



**THE STATES assembled on Tuesday  
15th March 2011, at 09.30 a.m. under  
the Presidency of the Deputy Bailiff,  
William James Bailhache, Esquire.**

---

**His Excellency the Lieutenant Governor,  
Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E.,  
was present.**

---

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

Senator Philip Francis Cyril Ozouf – absent on States business  
Senator Frederick Ellyer Cohen – absent on States business  
Connétable Silvanus Arthur Yates of St. Martin – ill  
Deputy Geoffrey Peter Southern of St. Helier – en défaut (défaut raised at 9.39 a.m.)  
Deputy Trevor Mark Pitman of St. Helier – en défaut (défaut raised at 9.39 a.m.)  
Deputy Edward James Noel of St. Lawrence – ill  
Deputy Deborah Jane De Sousa of St. Helier – ill

---

Prayers read by the Dean Substitute

---

### **Subordinate enactments tabled**

The following enactments were tabled, namely –

Road Traffic (Saint Saviour) (Amendment No. 5) (Jersey) Order 2011. <i>Minister for Transport and Technical Services.</i>	R&O.26/2011.
Community Provisions (Belarus Sanctions) (Amendment) (Jersey) Order 2011. <i>Chief Minister.</i>	R&O.27/2011.
Community Provisions (Restrictive Measures – Libya) (Jersey) Order 2011. <i>Chief Minister.</i>	R&O.28/2011.
Community Provisions (Restrictive Measures – Tunisia) (Jersey) Order 2011. <i>Deputy Chief Minister, for and on behalf of Chief Minister.</i>	R&O.29/2011.
Community Provisions (Restrictive Measures – Libya) (Amendment) (Jersey) Order 2011. <i>Deputy Chief Minister, for and on behalf of Chief Minister.</i>	R&O.30/2011.

### **Documents presented or laid**

Elected members' access to information: media releases (P.22/2011) – comments. Presented: 10th March 2011. <i>Council of Ministers.</i>	P.22/2011. Com.
---	--------------------

States Strategic Plan: annual debate on progress (P.27/2011) – comments. Presented: 10th March 2011. <i>Council of Ministers.</i>	P.27/2011 Com.
States Strategic Plan: annual debate on progress (P.27/2011) – comments. Presented: 11th March 2011. <i>Chairmen’s Committee.</i>	P.27/2011. Com.(2)
Land Transactions under Standing Order 168(3) – (a) Don Farm Estate Roads, St. Brelade – proposed sale of land to the south of 44 Don Farm; (b) Jersey Electricity Company Sub-Station leases – Housing sites. Presented: 10th March 2011. <i>Minister for Treasury and Resources.</i>	R.25/2011.
States of Jersey Complaints Board: findings – complaint against a decision of the Minister for Planning and Environment regarding Cliffside House, 65 New St. John’s Road, St. Helier. Presented: 11th March 2011. <i>Privileges and Procedures Committee.</i>	R.26/2011.
Jersey Advisory and Conciliation Service: Annual Report 2010. Presented: 14th March 2011. <i>Minister for Social Security.</i>	R.27/2011.
Review of the Role of the Crown Officers (“Carswell Review”): ‘in Committee’ debate. Presented: 14th March 2011. <i>Privileges and Procedures Committee.</i>	R.28/2011.
Jersey Electricity: report and accounts 2010. Presented: 15th March 2011. <i>Minister for Treasury and Resources.</i>	R.29/2011.
Public Lotteries: report for 2010. Presented: 15th March 2011. <i>Minister for Economic Development.</i>	R.30/2011.
Housing Development Fund: cost/benefit analysis. Presented: 15th March 2011. <i>Minister for Treasury and Resources.</i>	R.31/2011.
Jersey Director of Civil Aviation: Annual Report for 2010. Presented: 15th March 2011. <i>Chief Minister.</i>	R.32/2011.
Jersey Development Company (S.R.1/2011): response of the Council of Ministers. Presented: 15th March 2011. <i>Council of Ministers.</i>	S.R.1/2011. Res.

