



**THE STATES assembled on Wednesday
1st April 2009, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt Esquire.**

All members were present at roll call with the exception of –

Senator Stuart Syvret – en défaut (défaut raised at 9.44 a.m.)
Senator Paul Francis Routier – en défaut (défaut raised at 9.35 a.m.)
Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 10.01 a.m.)
Senator Frederick Ellyer Cohen – en défaut (défaut raised at 9.44 a.m.)
Senator Alan Breckon – en défaut
Connétable John Le Sueur Gallichan of Trinity – en défaut (défaut raised at 10.01 a.m.)
Deputy Geoffrey Peter Southern – en défaut (défaut raised at 9.35 a.m.)
Deputy Shona Pitman of St. Helier – en défaut (défaut raised at 9.35 a.m.)
Deputy Daniel John Arabin Wimberley of St. Mary – en défaut (défaut raised at 9.35 a.m.)
Deputy Deborah Jane de Sousa of St. Helier – excused attendance

Prayers read by the Greffier of the States

Notification of lodged propositions

Planning and Environment: division into 2 ministerial offices.
Lodged: 1st April 2009.
Deputy P.V.F. Le Claire of St. Helier.

P.47/2009.

Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy P.28/2009

THE STATES resumed consideration of a proposition of the Deputy of Grouville concerning the exemption or zero rating of food from GST and rejected paragraph (a)(i) of the proposition to refer to their Act dated 13th May 2005 in which they approved the introduction of a broad-based Goods and Services Tax (GST) at a rate of 3% fixed for 3 years, and to their Act dated 18th April 2007 in which they approved the Draft Goods and Services Tax (Jersey) Law 200-, and to agree to vary those decisions in order to exempt or zero-rate foodstuffs in line with United Kingdom Value Added Tax arrangements as set out in the Appendix;

Members present voted as follows –

POUR: 21

CONTRE: 29

ABSTAIN: 0

Senator S. Syvret
Senator B.I. Le Marquand
Connétable of St. Helier
Connétable of St. Lawrence
Deputy R.G. Le Hérissier (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy of St. Peter

Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator F.E. Cohen
Senator J.L. Perchard
Senator S.C. Ferguson
Senator A.J.D. Maclean
Connétable of St. Ouen

Deputy J.A. Hilton (H)	Connétable of Trinity
Deputy P.V.F. Le Claire (H)	Connétable of Grouville
Deputy S. Pitman (H)	Connétable of St. Brelade
Deputy I.J. Gorst (C)	Connétable of St. Martin
Deputy of St. John	Connétable of St. John
Deputy M. Tadier (B)	Connétable of St. Saviour
Deputy of St. Mary	Connétable of St. Clement
Deputy T.M. Pitman (H)	Connétable of St. Peter
Deputy T.A. Vallois (S)	Connétable of St. Mary
Deputy M.R. Higgins (H)	Deputy R.C. Duhamel (S)
Deputy A.K.F. Green (H)	Deputy of St. Martin
Deputy J.M. Maçon (S)	Deputy J.B. Fox (H)
	Deputy of St. Ouen
	Deputy J.A.N. Le Fondré (L)
	Deputy of Trinity
	Deputy S.S.P.A. Power (B)
	Deputy K.C. Lewis (S)
	Deputy A.E. Jeune (B)
	Deputy A.T. Dupré (C)
	Deputy E.J. Noel (L)

THE STATES rejected paragraph (a)(ii) of the proposition to refer to their Act dated 13th May 2005 in which they approved the introduction of a broad-based Goods and Services Tax (GST) at a rate of 3% fixed for 3 years, and to their Act dated 18th April 2007 in which they approved the Draft Goods and Services Tax (Jersey) Law 200-, and to agree to vary those decisions in order to exempt or zero-rate domestic energy;

Members present voted as follows –

POUR: 23

Senator S. Syvret
 Senator B.I. Le Marquand
 Connétable of St. Helier
 Connétable of St. Lawrence
 Deputy of St. Martin
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

CONTRE: 27

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Connétable of St. Ouen
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy J.B. Fox (H)
 Deputy of St. Ouen
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity

ABSTAIN: 0

Deputy S.S.P.A. Power (B)
 Deputy I.J. Gorst (C)
 Deputy A.E. Jeune (B)
 Deputy E.J. Noel (L)

Following the rejection of paragraphs (a)(i) and (ii), the Deputy Bailiff informed the Assembly that paragraphs (b) and (c) of the proposition were deemed to have been withdrawn.

Declaration of an interest

In accordance with Standing Order 106(1)(b) Senator Ben Edward Shenton declared an interest but remained in the Chamber for the duration of the debate.

Draft Employment (Amendment No. 5) (Jersey) Law 200- P.27/2009

THE STATES commenced consideration of the Draft Employment (Amendment No. 5) (Jersey) Law 200- and adopted the principles.

