could I ask the rapporteur if we are going to vote on all these or if she is going to go through the whole lot and start again because we had some reservations about (A)(b) and is this a time to air them or not? So if she is going to go through the whole thing ...

Deputy J.A. Martin:

Sorry, I did not explain that. No, I am going to propose everything. Obviously there are amendments which we will vote on separately. If you want anything voted on separately as well, you can ask for that at the end. We have no objection ...

The Bailiff:

Yes so we will have one debate. Deputy Martin will propose everything. Then we will have the amendments, which will be debated as one debate but, of course, you can vote separately on the different amendments and then at the end it is up to Members whether they vote in blocks or on individual paragraphs, as anyone may ask. So I hope that is clear.

Deputy J.A. Martin:

Yes and I am not going to go through everything. It is just a few of the things that we know, as you say, they might not be an amendment but I think the Constables have made some comments in their report on the amendments as to why they are not happy. That is fair enough, that is up for debate. Then there is online registration. This is done mainly in most other places. The supplementary

register, as I have already explained, will just be for first time voters. The cards to be sent out, we think that it is done in other places. You tell people: "You are on the roll." You send them out to all the houses, you know, and that you tell them that: "Nobody is registered in this house." Then this one is probably controversial because there is an amendment. (A)(g) is proposing that the registered long-term sick or disabled person and prisoners on remand should be entitled to vote by post. I single this one out because we were told by sick and disabled people they did not like strangers, as they called them, coming into their house so we thought we would put the postal vote back in. Part (A)(h) is the test of the witness. Again, we were told by the Judicial Greffe that a lot of them are filled in wrong. Some of them are not signed which makes the vote null and void so we are not making it easy for sick and disabled people. In the Constables' comments, they say we do not define who is sick and registered or disabled but if you want a pre-poll postal vote for sick or disabled, there is no test there either at the moment. Anyone can phone up and say: "I need a pre-poll vote. I am sick." There is no test. If you wanted a test, people are registered long-term sick with the Social Security Department but we are not changing anything. There is no test. I have heard it through anecdotal evidence that people turned up and they said ... they have gone out for the day and they have asked for a sick vote. To test it, we want to do pre-poll voting on a Saturday before elections in a town location and an out-of-town location. (A)(j) is the procedure for recounts. On this point, I am not going to ... Deputy Maçon is going to speak because I am not conflicted. I may have an interest because this came up because of a recount that took place last time which I was involved in but all of this has been requested from the Jurats and the Attorney General and it is quite clear in the outcome of the court judgment what they think the improvements would be, so that is all part (A)(j). (B) again is all administrative. It is to request the Constables to do sample canvassing, increase opportunities to include names on the electoral register, an online facility to request a pre-poll sick or postal vote. Again, this is already done in the U.K. (United Kingdom). It is done in Guernsey so it is really just picking up the phone. It can be as technical as we want to make it but these are administrative votes. There is an amendment to (C)(g) about the ballot papers and the photographs which we will discuss and which we are not accepting. Again, the photographs were asked for by people who have short-sight or learning difficulties and they want to look at the person as they are putting their cross not outside. If you have got all of your faculties then it is hard to imagine, but when you listen to people, they find it difficult. So if this helps more people to find the experience and put their cross in the correct box, that is what we are all about.

[9:45]

Deputy M. Tadier:

Could I ask the rapporteur, does it have to be a modern photo or can you use one from 10 years ago with a school tie in my case?

Deputy J.A. Martin:

I said the people might have short-sightedness or learning difficulties, not stupid. If you are not using a current photo, and I think the Constables' Committee say they object to this because you should be voted in on your ... maybe I made that one up but I am sure it said it should not be about looks but I have read that somewhere. The arrangements for casting a sick vote on election day should be well published and lots of people do not know if they just happen to be sick or they miss the pre-poll that the Parish will come out. When I surveyed, it was quite a well-answered question. Half knew and half did not know about it. It is not really down to the candidates but this will be done again all through getting people registered and everything else. We want to conduct a feasibility study on the Names and Address Register and the use of it to automatically register everybody when they are entitled, aged 16, so all we are asking for at the moment is the feasibility study to go through the data protection, how it would work. If everybody is registered, would it

make a difference? Are you knocking on doors that the people do not want you to because they are automatically registered? You get that anyway but this again is looking at the simplicity for the elector, everyone is registered, and if you knock on their door and they never voted before but they are eligible and they like what you have got to say and what you produce, you might gain a vote. It is no good if they cannot vote for you. It is absolutely about getting registered. (D) paragraph (b), involves investigating electronic voting and reporting within 12 months on real-time technology. That is all we are asking to do. It will come. I always say in my political lifetime, I would like to have it in my actual lifetime but these things ... technology has moved on so much in the last 15 to 20 years, it is amazing what can be done and the checks that can be done. (D)(c) investigate and bring forward for approval an amendment to require Jersey Post to deliver one addressed envelope to each elector jointly for candidates in the district. Again, that is just to investigate. Obviously, someone will have to pay so that is what we ask. (E) is to implement the administrative improvements set out on pages 10 to 13 and then paragraph (F), we have drawn part (a) and part (b). I have been in this Assembly now for 14 years coming up. I do know people who have wanted to retire, people have lost their seats. They do not enjoy coming back in here for those few weeks and you have got the new people who really want to get going. So we are suggesting that the States should not meet after nominations are announced. We are also suggesting that if there is an emergency we will but with (F)(d) we are also suggesting that the new elected States Members sit in the States Assembly as soon as possible after they have been elected and the swearing in of Members to take place at the appropriate time to accommodate this so there will not be 3 to 4 weeks, or even longer in some cases, for new States Members. I think I have covered everything. We had a really good turnout for the presentation. We had 24 States Members on a non-States day and, of course, we picked the smallest venue. It happens that way but obviously I am here, the Chair who was on the committee and other Members if you have any questions then. The debates will come on the amendments so I propose all the parts of the law and the administrative options in P.110/2013 and I wait for the questions.

2.2 Public Elections: amendments to legislation and administration (P.110/2013) - amendment (P.110/2013 Amd.)

The Bailiff:

Is the proposition seconded? [**Seconded**] Very well. So then we have an amendment lodged by the Comité des Connétables so I will ask the Greffier to read the amendments.

The Greffier of the States:

1. Page 2, paragraph (A)(d)(i). After the word “persons” insert “whose names are not on any Electoral Register in force in the Island”. 2. Page 2, paragraph (A)(e). (i) After the words “in the year of a public election,” insert “being a general election for members of the States,”. (ii) Substitute for the words “as soon as may be after the statement” the words “not earlier than one month after the deadline for the return of the Annual Statement which”. 3. Page 3, paragraph (A)(g) (i) Delete the words “the registered long-term sick or disabled persons and”; (ii) For the words “vote by post”, insert the words “vote by pre-poll”. 4. Page 3, paragraph (A)(h), delete the words “an application for”. 5. Page 4, paragraph (C)(g), For the word “booths” substitute “stations”.

2.2.1 The Connétable of Trinity (Chairman, Comité des Connétables):

Maybe it would have been helpful if the actual rapporteur would have said what they have accepted because I am not going to bother about talking on what has been accepted by P.P.C. I believe they have accepted the ...

The Bailiff:

My understanding from the comments, if you can confirm this, is that amendments 1, 2 and 4 are accepted, is that right, Deputy, but amendments 3 and 5 are not? So perhaps you could concentrate on 3 and 5.

Deputy J.A. Martin:

Yes, that is correct, Sir.

The Connétable of Trinity:

That is all I wanted to clarify. It is one of those things, it is minor stuff, it is down to the individual, but on the 3, it was simply that we wonder why we are going back to postal voting when if you think about it, the big “hoo-haa” 2 years ago in this Assembly was to stop postal voting. I think that is what we believe, that how many people were unhappy about having people going into their houses. Was it thousands, hundreds or was it 2 or 3? Do we go back on what was a major decision because of the unease with postal voting a number of years ago? So it is quite simple: we just put in these words to go back to vote by pre-poll. Likewise for the sick and disabled person. If you are sick and disabled, do you have to walk down to a letterbox or not? Just get someone to come and help you to get your pre-poll vote and that is what it was on that one. On the other one for the word “booths” substitute “stations”, the feeling was if you are going to have still an unchanged election with Connétables, Deputies and Senators, you are going to have a plethora of photographs in the booth and the feeling was why not just have it in the hall as you are walking in to collect your nomination paper? You would have it all paraded there and the other thing which was of concern many years ago, there was a lot of concern by candidates that if you got within 100 yards of a polling-station, you were biasing the people on how they should vote so it seems very strange. I presume that will then stop. You can have photographs within 10 yards of the polling-station anywhere now. If you are going to give up on this one and go right into the polling-booth, why should you stop people advertising or having banners outside the hall because that was the reason we stopped that. It was stopped because people thought it was wrong to have a banner, it was at St. Martin where it started. Banners within 50 yards of the Parish Hall were not accepted. So all we are trying to say is if you are going to allow actual photographs with the names inside the booth, why should we not relax everything? As I say, it is up to the individual to vote how they wish.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?