**Notification of lodged propositions**

- States Members' training. P.34/2011.  
Lodged: 8th March 2011.  
*Deputy M. Tadier of St. Brelade.*
- Draft Amendment (No. 15) of the Standing Orders of the States of Jersey. P.35/2011.  
Lodged: 9th March 2011.  
*Privileges and Procedures Committee.*
- Goods and Services Tax: exemption or zero-rating for foodstuffs, domestic energy and fuel. P.36/2011.  
Lodged: 10th March 2011.  
*Senator A. Breckon.*
- Draft Control of Housing and Work (Jersey) Law 201-. P.37/2011.  
Lodged: 15th March 2011.  
*Chief Minister.*
- Draft Register of Names and Addresses (Jersey) Law 201-. P.38/2011.  
Lodged: 15th March 2011.  
*Chief Minister.*
- Draft Freedom of Information (Jersey) Law 201-. P.39/2011.  
Lodged: 15th March 2011.  
*Privileges and Procedures Committee.*
- Public elections: voting on Sunday 16th October 2011. P.40/2011.  
Lodged: 15th March 2011.  
*Deputy T.M. Pitman of St. Helier.*

**Written Questions**

*(see Official Report/Hansard)*

The Minister for Economic Development tabled an answer to a question asked by the Deputy of St. John regarding the lifeguard service for the Island.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding the Kyoto Protocol.

The Minister for Housing tabled an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding maintenance works.

The Minister for Planning and Environment tabled an answer to a question asked by the Deputy of St. John regarding the Jersey Energy Trust.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. John regarding Jersey Post services.

The Minister for Treasury and Resources tabled an answer to a question asked by Senator F. du H. Le Gresley regarding options for raising ISE fees.

The Minister for Health and Social Services tabled an answer to a question asked by the Deputy of St. John regarding the contract of the Hospital Manager.

The Minister for Education, Sport and Culture tabled an answer to a question asked by the Deputy of St. John regarding programmes to prepare students to enter the work place.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding company and personal tax revenues.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding company taxation.

The Minister for Health and Social Services tabled an answer to a question asked by Senator S.C. Ferguson regarding middle-grade doctors.

The Minister for Health and Social Services tabled an answer to a question asked by the Deputy of St. Martin regarding middle-grade posts.

The Chief Minister tabled an answer to a question asked by the Deputy of St. Martin regarding the Napier Terms of Reference.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding staff resources.

The Minister for Economic Development tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Advance to Work Scheme.

The Minister for Economic Development tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the development of an economic growth policy.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. Mary regarding the use of consultants.

The Chief Minister tabled an answer to a question asked by the Deputy of St. Mary regarding the Migration policy.

The Minister for Planning and Environment tabled an answer to a question asked by the Deputy of St. Mary regarding protocols governing investigations into pollution incidents.

The Minister for Planning and Environment tabled an answer to a question asked by the Deputy of St. Mary regarding the availability of Agendas and Minutes.

The Minister for Health and Social Services tabled an answer to a question asked by the Deputy of St. Mary regarding nursing posts.

### **Oral Questions**

*(see Official Report/Hansard)*

Deputy K.C. Lewis of St. Saviour asked a question of the Assistant Minister for Treasury and Resources regarding the future of the old Fort Regent swimming pool.

Deputy A.E. Jeune of St. Brelade asked a question of the Assistant Minister for Health and Social Services regarding the initial contractual terms under which the Director of Social Services was engaged.

The Deputy of St. Mary asked a question of the Assistant Minister for Treasury and Resources regarding a senior Human Resources post at Health and Social Services.

Senator A. Breckon asked a question of the Assistant Minister for Treasury and Resources regarding the report requested during the Housing Development Fund debate on 6th July 2010.

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Chief Minister, responding on behalf of the Minister for Treasury and Resources, regarding tax arrangements for persons employed by the States on 'contracts of service'.

Deputy G.P. Southern of St. Helier asked a question of the Chief Minister, responding on behalf of the Minister for Treasury and Resources, regarding the achievement of a sustainable balanced economy.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Economic Development regarding the job description for the proposed position of Group Chief Executive Officer at the Harbours and Airport.

Deputy T.M. Pitman of St. Helier asked a question of the Chief Minister regarding the total sum paid out to employees upon early termination of contract since December 2008.

The Deputy of St. Martin asked a question of the Minister for Health and Social Services regarding the difficulties recruiting and retaining suitably qualified nurses across the Health Service.

The Deputy of St. John asked a question of the Minister for Transport and Technical Services regarding an adequate budget to undertake full repairs on pot-holes.

The Deputy of St. Mary asked a question of the Chief Minister regarding the Terms of Reference for the Napier Review.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Economic Development regarding the banning of the public sale of high-powered lasers.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Chief Minister, responding on behalf of the Minister for Treasury and Resources, regarding the loss of tax revenue for the years 2007 to 2010 from non-resident companies.