Members present voted as follows –

POUR: 35

Senator S. Syvret
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator B.E. Shenton
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Helier
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)

CONTRE: 6

Senator T.J. Le Main
 Connétable of Trinity
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of St. Peter
 Deputy of St. John

ABSTAIN: 6

Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. John
 Connétable of St. Mary
 Deputy of St. Ouen
 Deputy J.A.N. Le Fondré (L)

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)

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Articles 1 to 4.

THE STATES commenced consideration of Article 5 and, adopting an amendment of Deputy Geoffrey Peter Southern of St. Helier agreed that in Article 5, in the inserted Article 60F –

(a) for paragraph (1) there should be substituted the following paragraph –

“(1) Where an employer is proposing to dismiss as redundant at one establishment within a period of 90 days or less –

- (a) 2 or more employees of a description in respect of which a trade union is registered under the Employment Relations (Jersey) Law 2007 and recognized in accordance with a code of practice approved under Article 25 of that Law; or
- (b) 6 or more employees of a description in respect of which there is no trade union as described in sub-paragraph (a),

the employer shall consult about the dismissals all the persons who are the appropriate representatives of the affected employees;”

(b) for paragraph (3)(a) there should be substituted the following sub-paragraph –

“(a) if the employees fall within the description in paragraph (1)(a), representatives of the trade union; or”.

And in Article 5, in the inserted Article 60N(1) for the number “21” there should be substituted the number “6”.

Members present voted as follows –

POUR: 23

Senator S. Syvret
 Senator B.E. Shenton
 Connétable of St. Helier
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy M. Tadier (B)

CONTRE: 21

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of Trinity
 Connétable of St. John
 Connétable of St. Mary
 Deputy of St. Peter
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy of St. John
 Deputy A.E. Jeune (B)

ABSTAIN: 2

Connétable of Grouville
 Connétable of St. Brelade

Deputy of St. Mary	Deputy A.T. Dupré (C)
Deputy T.M. Pitman (H)	Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)	Deputy A.K.F. Green (H)
Deputy M.R. Higgins (H)	
Deputy J.M. Maçon (S)	

THE STATES adopted Article 5, as amended.

Members present voted as follows –

POUR: 33

Senator S. Syvret
 Senator T.A. Le Sueur
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator J.L. Perchard
 Senator B.I. Le Marquand
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. John
 Connétable of St. Clement
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Peter
 Deputy P.V.F. Le Claire (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 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)

CONTRE: 6

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Connétable of St. Brelade
 Deputy J.A.N. Le Fondré (L)

ABSTAIN: 4

Connétable of Grouville
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of St. Mary

THE STATES adopted Articles 6 and 7.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Employment (Amendment No. 5) (Jersey) Law 200-.

Members present voted as follows –

POUR: 39

Senator S. Syvret
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator J.L. Perchard
 Senator B.I. Le Marquand
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy A.T. Dupré (C)
 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)

CONTRE: 1

Deputy of St. John

ABSTAIN: 6

Senator S.C. Ferguson
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Saviour
 Connétable of St. Peter
 Deputy of St. Ouen

***Ex gratia* compensation payment: Mr. and Mrs. R. Pinel P.29/2009**

THE STATES commenced consideration of a proposition of Senator Ben Edward Shenton concerning the payment of *Ex gratia* compensation to Mr. and Mrs. R. Pinel.

THE STATES rejected a proposition of the Deputy of St. John to continue the present meeting until 6 p.m.

Members present voted as follows –

POUR: 13

Senator P.F. Routier
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator A.J.D. Maclean
 Connétable of Grouville
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Deputy of St. Martin
 Deputy R.G. Le Hérissier (S)
 Deputy I.J. Gorst (C)
 Deputy of St. John
 Deputy A.K.F. Green (H)

CONTRE: 31

Senator S. Syvret
 Senator T.A. Le Sueur
 Senator P.F.C. Ozouf
 Senator B.E. Shenton
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Connétable of Trinity
 Connétable of St. Brelade
 Connétable of St. John
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)

ABSTAIN: 0

In accordance with Standing Order 106(1)(b) the Connétable of St. Martin and Deputy John Alexander Nicholas Le Fondré of St. Lawrence declared an interest but remained in the Chamber for the duration of the debate.

Change of Presidency

The Deputy Bailiff retired from the Chamber prior to the consideration of the proposition of Senator Ben Edward Shenton relating to an *Ex gratia* compensation payment to Mr. and Mrs. R. Pinel (P.29/2009) and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Adjournment

THE STATES adjourned, having agreed to reconvene on Thursday 2nd April 2009 to continue its consideration of the proposition of Senator Ben Edward Shenton entitled '*Ex gratia* compensation payment: Mr. and Mrs. R. Pinel' (P.29/2009 lodged 'au Greffe' on 4th March 2009 and the outstanding items of public business.

THE STATES rose at 5.31 p.m.

M.N. DE LA HAYE

Greffier of the States