2.2.2 Deputy M. Tadier:

If I can address those points. They are all valid concerns. I think when it comes to postal votes, this was a controversial area and the way I look at it is there are 2 factors that hang in the balance here. You have got on the one hand the integrity of the vote, people are saying: “if you have got a postal vote, how do you know that somebody is not looking over your shoulder when you fill it in?” On the other hand, for me, what is more important is the privacy of the vote. So when somebody casts their vote when we normally go into a booth, we are there on our own. There is no one there with us unless we choose to bring in our kids. I think I have seen that before and I think that is probably a healthy thing. But, as a general point, you cast your vote in privacy and it seems from the evidence that the P.P.C. sub-committee have received, which makes sense to me, people are very uneasy, whether it is in their homes or whether it is on remand in the prison and remember, these are people who have not been convicted. They may be there over Christmas because there is nowhere else to go and they get released after Christmas. That does unfortunately happen in Jersey. They do not necessarily want to see an official coming to take their vote and they may be standing in the same room. They are obviously not looking or getting involved. That makes people very uneasy in the same way it makes people uneasy to run the gauntlet when they are coming to communiqué or to the Parish Halls. People do not necessarily like that and people are diverse and

we all have our foibles. So for me the important thing is, I do not think we have any evidence of postal fraud. If we do have that, that should be shown, but we do have evidence that people like to cast their votes in privacy, whether that be in their own home or taking it down to the post box, *et cetera*, and we know that the system works and we do use postal votes already so, for me, I would come down on the side of P.P.C.'s recommendation. The photos, I cannot help but think we are making a big deal of this. The point is if you had a party system in the U.K., you have your party symbols on there. When we have parties over here, we will have party symbols on there. We are not going to say: "You have got to have the poster in the hallway." Are people going to have to come out of the booth and think: "I cannot remember who that is. There are 2 people with the same name on there. We have got 2 Le Maistre's here. Who am I going to vote for? Let us just nip out into the corridor. Yes, that is right, it is the one with the red tie that I want to vote for rather than the one with the blue tie, the one with the red tie. **[Laughter]** **[Aside]** The red tie and the daffodil. It is the Le Maistre's part of the Time for Change group rather than the Jersey Young Conservatives and that is the one I want to vote for in St. Brelade." So you nip out there, you go into the hallway. Quite simply, if we are going to do this, you have the photographs on there. They will be a facilitator and you put them on the ballot paper. You put them in the booth. I think that is the sensible way forward. The thing is with posters, there is not a law at the moment which says you cannot put posters outside a polling-booth. It is done by convention and it is down to the discretion of the Jurat, and I had this issue in 2008 because I had deliberately gone out early in the morning and I took my posters down. I took them down from the entrance to Don Farm and from the prime location at St. Bernadette's church only to find that other posters had been left up and when I asked about it, they said: "Oh, no, that is fine. People do not have to take their posters down", so that issue does not exist and I think there may be variations throughout the Parishes but certainly, as soon as I found that out, I went back home and stuck my poster back up on polling day so that people could see it as they drove into Don Farm Estate and hopefully that was not the only reason they voted for me because I also had a manifesto with policies in it. But are we going to go down the route and say that people might vote for you on the basis that you have a decent photo? Are we going to therefore say: "well, maybe you should not be allowed to put photos on your manifesto because people might be influenced by those Members who might be blessed in the facial aesthetics department?" **[Laughter]** Where do we stop with this? I think P.P.C. have come forward in their sub-committee with considered arguments. No doubt these things would have come up around the desk as they normally do on committees. I think we go with these packages. The first one, postal votes, will no doubt be the one which is most controversial but for me the privacy of the individual when casting the vote in their own home is the most important and that is the way I would go with that one.

Connétable D.W. Mezbourian of St. Lawrence:

If I may, I had a point of clarification from the previous speaker. He referred to folk putting photographs on the ballot papers which I would just like him to confirm that that is not what is being proposed in this. It is merely booths.

Deputy M. Tadier:

Exactly so. We are not even at the stage yet where we are putting photos on ballot papers. Personally I do envisage that at some point in the future, and that may be the next step, but certainly the argument stands that there is no problem with putting them in booths. It seems to make more sense. That is where people are casting their votes.

[10:00]

2.2.3 Deputy G.P. Southern of St. Helier:

The aim of these changes, of these reforms, is to make it as simple and easy for all voters to be able to vote. That is the driving force. To hear this scaremongering raised again around the issue of postal voting is, to my mind, and I can give you 10,000 reasons why I should consider it, it is like history repeating itself. The fuss at the time was completely groundless scaremongering and the breach in the law was that the law said you cannot assist somebody with an application for a postal vote. That was the reality. There was no question at any stage that any ballot paper was ever interfered with in any way whatsoever. It was a breach of the law, it was a technicality. The application for a postal vote and the ballot paper never came close together, certainly not in the presence of a candidate. That is the reality, and to hear the myth that somehow there is something to be afraid of in postal voting, again I find very disappointing. The issue was about assistance with applying for a postal vote. That law has been changed since. That is not a threat so please let us not reject this amendment which is designed to help those who wish to vote in whatever way they wish to vote, postal vote included. Let us not throw this out because of groundless, baseless scaremongering.

2.2.4 Deputy S.G. Luce of St. Martin:

Dealing first with postal voting. Both Deputy Southern and Deputy Tadier made a big play of privacy and pressure being put on people to vote one way or the other. To my mind, the efforts of P.P.C. to attend pre-poll voting in places other than St. Helier and at other times is the way that we need to move forward. The more opportunity that people have to cast their votes in private without anybody there with them close to their own home and not having to travel great distances the better as far as I am concerned. As for photos in the booth, I would like to say I think it would be a good idea. I think the continuation of not having publicity posters close to polling-stations is good and should continue but when you get into the booth to cast your vote, I cannot see any reason why every potential politician should not have the opportunity to have their picture there and I envisage inside the booth that the pictures will be of the same size and would give equality to everybody concerned rather than outside the polling-station where potential politicians have the ability to put up posters of whatever size they like.

Deputy G.P. Southern:

Point of clarification. How does the previous speaker consider that it is better to have a pre-poll vote in your own home where somebody comes round with a pre-poll vote? There is a presence there between that and the postal vote where you get the vote through the post, you fill it in, and you vote and there is no person there. How does that spoil privacy?

The Deputy of St. Martin:

I was speaking peculiarly exactly on the pre-polling outside of the home, not inside the home. This is pre-poll stations which P.P.C. are proposing outside of St. Helier in areas where people will find them easier to access.

2.2.5 Senator F. du H. Le Gresley:

I only wanted to comment on the issue of photographs in the booths. Unless something dramatic happens between now and the next elections, voters will be voting for up to 8 Senators, in some districts up to 4 or 5 Deputies and possibly, it does happen sometimes, one or more Constables or candidates. So can you imagine in some of these booths how many photographs are going to be on display? I tote up probably a minimum of 20 but it could be 30. What is the point of having all these mug-shots in the booth? Are we saying that voters have such a short memory that they cannot remember the candidate just by their policies rather than the look on their face? Are we going to search every voter to make sure they do not have a felt-tipped pen in their pocket? **[Laughter]** If we were having the elections in November, I would suggest that every candidate will end up with a Movember mark on their visage **[Laughter]** and quite honestly this is ridiculous.

I do not want, if I was standing for election, my face in the booth. I am quite happy, if it is necessary, to have it in the hall but I do not even see that is necessary at all. We are supposed to be voted in on policies, not on what we look like.

2.2.6 Deputy J.A. Martin:

As I said, the debate will always be on the postal vote. I think the Deputy of St. Martin has missed the point when he said that we are extending the pre-poll vote out of town. This is for people who cannot get to this, out of town, in town, or anywhere. They cannot get out of their homes. Now, if someone is telling me that they do not want ... they are sick or they have got a disability, they may be bedridden, they will trust a member of their family. They can phone up the Town Hall or the Parish Hall who will send them an application for a postal vote. They can possibly get someone to help them fill that in but they do not want strangers coming in their home and taking their vote. That is what they have told us. It is entirely up to you. And just to this myth, as Deputy Southern calls it, on the Constables' comments on page 6 in the middle of the second paragraph on the author's report: "The scope for fraud is very considerably limited in Jersey. Great care". The other argument is that we only did this 3 years ago so why are we changing it now? I would say because looking at this for 2 years, we were told we made the wrong decision and I am not too big a States Member to stand up and say: "We made the wrong decision." As for a candidate helping ... just to make this quite clear, we are not reintroducing that. If somebody wants to reintroduce that, the argument is for another day. That was the controversial part that people thought and it is so wrong but people thought candidates were helping people to get a postal vote and then supposedly somehow knowing when that postal vote was coming through and being able to help for this. We are not proposing even reintroducing anything like that. The person themselves or their family or friend will fill in the application for them. So let us be quite clear who we are trying to aim postal voting at, that we took away. It was for years for sick and disabled people who could not get out, but now the only test is you cannot be on the Island and we are where we are. I was quite surprised. Obviously nobody was listening to me when I told the Assembly why we need photos in the booths, and it is not for vanity. It is for the few people again who have, as I will repeat, learning difficulties or are short-sighted and they can only recognise somebody from their photo and it is a bit ...

Deputy K.C. Lewis of St. Saviour:

As a point of clarification, I am not trying to be P.C. (politically correct) or pedantic, somebody with a visual impairment.

Deputy J.A. Martin:

Well, yes, visual impairment or yes, short sight, whatever, this is what we have been told. So is it impossible to be done? Is there going to be too many photos? No. It is not impossible to help the people who want to come down and cast their vote on the day, and I have seen some people with severe disabilities who could have taken pre-poll or could have taken ... but Senator Le Gresley certainly does not want his photo in there but he is whispering away and not listening. He obviously missed the point. No, he is shaking his head. He does not obviously have an interest in the people who have impaired vision or learning difficulties. **[Members: Oh!]** I withdraw that comment. It came out wrong but I am trying to express why this has been brought forward and that comment did come out wrong, but if he had really listened to what I had said, he would not have made those comments. So I am not talking about for ordinary voters. These are people with special circumstances so that is about the voting in the booth. I will not mention the prisoners because we have not got an amendment on that one ... if we do not extend the postal vote to the prisoners, it will be the *status quo*. Again, it is the simple fact of people wanting to go in ... the Judicial Greffe go into the prison out of courtesy, so I think that is all I have got to say on the

amendments and I hope I have explained why we do need to bring back the postal vote and to have the photographs in the booths.

2.2.7 Deputy G.C.L. Baudains of St. Clement:

I have to say I agree entirely with Senator Le Gresley and I think Deputy Martin is missing the point here because if somebody is visually impaired, I am not quite sure how, as Senator Le Gresley said, so many photographs in a booth are going to help them at all. I have done a very quick rough calculation here. In any one polling-booth there could be, for argument's sake, 3 candidates for Constable; there could be 15 candidates for Senator and maybe 5 for Deputies so you are going to be looking at 23 photographs. How will that help? I think it is going to be more confusing than helpful. So what I am going to ask while I am on my feet to save me asking later on is whether P.P.C. would be prepared to call (C)(g) because it is going to be ... I would not like to have to vote against the whole of (C) just because of that.