Deputy G.P. Southern of St. Helier asked a question of the Chief Minister, responding on behalf of the Minister for Treasury and Resources, regarding the production of the business tax strategy.

Deputy A.E. Jeune of St. Brelade asked a question of the Minister for Health and Social Services regarding the engagement of interim/short-term/temporary staff at Health and Social Services from outside of the Island.

The Deputy of St. John asked a question of the Minister for Transport and Technical Services regarding the replacement of temporary barriers at Les Charrières de Bonne Nuit.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Health and Social Services regarding the new Health Director's remuneration.

The Deputy of St. Martin asked a question of the Assistant Minister for Treasury and Resources regarding stimulus funding for a refurbishment of the Jersey Opera House.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Education, Sport and Culture regarding Scrutiny access to examination results.

**Oral Questions without notice**

*(see Official Report/Hansard)*

The Minister for Minister for Transport and Technical Services answered questions without notice from members.

The Minister for Home Affairs answered questions without notice from members

**States inquorate during the present meeting**

The Deputy Bailiff, in accordance with Standing Order 56(2) directed that elected members be summoned as the Assembly was inquorate. In accordance with Standing Order 56(2), having allowed such time as he considered reasonable for elected members to return to the Chamber, the Deputy Bailiff asked the Greffier to take the roll, using the electronic voting system, as he believed that the States remained inquorate. The following members who had been marked as present earlier in the morning were absent from the Chamber for this second roll call –

Senator T.A. Le Sueur  
Senator B.E. Shenton  
Senator S.C. Ferguson  
Senator A.J.H. Maclean  
Connétable of St. Ouen  
Connétable of St. Helier  
Connétable of St. Saviour  
Connétable of St. Clement  
Connétable of St. Peter  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy of Grouville  
Deputy P.V.F. Le Claire (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy of Trinity  
Deputy S. Pitman (H)  
Deputy of St. John  
Deputy M. Tadier (B)  
Deputy of St. Mary  
Deputy T.M. Pitman (H)  
Deputy A.K.F. Green (H)

As the States remained inquorate, the Deputy Bailiff, in accordance with Standing Order 56(3)(a), suspended the meeting for 10 seconds and then, as the Assembly was quorate, the meeting resumed.

**Statements on a matter of official responsibility***(see Official Report/Hansard)*

The Minister for Education, Sport and Culture made a statement regarding the appointment of Deputy T.A. Vallois of St. Saviour as one of his Assistant Ministers.

The Minister for Housing made a statement in relation to matters arising from the debate of Deputy P.V.F. Le Claire of St. Helier's proposition 'Housing issues in Jersey' (P.189/2010).

**Draft Loi (No. 7) (201-) concernant la charge de Juge d'Instruction P.148/2010**

THE STATES commenced consideration of the Draft Loi (No. 7) (201-) concernant la charge de Juge d'Instruction and adopted the principles.

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 3.

Members present voted as follows –

**POUR: 42****CONTRE: 0****ABSTAIN: 0**

Senator T.A. Le Sueur  
 Senator B.E. Shenton  
 Senator A. Breckon  
 Senator S.C. Ferguson  
 Senator A.J.H. Maclean  
 Senator B.I. Le Marquand  
 Senator F. du H. Le Gresley  
 Connétable of St. Ouen  
 Connétable of St. Helier  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Brelade  
 Connétable of St. John  
 Connétable of St. Saviour  
 Connétable of St. Clement  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy R.G. Le Hérisssier (S)  
 Deputy J.B. Fox (H)  
 Deputy J.A. Martin (H)  
 Deputy of St. Ouen  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy P.V.F. Le Claire (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 Deputy S.S.P.A. Power (B)  
 Deputy S. Pitman (H)  
 Deputy I.J. Gorst (C)

Deputy of St. John  
 Deputy M. Tadier (B)  
 Deputy A.E. Jeune (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)

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Loi (No. 7) (201-) concernant la charge de Juge d'Instruction.

**Ratification of a Double Taxation Agreement between the States of Jersey and the Government of Estonia P.7/2011**

THE STATES ratified the Double Taxation Agreement between the States of Jersey and the Government of Estonia as set out in the Appendix to the Report of the Chief Minister dated 21st December 2010.