The Bailiff:

I think, Deputy, just to clarify, people will be able to vote on each subparagraph if any Member calls for a specific vote on a specific subparagraph.

2.2.8 Connétable L. Norman of St. Clement:

I do not think Deputy Martin should get too excited because these amendments were brought in an attempt to improve as much as it could the proposition of the Privileges and Procedures Committee. We are grateful to the committee for having accepted most of them but there are just one or 2 issues. The photographs, for example. It is more a practical issue than a political issue. The booths these days are very small. As Senator Le Gresley pointed out to us, there are going to be 20 or 30 photographs in there separated by different elections. What I am concerned about, and I am sure some of my colleagues on the Constables' Benches are concerned about, it is going to cause confusion and cause delays in the booths. If there are delays in queues, people will turn away and you will have less voters than you would before and if you are going to have decent sized photographs in the polling-station, surely much better than 20 or 30 tiny ones in each booth. It just seems to be a common-sense reaction. The other one about postal voting. I always get concerned when only after 2 years we do a complete about-face and turn things on their head. It was only 2 years ago that the Privileges and Procedures Committee said and it is in our report that: "The new system where independent officers would attend on request at a voter's home address is a significant improvement on the current system and will have the added benefit of ensuring that the integrity of the voting system is in no way compromised." No one is suggesting that the postal voting system in Jersey has compromised an election but we know it has done in other places and therefore it has the potential to do so. That is why the Privileges and Procedures Committee 2 years ago asked the States to make this change and why the change was implemented by the States. Why we should want to introduce postal voting for prisoners on remand is absolutely beyond me. The officers from the Judicial Greffe will know that they are going to be in when they call so all you are really doing there is recreating a mini polling-booth at La Moye, which seems a much more sensible and easier system than going through all the paraphernalia of writing off for an application, sending it back, then doing your vote and posting it back again, which is much simpler than having an officer of the Judicial Greffe call. Obviously, anybody at home or at the prison can have a friend or a member of the family in attendance if they wish. There is no intrusion on people. When I have been involved in elections, people have welcomed this, the impersonal method of postal voting. So these amendments were brought in a genuine attempt to be helpful, to try and improve the proposition, and obviously whichever way it goes today, we will have an opportunity to discuss it again when the legislation changes come through.

[10:15]

Deputy M. Tadier:

Would I be able to ask a question of the Attorney General to do with prisoners on remand? If they took exception with a member of judicial staff who they may perceive as part of the apparatus of the Judiciary turning up to the prison to take their vote, would they have a legitimate appeal mechanism against that?

Mr. T.J. Le Cocq Q.C., H.M. Attorney General:

No, the arrangements for voting are the arrangements put in place by this Assembly. Those are the arrangements that will apply. One cannot choose the *Autorisé* who is going to be there at your polling-booth. If it were to be remand prisoners, why would it not be anyone else in any other part of the Island who could complain that they did not like the *Autorisé*? No, I do not think anyone on remand would have the ability to challenge.

2.2.9 Senator L.J. Farnham:

Just very briefly on the logistical issues with cigarettes. Those officers turning up to take a pre-poll vote at somebody's house I presume have to carry a portfolio of the candidates' photographs with them to show the person they are visiting so of course they are not disadvantaged for those who go into a polling-booth.

2.2.10 Deputy J.M. Maçon of St. Saviour:

With regard to photos, I am advised that the States Greffe get the photos within 48 hours of an election being declared, and therefore producing the actual photos in whatever format should not be that difficult. It could be done and that is what I am advised. Again, these recommendations have come from the public. These are the people who have asked us to bring this to this Assembly for debate. It is not something that the committee has just invented, so this is something which, as representatives of the people, we do have to consider. As for the sick or disabled persons being able to vote by post, again this came forward to us by members of the public, granted not in huge numbers, but you have to remember these people are perhaps slightly more vulnerable and the committee were minded that if we want to engage more people in the process of voting, that we should extend the choice in which methods that people have in order to do that and therefore that is why we have come up with this recommendation. We accept that it is down to political choice about how Members wish to proceed but we were asked by the public to put this recommendation to the States Assembly and that is what we have done.

The Bailiff:

Does any other Member wish to speak on the amendments? Now I invite the Chairman to reply.

2.2.11 The Connétable of Trinity:

Could I thank my Vice-Chairman also for his words? This is a massive projet, P.110, and all we have done, as Connétables, is brought a few things for the Assembly to vote on. It is entirely up to the Members. We just brought some things which we thought should be looked at. This could have slipped through quite easily and there would be things maybe set in stone that we would not have wanted so we brought a few little recommendations and we leave it to the Members to make up their view and I ask for the appel on the amendments.

The Bailiff:

Well, do you need them on all of them, Connétable? Some of them are accepted. Shall we just take a standing vote on those accepted unless a Member asks for an appeal?

The Connétable of Trinity:

No, only on the ones that are not accepted.

The Bailiff:

So can I suggest that you put first of all amendments 1 and 2, both of which have been accepted.

The Connétable of Trinity:

I believe 4 is accepted as well.

The Bailiff:

Very well. Would Members like to vote on paragraphs 1, 2 and 4? All those in favour, kindly show? Those against? So those paragraphs are adopted. Now we come to paragraph 3, which is not accepted, and you have asked for the appel on that, Constable?

The Connétable of Trinity:

Yes, please.

The Bailiff:

So the appel is now called for in relation to paragraph 3 of the Comité's amendments. That concerns pre-poll and so on, and I would invite the Greffier to open the voting.

POUR: 31		CONTRE: 12		ABSTAIN: 0
Senator P.F. Routier		Senator A. Breckon		
Senator P.F.C. Ozouf		Senator S.C. Ferguson		
Senator B.I. Le Marquand		Deputy R.C. Duhamel (S)		
Senator F.du H. Le Gresley		Deputy R.G. Le Hérisssier (S)		
Senator I.J. Gorst		Deputy J.A. Martin (H)		
Senator L.J. Farnham		Deputy of Grouville		
Senator P.M. Bailhache		Deputy M. Tadier (B)		
Connétable of Trinity		Deputy T.A. Vallois (S)		
Connétable of St. Clement		Deputy M.R. Higgins (H)		
Connétable of St. Peter		Deputy A.K.F. Green (H)		
Connétable of St. Lawrence		Deputy J.M. Maçon (S)		
Connétable of St. Mary		Deputy J.H. Young (B)		
Connétable of St. John				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Bailiff:

Then we come to the other contested matter which is paragraph 5, which relates to the photographs and the Greffier will open the voting.

POUR: 31	CONTRE: 12	ABSTAIN: 0
Senator P.F. Routier	Senator A. Breckon	
Senator P.F.C. Ozouf	Senator S.C. Ferguson	
Senator B.I. Le Marquand	Deputy R.G. Le Hérisssier (S)	
Senator F.du H. Le Gresley	Deputy J.A. Martin (H)	
Senator I.J. Gorst	Deputy M. Tadier (B)	
Senator L.J. Farnham	Deputy T.A. Vallois (S)	
Senator P.M. Bailhache	Deputy M.R. Higgins (H)	
Connétable of Trinity	Deputy J.M. Maçon (S)	
Connétable of St. Clement	Deputy J.H. Young (B)	
Connétable of St. Peter	Deputy of St. Martin	
Connétable of St. Lawrence	Deputy R.G. Bryans (H)	
Connétable of St. Mary	Deputy R.J. Rondel (H)	
Connétable of St. John		
Connétable of St. Ouen		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
Deputy R.C. Duhamel (S)		
Deputy of St. Ouen		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy K.C. Lewis (S)		
Deputy E.J. Noel (L)		
Deputy A.K.F. Green (H)		
Deputy G.C.L. Baudains (C)		
Deputy of St. John		
Deputy S.J. Pinel (C)		
Deputy of St. Mary		

2.3 Public Elections: amendments to legislation and administration (P.110/2013) - as amended

The Bailiff:

So then we return to the debate on the proposition of P.P.C. as amended. Does any Member wish to speak?

2.3.1 Deputy J.A.N. Le Fondré of St. Lawrence:

Very briefly, (a) to congratulate P.P.C. on what I think are some very good amendments and a good bit of work that has come forward from one of the sub-panels and I think everybody accepts that the amendments that come through I hope are relatively minor and hopefully we can all adopt this legislation going forward. A couple of points. One was although I will be voting for it as presently worded, under (A)(f), which is the period of 4 and a-half weeks at the bottom of page 2, if by any chance we do change to a super-constituency basis, I would hope that the actual period of election

would be increased because 4 and a-half weeks if you are to cover 3 or 4 Parishes or whatever the area is going to be, I do not think is going to be enough. We do not know the style that is going to be adopted there so I would hope P.P.C., if things change, would consider that. I am very glad that (F)(a) or whichever way you want to pronounce it, has been withdrawn. I think the only one observation I would make is on the very last paragraph, which I think everybody would agree that it is odd that Members who potentially have not been re-elected then continue to make decisions, so therefore I will be supporting, is that we have a mechanism whereby we do have a closure because if the last sitting is the sitting before the elections, we will all be worried about other things and if everybody is then gone, that is it. They have left. I am talking about “nice” rather than “legalistic”. It would be nice to have some form of closure whereby we say that is it.

2.3.2 Senator P.F. Routier:

I would like to congratulate the P.P.C. Committee for bringing forward these proposals. I think it is a real step in the right direction. I particularly want to focus on (D) and (A) to look at the feasibility of using the Names and Addresses Register. I welcome that because I think as the Register is built up over the next coming years and hopefully when the elections come around in 2018, the Names and Address Register will be fully up to speed and we will know who is around in our Island so I think that is a good move and also the investigation into electronic voting. I think that is something which is welcome but we need to look at it very carefully to ensure that there is no possibility of abuse. That is the worry that some people may have but it is done in other countries so I think we should look at it very openly and check to see if it is feasible for Jersey. Other than that, I think I am very supportive.

2.3.3 Senator L.J. Farnham:

I note that the P.P.C. consider it desirable to look into future online registration, notwithstanding the challenges that presents. I think it is something that we have to progress with fairly quickly so maybe some assurance that it is going to happen but also it would be useful for members of the public to be able to go online and check whether they are on the electoral register. I know a lot of people are a bit embarrassed to turn up on election day and find out that they might not be on the register. They simply do not know, so I am sure some people stay away because of that.

2.3.4 Connétable P.J. Rondel of St. John:

Yes, (C)(k), web-streaming of hustings meetings. Is this a live streaming or is it recorded and also, given that many Parishes and districts will have hustings probably on the same evening or there will be multiples of these on one evening which happens currently, will there be sufficient media coverage to make this happen. I would have thought that we could be talking about considerable expense if they have got to be put up by the Parishes or brought in specially. That is of concern.

2.3.5 Deputy T.A. Vallois of St. Saviour:

I just wondered whether the rapporteur could explain with regards to (F)(d), the final paragraph. I am aware that at the next elections there will be the Budget still to be debated and whether there will be any transitional arrangements in place or whether it would be expected that the new Assembly would vote on the budget.

2.3.6 The Connétable of Trinity:

We welcome this also but I must say it was a major piece of work to go through and I would like to have a separate vote on (A)(b). It is just to bring it to your attention, Sir. All I will say: “The Parish Secretary shall prepare, maintain and amend the electoral register, make the necessary arrangements for the holding of nomination meetings and assist the *Autorisé* to organise public elections.” The recommendation is based on limited consultation. The Comité des Connétables has presented comments on this proposition. The report does not address the situation in the event

of the Parish Secretary seeking election. As we all know, the Connétable on my left-hand side stood for Senator, stood for Deputy and also stood for Connétable and she was Secretary of St. Mary. It is all well known. The secretaries do the work and I challenge any Constable who reads when all the electoral lists come back to know who are their members. All we are trying to say is, it does not consider or refer to the legal and administrative framework of the Parishes. All the affairs of the Parish are administered by officers of the Parish under the control of the Connétable. It is the Connétable who is answerable to the parishioners. As pointed out in the report, P.P.C., the practical arrangements of maintaining an electoral register are dealt with by the Parish Secretary. However, the Connétable has the ultimate responsibility. This is the same pattern as exists for driving licences. The law should provide for the parochial authority to be responsible for the electoral register and arranging elections. Ultimately the Connétable should be responsible with the Procureur du Bien Publique if there is a conflict of interest but the day-to-day basis of the Parish staff will undertake the work and I ask people to think about that one. Is there any need for this? I certainly would be asking for (A)(b) to be taken separately and I leave it up to the Members of the Assembly to either vote for it or vote against it, but it seems strange that in this one, the Connétable is taken away when really the Connétable does not take a lot of notice of who is on the electoral list. Can you imagine St. Helier, 30,000 people sending back their forms? I am sure the Connétable knows them all individually. I do not think so, so just leave it as it is now.

2.3.7 Senator P.F.C. Ozouf:

I apologise if I have not given this the necessary time in advance of this debate and lodging but I would like to ask the rapporteur, the one issue which I have felt and I know other people have felt very strongly about. Does come at a cost? It is odd for me to be standing here talking about something that will increase cost. But one of the most important issues in our elections is that people know what the election is for and what the actual modality for actual voting is and I did not see in these proposals, and no doubt the rapporteur can explain, why we have not moved to a situation of an actual pre-polling information card or perhaps delivered electronically these days is sent to individual electors. What I have always envisaged was a simple statement of: "You are entitled to vote on this date for these candidates for this election." A clear statement to every voter in Jersey that they are entitled to vote and they are encouraged to do so. I do not think that that is what is envisaged under (E) and I would invite the rapporteur to explain why those proposals, which have been discussed many times in the past, are not included in this and the reasons for not including them or if I have misunderstood, where they are captured and if she does agree that that is important, would she consider bringing those proposals in the actual amendments that she would bring forward or how could that be done but I do congratulate the committee on good work.

[10:30]

2.3.8 The Connétable of St. Lawrence:

I would like the rapporteur to address recommendation 25 which is paragraph (C)(k) which the Connétable of St. John has already raised, web-streaming of hustings meetings. It does not say there whether it would be by accredited media or citizens media. I do think that we are being asked to agree to it and I would like the rapporteur to advise how P.P.C. sub-committee sees this being managed and who will pay for this. Thank you.

2.3.9 Deputy G.C.L. Baudains:

Probably in a similar vein to the comments made by Senator Ozouf, I am slightly concerned about (C)(j) and I would like the rapporteur in her summing-up to address this. First of all, it seems that there is a danger here that the cost of this might escalate. The rationale behind it is not clear to me because while it serves a useful purpose, there is no doubt about that, there are nevertheless advantages and I would not want to encourage people voting more than was necessary. If we are

not careful, we will find people voting on personalities rather than manifestos because in quite a few cases people will be voting before they have learnt what the candidates are standing for and too much about them. They will think: “Oh, yes, we like that guy, he has got a smart jacket, we will vote for him.” Really, we have got to move away from personality politics into things of more substance and I think this is potentially going in the wrong direction.

Deputy J.M. Maçon:

On a point of clarification, can the Deputy just confirm his concern was (C)(j)?

The Bailiff:

Does any other Member wish to speak?

2.3.10 Senator P.M. Bailhache:

I agree with many Members who have congratulated the Privileges and Procedures Committee on what are, in many respects, some very sensible proposed amendments. There is a lot of stuff in here which is quite important and I am not sure that this is really the occasion to address all these points but I am thinking particularly of paragraph (F)(a) of the proposition. No, we are not there?

Deputy J.A. Martin:

We have withdrawn that.

The Bailiff:

It has been withdrawn.

Senator P.M. Bailhache:

I beg your pardon. Well then perhaps I might just mention one other matter which may be a matter for the drafting and for practicalities but (A)(a) of the proposition recommends that young people of 15 should be able to register before the election. I am not sure that I necessarily oppose that in principle but it does seem to me to be wrong that a 15 year-old should be able to cast a vote. That may not be the intention but if the young person is ...

Deputy J.A. Martin:

Would the speaker mind giving way? No, this has been happening in the U.K. for over 30 years. If you are going to be 16 on election day but you cannot vote because we close the poll the day before nomination, so you will be at 4 and a half weeks, but you must be 16 on election day or you cannot pre-poll that 3 months before. You have to be 16 and we have allowed 16 year-olds to vote. It is again the same for the people who have been in the Island for 2 years; they have to have been in the Island for 2 years on election day, so it is the 4 and a half weeks before. We made it 3 months so people can have a little bit of extra time.

Senator P.M. Bailhache:

I will not press the point. If a person is going to be on the electoral register at the age of 15, there may be parochial elections that take place before the public election and I just would like to be assured that the 15 year-old will not be able to vote in a Parish election prior to the public election taking place.

2.3.11 Deputy K.C. Lewis:

Just very briefly regarding (C)(k), web-streaming of hustings meetings, this does not particularly bother me personally but anyone standing for election for the first time obviously finds it very daunting and could possibly be put off by finding all their speeches, *et cetera*, being put on the

World Wide Web. But as long as that is done with all candidates' approval I do not have a problem.

2.3.12 Deputy R.G. Le Hérissier of St. Saviour:

Just a quick word. Although I disagreed with her in some respects, I think a debt is owed to Deputy Martin for chairing this committee. I know this is stage 3. **[Approbation]** She did it with great enthusiasm and energy and that should be remembered. I think Deputy Lewis is being a little over-cautious because it strikes me if you want to be a politician you have got to be prepared to stand on a platform and argue and defend your policies. The modern trend for young people, who we know take a very small role, unfortunately, in politics at the moment despite excellent work done at certain schools on the Island and done through the Youth Service, any way we can get them involved; we do not have to go for the excesses of the web, of which we are very well aware, unfortunately, but I think we have to be more attuned to that. I think the other thing that the sub-committee tried to do, but it is a long haul because of this personality versus policy issue, we have vast chunks of the population, or tranches of the population, who do not take part in politics, particularly in the immigrant communities. It is absolutely important that people know that politics is about determining your future, it is about determining the state of the economy and all these sorts of issues which, despite the rather pessimistic tone of the Deputy of St. Mary yesterday, are very much on the minds of Members. We may not be able to express it well because we do not have a party system where these things are articulated and presented to the public in a clear way as opposed to being presented in 51 different ways, but these are absolutely vital issues. It was the work of the sub-committee through the accumulation of all these little moves to bring people out to vote which is why I am disappointed that, although we have moved beyond that, Senator Le Gresley does not want his photo further publicised, other than on a dartboard perhaps, in the sense that I do not think it will lead to personalities. One of the big issues in the senatorials is the frustration people have with what I might call the tail of the election. The large number of people who do not appear to be big-hitters, so to speak. They are often written off, quite frankly for good reasons, but there are one or 2 people where it is said: "Look, I want this person because they are very good at shaking the tree. They are very good at doing this or that, but there were 18 people on the platform and I do not really recall who they were, I need a reminder." That was why, and I think the committee kept that in mind.

The Bailiff:

Deputy, that has been dealt with in the amendment, we do not need to revisit it. Deputy Southern.

2.3.13 Deputy G.P. Southern:

Yes, just briefly in response to the words of Senator Bailhache. It occurs to me that in terms of Parish elections that is if you are a ratepayer, surely?

2.3.14 The Deputy of St. Martin:

Further to Senator Bailhache, could we just seek clarification from Deputy Martin as to whether a 15 year-old who registers because their birthday happens to fall on election day would then be eligible to pre-poll?

2.3.15 Deputy M. Tadier:

There are just a few little bits to pick up. With regard to the election period, which I think Deputy Le Fondré commented on, if in the very remote chance that we move to super-constituencies, about the 4 and a half weeks, there is a balance to be struck here and it needs to be perceived, not simply from the candidates' end which we are perhaps predisposed to do, but from the electorate in general. It is about what the optimum running time for an election is. I suspect as you get over 4 and a half weeks - and remember there was a 6-week running period not so long ago for senatorials

- that tends to lead to electoral fatigue. The other point is you could argue that we already have a super-constituency which is the whole Island; it is the biggest constituency you can get perhaps without annexing part of Guernsey off and extending that. So it has always been said that senatorial candidates do not canvas in the same way but I know certainly senatorial candidates in the past who have gone out and knocked on doors, perhaps concentrating on some urban areas. So, if Senators can make do with 4 and a half weeks in the next election, it seems that the rest of us can also do that. There is nothing to limit any candidate to waiting until nomination day to start canvassing. In fact, the most astute candidates canvass for 3 years before, in most elections, certainly with the help of the *J.E.P. (Jersey Evening Post)*. That is the other thing, do not worry about not having your photo in the booth, Senator Le Gresley, you can always get it in the *J.E.P.* That is probably not relevant for you necessarily but there are other candidates who know about using photographs in their most effective way. With regard to (C) and web-streaming and all these things, I was under the understanding that these were simply to be investigated. If that is not the case, that is fine, but it seems to me that we should be starting from a “can do” approach. We do live in the 21st century: I.T. (Information Technology) solutions and manifestos being put online. The Greffe does that by matter nowadays and it is a very useful tool. We do not have the question raised at the moment: “Well, who is going to be in charge of the broadcast when the St. Helier hustings for Senator or whatever is broadcast?” The radio does it. Nobody has any problem with that. If there is some suggestion that a particular blogger is going to be the official source for the States to choose to do the web-streaming if it ever comes in, then that may be unusual but surely we would trust our administrative staff to secure the best deal for whoever would be web-streaming it and it may be done in-house. But if they wanted to, for example, employ Team Voice to do the web-streaming, because they were the most cost-effective, then I am sure that would also be considered. So I do not think we need to worry about those particular issues. I am fascinated by the relatively late objection, although it may not be late, but there was no amendment to part (A)(b) about the Parish Secretary preparing and maintaining the electoral register. We are told that this happens anyway. Presumably, the Parish Secretary would do that. You would not expect the Constable to sit down and prepare, maintain and amend the electoral register because that is an administrative duty which would be covered by the staff in the Parish. The fundamental philosophical point is whether politicians, which is what Constables are, be in charge of amending the register and have that kind of access to it? I do not think that is appropriate, in a similar way that it is not appropriate that any politician discharges policing duties. That has already come back to the Assembly because that is not acceptable and it is not something that even the Constables would feel comfortable doing. I would imagine the rationale behind this is simply to put a clear demarcation there, albeit a Chinese Wall, if you like, between those 2 authorities and I should not see any objection. In the hypothetical situation, although it has happened in the past, that a Parish Secretary would want to be a candidate, you would presume that the Parish Secretary would take no active part - in the same way that a Centenier who wanted to seek election would not be expected to carry on his or her centeniering duties - and you would essentially have an acting secretary. Maybe that does need a bit more thought but certainly no candidate, whether it be the Constable or the secretary, should be preparing the register, so that can perhaps be considered when it comes to law drafting. I do not think that is a reason to reject outright the intention of part (A)(b) but maybe I am wrong with that. With 15 year-olds, I fully support that. There does need to be consideration and, I am sorry, it is not a particularly pleasant thought, but there will be people who pre-poll. It will be interesting to know what would happen if a 15 year-old is on the register but will not be in Jersey on the day of the election and their birthday is on the day of the election, will they be eligible for a pre-poll or a postal vote if they are away in the U.K.? So a 15 year-old who lives in the U.K. and will be 16 on the day of the election, they obviously cannot fly back to Jersey, they will have to have a pre-poll vote but that can only be counted on the day of the election. There is another issue where somebody who pre-polls or does a sick vote but what happens if they die before the election?

We cannot have dead people voting in elections because elections and representatives are for the living.

[10:45]

I know that sounds slightly macabre but it is nonetheless a consideration.

The Connétable of St. John:

Could I interject the Deputy? Is the Deputy acting as rapporteur?

The Greffier of the States (in the Chair):

He is entitled to speak. As Vice Chairman of the committee, I am sure he is sweeping up some of the points.

Deputy M. Tadier:

Yes, I am just sweeping up the points. These are no doubt considerations. What I am saying is that this does not undermine it in any way. It is quite right that we allow 15 year-olds but these things surely have to be taken into account at the moment, somebody who does pre-poll. So these are issues that already are taken care of presumably but there needs to be mechanisms in place which I am sure already exist. But if they do not, that is something we will need to be continually vigilant of to ensure the integrity of the vote, especially if you have relatively small constituencies which we know can swing on single votes. So I think those issues hopefully are already being picked up. I think that is everything and I will let the official rapporteur - I am simply a raconteur - to do the ultimate sweeping up.

Deputy R.G. Le Hérissier:

I wonder if I could have a point of clarification. Notwithstanding that there may be some excellent work being done on websites, I was very confused by the Deputy's stance. He talked about an independent operator having, for example, the contract for the web-streaming. Can he confirm that that is what he would wish, someone who is entirely neutral?

Deputy M. Tadier:

There is nobody who is entirely neutral. It is not for me to decide this, that is the point. I am saying in the future we should trust our administrative staff to be able to come up with a solution. I would imagine if it is cost-effective you would do it in-house. If it is not cost-effective you would get probably some company to do that for you at a fixed price.

2.3.16 Connétable J. Gallichan of St. Mary:

Just to pick up a couple of things that I was a bit concerned about by Deputy Tadier's speech. Firstly, about the web-streaming, and I know the Constable of St. Lawrence has already asked about the cost. It is my understanding, and I am sure I will stand to be corrected, but the organisation of hustings meetings is the responsibility of the candidate. The Constables and other organisations generally provide a venue, we facilitate the meeting, but we do not have any involvement; it is for the candidates. So I am not quite sure how (C)(k) will be enforceable. As with regards to the costing, every Parish Hall is different and some of them are still being brought into line with things like hearing-aid loops, *et cetera*. There are no I.T. provisions necessarily. Most of us have got, or are installing, Wi-Fi but we do not necessarily have that in everywhere yet. I see nothing to explain how (C)(k) would be practically made to work, so I would be grateful for some more information on that. Secondly, because I was one of the people who was personally involved, regarding the Parish Secretary preparing the register, *et cetera*, it is the responsibility that the Constables are concerned about. We have a responsibility in the law at the moment to prepare it and it is a question of whether that should be shifted in law to the Parish Secretary. But the

important thing, and Deputy Tadier alluded to this, is that no candidate should be preparing the register. But apart from the newly-introduced, if this goes through, supplementary additional register, the registers are all prepared prior to nomination and there are no candidates in law until after a nomination meeting and, therefore, it is impossible to say whether a future candidate will be preparing the register. I am not the only Parish Secretary who has stood for election to the Assembly by no means. It is impossible to say, when the forms come back, I think it is by July, even that year or the year before, because we are talking about a 3-year rolling register, whether that person will be a candidate. We have to be pragmatic here. I can assure you, and again I will stand to be corrected, obviously I used to be a Parish Secretary and in that time I was involved in preparation of the registers, *et cetera*, but my understanding is that no Constable has log-on access to the electronic electoral register system for any kind of update or input. I am not even sure that any of them have any look-up access, so certainly I cannot see the need for this shift. The responsibility is with the Constables now but the Constables do not have hands-on control of that register. There is no guarantee by what is proposed here that a future candidate would not be involved in preparation at some stage during that 3-year course. I think at some stage you have got to accept the integrity of staff and of the overseers under the political responsibility. I do have reservations about paragraph (b) and, as far as I see it, we are not talking about a Chinese Wall here, which is what Deputy Tadier said. We are talking about a change in the responsibility which I think is something quite onerous to put on one of your Parish officials, especially with certain discussions and decisions about the register being very sensitive. For example, we have talked about the special registers, *et cetera*, but there are people who have very sensitive reasons for not wanting to discuss with anybody but perhaps their Constable the delicate nature of why they need to be on a separate register or whatever. I would just bring that to Members' attention. Thank you.

2.3.17 Senator A. Breckon:

With others I would like to add my congratulations to the work that has been done. When we see the shortened version, obviously the sub-committee at various times have had a lot more information before them to distil it down to this. I would like to pick up on a point that has just been made about the Parish Secretary. It is generally accepted that a person who would be overseeing the role would not be involved in the election. That is why I think there needs to be some clear water and a definition of that. If a Parish Secretary were to be standing, then they would have to delegate it to somebody else. They would be conflicted and they would have to declare an interest. That is not to say there is any particular advantage to that because if a Parish Secretary of Grouville was standing for Senator, the fact is that a Parish Secretary of Grouville would not make that much difference because there is still a lot of information that they would not have. But it is generally accepted in the U.K., for example, that the Chief Executive of a local authority takes over from any politician in this administrative thing to make sure they have got distance between them. I know what the Connétable of Trinity said but at the same time I think it is sensible to have that distance between a candidate, or a possible candidate, and the compilation of the electoral roll. The other thing includes recounts - and I am sure the Attorney General will remember his baptism of fire with *Autorisé* at his first election - and it talks about recounts and when that can be done. But in my experience we are fortunate that we have many people who volunteer with years of experience. Anybody that has seen them will see that as the counts go, there is a double-check as things happen and mistakes are very rare because it is a very thorough process. But I think it is important that there is some structure if somebody does request a recount ... another one I think where it was done in 2011 was in St. Brelade No. 1 where the candidates were waiting for the result and they were told that there was going to be a recount because the result was fairly close. Again, we are fortunate in that the people who oversee it through the court are experienced and their judgment is excellent in that. So although there might be a structure we are fortunate. The other thing I want to mention is about telling the candidates before it is announced and I would like to

address this through the chair to Deputy Vallois in that it talked about announcing a result to the candidates before it is announced publicly. Because sometimes you think: "Well, do I want to know or do I wait?" It is a case of: is it a good thing or not? Again, it depends; some candidates are not there. It is included in here but let us just say you will definitely need to know at some time so how that happens is down to the candidates. But obviously I think it is better if they are there so if there are any issues then they can state their case, as it were. The other thing which I think is important, and I know over the years Senator Ozouf has been involved in this, is to try to get more people to register, and that is still really an issue. There have been some massive improvements but perhaps we still need to do more. There are systems in U.K. elections where they send somebody out with a clipboard and knock on people's doors and say: "Well why is nobody registered here?" We have not quite got to that stage but it depends how far we want to go. Obviously, there is a cost to doing that and there are suggestions in here about sending a card to a house and saying: "Well nobody is registered here." There are reasons why people do not but I think we do have a law that says people should register. I do not think it has been tested because if you say: "I posted the return back" there is no proof that they did not. I think there was a challenge many years ago in court and it was left like that. Obviously there is lots of work being done and there is still more to bring this into being but I welcome this. Although there are a lot of things there, it is a major tidying-up exercise that has been done and I think the sub-committee and the Privileges and Procedures Committee are to be commended for doing this because it is one of those things that gets left and this is an improvement. Finally, I am not sure with embracing technology, some people are uncomfortable with that because it creates some opportunities if people do want to use a new system to their advantage and do whatever and others are not quite up to speed with it. So it is possibly to slowly do this but I think with the way the technology has moved it needs to be embraced, but embraced with care to make sure of the right things so that people can check things, as Senator Farnham mentioned. There are other things we have not quite got to pressing a button, well not outside anyway, to vote yet but hopefully things will advance with appropriate checks and balances. Thank you.

2.3.18 Deputy C.F. Labey of Grouville:

I thought I would just pass comment about some of the remarks that have been made about 16 year-olds. I find that we are making an absolute mountain out of a molehill with this. I have never understood what exactly Members are afraid of with giving 16 year-olds a vote. If a young person is interested in participating in their community and organised enough to register themselves for when they are able to participate, then surely that is to be welcomed. Members and Constables, I would have thought should surely be encouraging young people to attend Parish Assemblies. I do not understand why the Constable of St. Mary is shaking her head. Constables should surely be encouraging young people to attend Parish Assemblies and heaven forbid if one were able to or interested in voting for a Vingtenier or a Roads Committee member then surely we ought to be biting their arms off if that is what they want to do. Young people, I have found, who are interested in politics are articulate ...

The Bailiff:

Deputy, I do not think, as I understand it, there is any matter before the Assembly which is going to take away the vote from those of 16. The only matter is the technical one on registering when they were still 15.

The Deputy of Grouville:

Yes, it is.

The Bailiff:

Therefore, I do not think the question of whether you should vote at 16 is before the Assembly.

The Deputy of Grouville:

No, but I am saying that there was fear that a 15 year-old, who has got themselves registered so they can vote at 16, might have been able to come to a Parish Assembly and vote.

The Bailiff:

Vote when they are 15, that was the ...

The Deputy of Grouville:

Yes, exactly.

The Bailiff:

But there was no concern about voting when they are 16?

[11:00]

The Deputy of Grouville:

No. So my point is, what exactly are we afraid of? That a 15 year-old 2 days before their 16th birthday might be able to vote for a Parish Roads Committee member. I have made my point, thank you.

2.3.19 Connétable J.M Refault of St. Peter:

Just one point I wanted to pick up and it is on (A)(b). I just sent a note over to the Constable of St. Helier. It is my understanding that there was no named Parish Secretary in the Parish of St. Helier, although he does say a number of staff do fulfil the role but under this requirement for a Parish Secretary who shall prepare the register, there will be no identifiable person fulfilling the role and known as the Parish Secretary. Does that, in some way, undermine this particular requirement?

2.3.20 Deputy J.M. Maçon:

Yes, I just want to mop up on a few things. First of all, I would like to thank everyone who contributed to this report and, in particular, I would personally like to thank the Deputy Greffier who spent an enormous amount of time in supporting the committee in coming to our final report. **[Approbation]** Deputy Le Fondré's concerns. Just to clarify, this is an in-principle decision so if the Assembly were to make a decision on super-constituencies in-between, then that gives us the ability to amend the law, should that be seen desirable, but at the moment, we have no plans to do that. Senator Farnham asked a question about online registration. At the moment, it is self-declaration anyway so, therefore, we are not proposing anything radically different on that. We did have a concern about web-streaming and this was a particular proposal that I was very passionate about because I thought it was important to modernise the election process. I was very much of the opinion that if you want to improve the election process giving information to people, allowing people to have a much better informed understanding about who they are voting for which includes how they speak, how they argue and how they deliver things, then to bring in web-streaming was a very desirable process. The committee always envisaged that that would be part of the Vote.je programme so you would have a central resource overseen by the Greffe so that it would go with all the information that gets put together on the Vote.je website. So to answer the question of the Constable of St. Lawrence and the Constable of St. Mary, that means that it will be within P.P.C.'s budget in order to pay for that. Whether that is desirable by the candidates or not, it was about making that option available so that provision was there because not everyone can get to a hustings meeting. People have other things going on in their nights and why should we not allow people to see that process and modernise it? So we thought it was appropriate that perhaps we should move in that way. Senator Ozouf asked about the election card and how that process should go. I am advised that the notification card could be possibly tweaked in order to achieve this but, at the

moment, that would have to be done through further stages when we all tick the legislation together so that could be addressed in that way. Senator Breckon touched on the new procedures to bring in for recounts and I would just like to talk about that. We were asked for this to come forward from the court judgment because, at the moment, there was not a provision that allowed candidates to officially request a recount process. Therefore, what is outlined in the report and what we are asking the States to agree is to allow a candidate to be able to do that but within a certain timeframe so that it does not ramble on. We argued over this on the committee and I would like a separate vote, if possible, on (A)(j)(iii). The committee were divided and we decided that it was best to let the States decide but I, myself, was of the opinion that I did not think it was right that candidates should know what the result was before anyone else. That will be a political decision but I have just explained why I am of a different opinion. The Deputy of St. Martin has asked about and Deputy Martin did say that the pre-polling could not happen on the supplementary register. Only if they were 16 years-old on Election Day, they would not have access to the other provisions. I hope that addresses some of the points that Members have raised and I hoped I helped out the rapporteur in addressing some of those points and I thank Members for contributions.

The Bailiff:

Does any other Member wish to speak? Then I invite the rapporteur to reply.

2.3.21 Deputy J.A. Martin:

Well, I will be brief. **[Laughter]** Just on the last point that the Chairman made, and he has made his views quite clear on this point, again, all the recount and the law of asking for a contested election and everything was lacking and I would just like to read out the official court submission and recommendations: “In his written submission, the Attorney General commented that it was perhaps a little unfortunate that, allegedly, the candidates in this case were not told of the provisional results of the count in advance which would have given them the opportunity to consider asking for a recount and to make representation accordingly.” It explains exactly in the report that it might not happen on every occasion. It is when there is a close result and it is to avoid things ... we were approached by the *Autorisé* and the Attorney General to look at this as we were looking at the election so that is the whole part of (j) and I think it does rest on that point. But, obviously, I am in the hands of the House and we will take that part separately. I think web-streaming has been covered. We have been asked questions. I add that it is something we are looking into. Unfortunately, by the next election, people with a very good mobile phone will be web-streaming. We are not going to be able to stop that so do we want to make it official or do we want to look into it. I totally agree with the Constable of St. Mary. Candidates arrange the hustings. It is normally at a Parish Hall. It does not have to be. In St. Helier, we do them in 2 or 3 different places as well and so do Senators but, again technology will overtake. The question that has not been answered by Deputy Baudains was (C)(j), more eye-catching advertisements publicising pre-poll voting. It is not the people. It is about publicising: “We do now have pre-poll voting. This is where you can do it. This is how you do it.” It will tell nothing about a candidate. It will just be telling about the process and that is because we have introduced it and we are trying to expand it and now we have lost the postal vote, I think that is very sensible. Polling cards have been covered. The 4-week collection has been covered. If we do change, I think if the House wants to make that longer, that is entirely up to them. I think if you go to some super-constituency, you could have it a year before and you still would not get around all the houses so it is a decision for the House. Obviously, the Constables did not amend part (A)(b) which they could have done and, obviously, we can quite sincerely take a vote on that separately and that is understandable when I read the amendment to their comments that they did have a problem. Let us just stress that from our sub-committee and the whole of P.P.C. - originally, we did have 2 Constables on P.P.C.

when this first went through - it is nothing to do with integrity. We have been guided by the principle that anybody who is in an election should not be involved in preparing the electoral roll.

The Connétable of St. Mary:

Would you like to give way? My point that I made when I spoke is that the register is prepared before nomination and there are no candidates and no one is officially in an election under after nomination. Therefore, it is impossible to say whether somebody will come forward who has been involved in preparing that register.

Deputy J.A. Martin:

We are not questioning integrity but if you talk about the Chinese Wall or who is involved and Constables are overseeing the electoral register, although in practice they do not do it, so we thought it was sensible to make the Parish Secretary ... We are going to take a separate vote. I just stress again it is not about the integrity. Even if you do not have an election and you are a candidate on nomination night and you are the only candidate, I am told that is an election. So, to me, you really cannot have it both ways but we will vote on that separately. There was something else that I do not think I picked up on. When this comes back, as I say, part (A)(a) will be drafted in law and this is just to enable 15 year-olds who will be 16 on election day, whatever election, to vote. They will not be voting at 15. The instructions to the Law Draftsman will be that precisely and that is how it will come back. Similarly, exactly the same for people who are residents or are just nearly there. Again, this all becomes superfluous really if we go to the registration which seems to be what Senator Routier is looking forward to. I know when Senator Bailhache was on P.P.C., he thought it was a very good idea as well. If it works out well, the Names and Addresses registration card will be your register. You will automatically have it. It will know when you have been here 2 years, it will know when you are 16 and you will then be able to vote. So that makes it quite easy. I will not go on. I know that we have had a good debate and I am in the hands of the House. I have been asked by Deputy Maçon and I have been asked by the Constable of Trinity for 2 separate votes and if anything else wants to be voted on separately, I have no problem and if I have missed anything or other members of P.P.C. missed anything in their summing up, please ask me to explain again. Thank you.

The Bailiff:

Can I suggest, rapporteur, that what we do is we take a vote on each capital letter *en bloc* except to the extent that any individual Member asks for a separate vote on a subparagraph. So, in other words, we take section (A) and we take that *en bloc* first of all except for (A)(b) and (A)(j)(3) which are the 2 which I know have been asked for separately, and I will ask anyone else whether they wish any other separate vote. Does that seem a sensible way to proceed? So if we take (A) first, apart from (A)(b) and (A)(j)(3), does any Member wish any of these provisions to be taken separately? No. Right, well excluding (A)(b) and (A)(j)(3) for the moment, all those in favour of adopting the rest of Section (A) ...

Deputy J.A. Martin:

Can we have the appel please?

The Bailiff:

The appel is called for then, so what we are voting for is section (A) except for (b) and (j)(3). The Greffier will open the voting. Have all Members had an opportunity of voting?

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator P.F.C. Ozouf				

Senator A. Breckon				
Senator S.C. Ferguson				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. John				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Bailiff:

Right, so the first matter then in the subparagraph we will vote on then is (A)(b). That is the one concerning the Parish Secretary and the Greffier will open the voting.

POUR: 24		CONTRE: 20		ABSTAIN: 1
Senator A. Breckon		Senator P.F. Routier		Connétable of St. Lawrence
Senator S.C. Ferguson		Senator P.F.C. Ozouf		
Senator F.du H. Le Gresley		Senator B.I. Le Marquand		

Connétable of St. Helier		Senator I.J. Gorst		
Connétable of St. Saviour		Senator L.J. Farnham		
Deputy R.C. Duhamel (S)		Senator P.M. Bailhache		
Deputy R.G. Le Hérisssier (S)		Connétable of Trinity		
Deputy J.A. Martin (H)		Connétable of St. Clement		
Deputy G.P. Southern (H)		Connétable of St. Peter		
Deputy of Grouville		Connétable of St. Mary		
Deputy J.A.N. Le Fondré (L)		Connétable of St. John		
Deputy K.C. Lewis (S)		Connétable of St. Ouen		
Deputy M. Tadier (B)		Connétable of St. Brelade		
Deputy E.J. Noel (L)		Connétable of St. Martin		
Deputy T.A. Vallois (S)		Connétable of Grouville		
Deputy M.R. Higgins (H)		Deputy of St. Ouen		
Deputy A.K.F. Green (H)		Deputy J.A. Hilton (H)		
Deputy J.M. Maçon (S)		Deputy of Trinity		
Deputy G.C.L. Baudains (C)		Deputy of St. Mary		
Deputy of St. John		Deputy of St. Martin		
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

[11:15]

The Bailiff:

Very well. Well, then the other little provision in (A) which is to be dealt with is (j)(3). That is the matter dealing with telling candidates the provisional result before it is formally announced. So that is (j)(3) and the Greffier will open the voting.

POUR: 28		CONTRE: 17		ABSTAIN: 0
Senator P.F. Routier		Senator P.M. Bailhache		
Senator P.F.C. Ozouf		Connétable of Trinity		
Senator A. Breckon		Connétable of St. Lawrence		
Senator S.C. Ferguson		Connétable of St. Mary		
Senator B.I. Le Marquand		Connétable of St. John		
Senator F. du H. Le Gresley		Connétable of St. Ouen		
Senator I.J. Gorst		Connétable of St. Brelade		
Senator L.J. Farnham		Connétable of Grouville		
Connétable of St. Helier		Deputy of St. Ouen		
Connétable of St. Clement		Deputy J.A. Hilton (H)		
Connétable of St. Peter		Deputy of Trinity		
Connétable of St. Martin		Deputy K.C. Lewis (S)		
Connétable of St. Saviour		Deputy J.M. Maçon (S)		
Deputy R.C. Duhamel (S)		Deputy of St. Mary		
Deputy R.G. Le Hérisssier (S)		Deputy of St. Martin		
Deputy J.A. Martin (H)		Deputy R.G. Bryans (H)		
Deputy G.P. Southern (H)		Deputy R.J. Rondel (H)		
Deputy of Grouville				
Deputy J.A.N. Le Fondré (L)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				

Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				

The Bailiff:

Right. Then we come to (B) where I do not think there has been any debate. Can that be taken on a standing vote? All those in favour of (B), kindly show. Those against. It is adopted. Does any Member wish any of these subparagraphs of (C) to be taken separately?

The Connetable of St. John:

(k) please, Sir.

The Bailiff:

(k) to be separate, yes. Any other requests?

Senator P.M. Bailhache:

(g).

The Bailiff:

(g) is to be taken separately, yes. Any other?

Deputy M. Tadier:

Sir, can I ask what (g) is now it has been amended?

The Bailiff:

(g) is as amended so (g) reads: "Ballot papers to be larger and photographs of candidates in polling-stations." That was the subject of the amendment by the Connétables successfully carried. Very well, so can I suggest then that we take a vote on all of (C) except for (g) and (k)? All those in favour, kindly show. Those against. Those provisions are adopted so we will now come to (C)(g). That is the question of photographs in polling-stations as it is now amended and the Greffier will open the voting.

POUR: 32		CONTRE: 13		ABSTAIN: 0
Senator P.F. Routier		Senator F.du H. Le Gresley		
Senator P.F.C. Ozouf		Senator L.J. Farnham		
Senator A. Breckon		Senator P.M. Bailhache		
Senator S.C. Ferguson		Connétable of St. Ouen		
Senator B.I. Le Marquand		Connétable of St. Brelade		
Senator I.J. Gorst		Connétable of Grouville		
Connétable of St. Helier		Deputy R.C. Duhamel (S)		
Connétable of Trinity		Deputy of Grouville		
Connétable of St. Clement		Deputy M. Tadier (B)		
Connétable of St. Peter		Deputy T.A. Vallois (S)		
Connétable of St. Lawrence		Deputy A.K.F. Green (H)		
Connétable of St. Mary		Deputy G.C.L. Baudains (C)		
Connétable of St. John		Deputy of St. Mary		
Connétable of St. Martin				
Connétable of St. Saviour				
Deputy R.G. Le Hérisier (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				

Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Bailiff:

The other matter asked for on a separate vote is (k), web streaming of husting meetings, and is the appel called for, Connétable? Yes, the Greffier will open the voting on (k).

POUR: 38	CONTRE: 6	ABSTAIN: 1
Senator P.F. Routier	Senator B.I. Le Marquand	Connétable of St. Lawrence
Senator P.F.C. Ozouf	Senator P.M. Bailhache	
Senator A. Breckon	Connétable of St. Peter	
Senator S.C. Ferguson	Connétable of St. John	
Senator F.du H. Le Gresley	Connétable of St. Martin	
Senator I.J. Gorst	Deputy G.C.L. Baudains (C)	
Senator L.J. Farnham		
Connétable of St. Helier		
Connétable of Trinity		
Connétable of St. Clement		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Brelade		
Connétable of St. Saviour		
Connétable of Grouville		
Deputy R.C. Duhamel (S)		
Deputy R.G. Le Hérisssier (S)		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of St. Ouen		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy E.J. Noel (L)		
Deputy T.A. Vallois (S)		
Deputy M.R. Higgins (H)		
Deputy A.K.F. Green (H)		
Deputy J.M. Maçon (S)		
Deputy of St. John		

Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Bailiff:

Very well. Now we come to (D). All those in favour of adopting (D), kindly show. Those against. It is adopted. All those in favour of adopting (E), kindly show. Those against. It is adopted. Then (F)(a) of course has been dropped so it is (F)(b), (c) and (d). All those in favour, kindly show. Those against. It is adopted. Very well.

3. Draft Community Provisions (Welfare of Animals During Transport) (Jersey) Regulations 201- (P.113/2013)

The Bailiff:

We come next to P.113, Draft Community Provisions (Welfare of Animals During Transport) (Jersey) Regulations 201- lodged by the Minister for Planning and Environment. I will ask the Greffier to read the citation.

The Greffier of the States:

Draft Community Provisions (Welfare of Animals During Transport) (Jersey) Regulations 201-. The States, in pursuance of Article 2 of the European Communities Legislation Implementation (Jersey) Law 1996, have made the following regulations.

3.1 Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):

States Members with long memories will perhaps recall some of the poor welfare incidences for the transportation of animals across European states a number of years ago, the result of which was European legislation regulations which were not completely enacted in our own Island. We have, for a long period of time, been dealing under particular orders and the time has come to upgrade the Island’s legislation in order to be in full accord with our European partners. The trade in animals and animal products must be controlled by legislation to mitigate against the spread of disease and to ensure animal welfare is not compromised. As set out in Protocol 3 of the Act of Accession of the United Kingdom to the European Communities 1972, Jersey is obliged to apply relevant animal health and veterinary legislation. The regulations before the Assembly today enable Jersey to administer and enforce the provisions and rules of E.U. (European Union) regulations 1/2005 and 1255/97 on the protection of animals during transport and related operations and replaces the current Jersey legislation with the more stringent requirements which have been applied across the E.U. since 5th January 2007. The more stringent requirements were adopted by the E.U. following experience applying previous legislation designed to protect animal welfare during transport. I have chosen to take advantage of permitted derogations where applicable. Now the regulations apply to transport of animal vertebrates for commercial purposes and with international links in both the livestock and domestic pet sectors, it is very important that we demonstrate application primarily to protect animal welfare but also as part of maintaining the Island’s integrity. Whether transport is commercial or not will be assessed using guidance issued by the relevant U.K. Government departments as an aid to understanding the regulation. For example, the regulations do not apply to the transport of pets accompanied by their owners on a private journey, nor are they applicable to journeys to or from veterinary clinics carried out under veterinary supervision. There

are other instances. Protection of animals transported non-commercially is provided by the Animal Welfare (Jersey) Law 2004. Now the regulations require transport of animals to be carried out without causing injury or unnecessary suffering using adequate planning, execution and completion of each journey to achieve the necessary standard. In prescribed circumstances, there must be documentary evidence that this has been carried out. For all species, the general requirements are protection during transport, space allowances, duties of transporters, fitness to travel, feed, water and rest periods, competent and/or trained handlers and treatment of sick animals. Additional requirements apply to farm livestock, domestic equidae which includes horses, ponies, donkeys and mules, poultry, cats and dogs, fur animals, rabbits and other mammals. When transporting animals more than 65 kilometres, transport authorisation is required. When farm livestock, including horses and poultry are to be transported over 65 kilometres by road, drivers and attendants must be trained and their knowledge verified by the possession of a certificate of competence. For journeys over 65 kilometres transporting cattle, sheep, goats, pigs and domestic equidae, vehicles and containers must be inspected and approved. Approval is based on meeting required standards to ensure vehicles and containers are designed, constructed and operated to avoid injury and suffering and to ensure the safety of the animals. Vehicles carrying other species of vertebrates on journeys over 12 hours require approval with some Member States requiring approval for journeys over 8 hours. Importantly, authorisations for journeys less than 65 kilometres are not required. Hence, transport carried out within the Island is exempt from this provision. In summary, commercial transport of vertebrates must only be carried out by competent individuals using means of transport which safeguards animal welfare. In accordance with user pays policy, the regulation provides a means to recover the costs of issuing the required authorisations for commercial transporters. Adopting these regulations will provide the necessary legal framework to apply international standards of animal welfare during transport and the means of approving transport and personnel which meet the required standards. I make the proposition, Sir.

The Bailiff:

Yes, is it seconded? [**Seconded**] Does any Member wish to speak on the principles? The Deputy of St. Martin.

3.1.1 The Deputy of St. Martin:

Could I just ask the Minister to clarify exactly what the situation is with drivers and attendants of road vehicles transporting animals on the Island? He was quite clear that they would not need authorisation but I would like to know whether the certificates of competence mentioned in number 6 would apply.

3.1.2 Deputy G.C.L. Baudains:

I am amazed by the amount of detail which is in this proposition and I cannot believe, therefore, the comment on the top of page 5 that there are no financial staffing implications. I mean I am surprised it does not mention the flavour of the dog biscuits required. But given the considerable amount of detail that is in this proposition could the Minister in his summing up give me details of what discretion there is and what means of appeal there are, because I can see an immediate problem. What, for example, would happen if a journey that is only expected to last maybe 3 or 4 hours and due to technical difficulties or weather issues ends up being 12 hours or more? Will there be consequences of that?

3.1.3 Deputy J.H. Young of St. Brelade:

On previous occasions I have been critical of the bureaucracy. But I think on this occasion we have a very clear and very much needed regulation, and it is also important I think that as an Island community we sign up to these welfare measures of importation and exportation from the Island. I am also very pleased to see that there are commonsense arrangements about the issues of fees,

which gives us a very clear definition that although people will be required to pay fees, those fees cannot exceed reasonable costs and expenses in employing or contracting inspector's time and so on. It prescribes very much detail so, in common with Deputy Baudains, I think that is good and so I am very much supportive and in favour of this.

3.1.4 Connétable S.A. Rennard of St. Saviour:

I would just like to say that all this red-tape that everybody says is maybe not necessary is necessary because they are animals, they cannot speak up for themselves, and we need these restrictions, so I think this legislation is good. But I would like to know who is going to do all the inspecting because we know now - and I have been on the end of some difficulties where dogs have been brought in with no paperwork, nothing whatsoever, and they have come through on docks with no inspection because nobody was there to check. So I would like to know - it is fabulous to have all these things on paper - but who is going to carry out the inspections and who is going to make sure that these things happen.

3.1.5 Senator S.C. Ferguson:

Have we had any examples of transport of animals outside the Island to the E.U. which has been substandard? What is the evidence? Does this apply to all external transportation from outside the E.U. coming into the E.U.? Perhaps the Minister would like to tell us whether this is a United Nations requirement which has been gold-plated by the E.U., and how much extra gold-plating has been added by the Minister's department, and what consultation has he had with the people who normally do transportation and sending animals? Presumably we are talking about sending beef to Europe and so on, but how much consultation has there been?

3.1.6 Deputy M. Tadier:

I clearly welcome this; it is important how we look after our animals. It is said that a civilised society is judged on how it treats its animals. Maybe once we have this out of the way we could introduce some regulation for the living conditions of humans who live in Jersey, to do with their accommodation standards because there is currently nothing about rental accommodation in the Island and substandard living standards. I would like all Ministers and all those interested in this area to take note that we seem to be treating our animals quite rightly correctly, but better than many of the humans who live in our Island in mouldy, damp, expensive conditions because we will not regulate.

The Bailiff:

Does any other Member wish to speak? Then I invite the Minister to reply.

3.1.7 Deputy R.C. Duhamel:

In reverse order, Deputy Tadier, what about human legislation? Yes, I think I would agree with that. But specifically this legislation does not apply to human animals and we are not going to be transported in crates or whatever to other places, except by the usual rules and regulations that apply to transport on buses, trains, and cars and whatever. I take his point but it is for another day.

[11:30]

Senator Ferguson asked whether or not there were any transportation issues or animal welfare issues for export of animals from the Island to the E.U. I am not aware of such because we are a very small jurisdiction. But from the other direction there have been some important kind of transgressions or potential transgressions where pets recently have been sent to the Island without the strict adherence to these animal transport issues. In particular, in respect of cats and dogs, there are specific criteria which relate to very young animals, puppies and whatever, as having to be of a particular age before they are able to be transported without their parents. I think in some instances

there have been some cases of very young animals being sent to the Island, which would obviously go against this particular legislation. In terms of cross-border controls there is, within the body of the E.U. regulation, specific requirements for control posts and for cross-border transportation issues and those are covered by the law, albeit from an export potential from Jersey as I mentioned earlier. It is not necessarily applicable but we have put it in the regulations in order that the regulations mirror as far as possible the European regulations, which is the intent of being in line with European legislation. To leave anything out that may pose a potential loophole and potential damage or harm to the animals that are being transported would obviously be wrong and that is why the regulations at this point in time - albeit, as I have said, perhaps are not strictly applicable to Jersey instances for exports of animals to E.U. countries - we do have to be as far as possible in line with the legislation that we are enacting. The Constable of St. Saviour asked who does the inspections. The Minister for Planning and Environment is the competent authority, although I will not be inspecting because there is an ability within the law for me to ask relevant, qualified personnel - so that is the States Veterinary Officer - and others, to carry out the inspections according to the dictats of the registration qualifications of the law. I thank Deputy Young for his comments in support. Deputy Baudains said that this was too detailed and he wanted to know about long journeys and about special conditions perhaps applying or not applying should a vehicle transporting animals be caught short in some particular fashion by an accident or some other issues. There is a whole body of the general regulations that covers the ability of the Minister for Planning and Environment and the officials regulating this law to make alternative provisions to ensure that the delays caused and the potential harm to the transport of animals is minimised as far as possible. So I think that is covered. The first point was from Deputy Luce who was asking about what delegations there would be for Island journeys, and I think I referred to that originally in my opening speech saying that for very short journeys within the Island much of this legislation would not apply. There are some sectors for transhumance of animals but we do not, like some European jurisdictions, have animals that are half-way up mountains that are transported by various mechanical means to other pastures. Our animals, if indeed they do move from one field to another field, generally go by foot and if they were to be transported - and I am thinking of cattle in this particular case - the journeys would be very, very short and the legislation has covered that. This is for long journeys and commercial aspects. I think I have covered everything. If I have not then if Members can let me know.

The Bailiff:

Very well. All those in favour of adopting the principles kindly show. Those against. The principles are adopted. Deputy Young, do you wish this matter referred to your Scrutiny Panel?

Deputy J.H. Young (Chairman, Environment Scrutiny Panel):

No, Sir.

The Bailiff:

Do you wish to propose the regulations *en bloc* and simply take questions, Minister?

Deputy R.C. Duhamel:

I think that although I have pages of explanations of regulations I think I will take them *en bloc* and answer questions on any one in particular.

The Bailiff:

Very well. Are the regulations seconded? **[Seconded]** Does any Member wish to speak on any of the individual regulations? Very well, all those in favour ... the appel is called for then in relation to Regulations 1 to 28. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 43		CONTRE: 0		ABSTAIN: 1
Senator P.F. Routier				Deputy G.C.L. Baudains (C)
Senator P.F.C. Ozouf				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. John				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Bailiff:

Do you propose the regulations in Third Reading, Minister?

Deputy R.C. Duhamel:

I do, Sir.

The Bailiff:

Is it seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the regulations in Third Reading please show. Those against. They are adopted in Third Reading. That completes Public Business and we now move to arrangements for future public business.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

4. Deputy J.M. Maçon (Chairman, Privileges and Procedures Committee):

I would like to amend the Order Paper by proposing that the vote of no confidence, P.148, the Minister for Planning and Environment, move to the top of the agenda for the next sitting. That P.99 lodged by the Minister for Social Security is deferred to the sitting of 10th December, and any of its amendments. That moved to 3rd December is P.93, the composition proposal in the name of Senator Ozouf, but to take that after the budget debate. Also in the same sitting on 3rd December to add P.149, the appointment of the Chairman of the Committee of Inquiry into Historic Abuse. Also for the next sitting I believe is the addition of the proposition of Deputy Tadier regarding the transferable voting. So I would present the Order Paper as such and would advise Members that we should book for a 2 day sitting.

4.1 Senator A. Breckon:

Members will have had a letter from the Chief Minister on Monday in reference to an inquiry that is going on into Sunstone Holdings. Mr. David Thomas, a former chief financial ombudsman, has been appointed and his first visit to the Island will be 19th November, and my proposition was set down to 10th December so that is not achievable for him to do a full and fair inquiry into the circumstances. So I would ask it to be moved to 21st January 2014.

4.2 Deputy J.G. Reed of St. Ouen:

Just very briefly could I ask - looking at the agenda for 10th December - that the Chairman of the Privilege and Procedures Committee discusses with those that are bringing forward propositions on that particular meeting that maybe some of those may be advanced to 3rd December so that at least it makes that last meeting more manageable.

The Bailiff:

Very well, are Members content then to take the programme as put forward by the Chairman of P.P.C.? Very well, that concludes the business of the Assembly which will now close until the next sitting.

ADJOURNMENT

[11:38]