Members present voted as follows –

**POUR: 40**

**CONTRE: 1**

**ABSTAIN: 0**

Senator T.A. Le Sueur  
 Senator B.E. Shenton  
 Senator A. Breckon  
 Senator S.C. Ferguson  
 Senator A.J.H. Maclean  
 Senator B.I. Le Marquand  
 Senator F. du H. Le Gresley  
 Connétable of St. Ouen  
 Connétable of St. Helier  
 Connétable of Grouville  
 Connétable of St. Brelade  
 Connétable of St. John  
 Connétable of St. Saviour  
 Connétable of St. Clement  
 Connétable of St. Peter  
 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 St. Ouen  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy P.V.F. Le Claire (H)

Deputy A.E. Jeune (B)



Deputy J.A.N. Le Fondré (L)  
 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 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)

### **Electoral Commission: establishment P.15/2011**

THE STATES commenced consideration of a proposition of the Deputy of St. Mary concerning the establishment of an Electoral Commission and, adopting part 1 of an amendment of the Deputy of St. Mary, agreed that in paragraph (a)(ii), after the words “make-up of the States” there should be inserted the words “and of the Executive, namely the Chief Minister, Ministers and Assistant Ministers”.

Members present voted as follows –

#### **POUR: 31**

Senator P.F. Routier  
 Senator B.E. Shenton  
 Senator J.L. Perchard  
 Senator F. du H. Le Gresley  
 Connétable of St. Helier  
 Connétable of Trinity  
 Connétable of St. Brelade  
 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. Ouen  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy P.V.F. Le Claire (H)  
 Deputy of Trinity  
 Deputy S.S.P.A. Power (B)  
 Deputy K.C. Lewis (S)  
 Deputy of St. John  
 Deputy A.E. Jeune (B)  
 Deputy of St. Mary  
 Deputy T.M. Pitman (H)  
 Deputy A.T. Dupré (C)

#### **CONTRE: 7**

Senator A.J.H. Maclean  
 Senator B.I. Le Marquand  
 Connétable of St. Ouen  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of St. Saviour  
 Deputy J.A.N. Le Fondré (L)

#### **ABSTAIN: 0**

Deputy T.A. Vallois (S)  
 Deputy M.R. Higgins (H)  
 Deputy A.K.F. Green (H)  
 Deputy J.M. Maçon (S)

THE STATES, adopting an amendment of Senator Ben Edward Shenton to the proposition of the Deputy of St. Mary concerning the establishment of an Electoral Commission, agreed that for paragraph (c) there should be substituted the following paragraph –

“(c) to request the Privileges and Procedures Committee, after consultation, to bring forward proposals for debate ahead of the debate on the Annual Business Plan 2012 detailing the proposed composition of the Electoral Commission, its anticipated costs, and how it is to be funded;”.

Members present voted as follows –

**POUR: 37**

Senator P.F. Routier  
 Senator B.E. Shenton  
 Senator J.L. Perchard  
 Senator A. Breckon  
 Senator S.C. Ferguson  
 Senator A.J.H. Maclean  
 Senator B.I. Le Marquand  
 Senator F. du H. Le Gresley  
 Connétable of St. Ouen  
 Connétable of St. Helier  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Brelade  
 Connétable of St. John  
 Connétable of St. Saviour  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy R.G. Le Hérisssier (S)  
 Deputy J.B. Fox (H)  
 Deputy of St. Ouen  
 Deputy of St. Peter  
 Deputy J.A. Hilton (H)  
 Deputy P.V.F. Le Claire (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 Deputy S.S.P.A. Power (B)  
 Deputy K.C. Lewis (S)  
 Deputy I.J. Gorst (C)  
 Deputy of St. John  
 Deputy A.E. Jeune (B)  
 Deputy of St. Mary  
 Deputy A.T. Dupré (C)

**CONTRE: 7**

Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy S. Pitman (H)  
 Deputy M. Tadier (B)  
 Deputy T.M. Pitman (H)  
 Deputy M.R. Higgins (H)

**ABSTAIN: 0**

Deputy T.A. Vallois (S)  
 Deputy A.K.F. Green (H)  
 Deputy J.M. Maçon (S)

THE STATES, adopting an amendment of Senator Ben Edward Shenton to the proposition of the Deputy of St. Mary concerning the establishment of an Electoral Commission, agreed that in the substituted paragraph (e), for the words “shall put the” there should be substituted the words “shall take into consideration the wishes of this Assembly which is that they should put the” and for the words “and to further agree that this option shall not be pursued further by the States unless it is supported by at least 60% of those voting in the referendum” there should be substituted the words “having followed the procedures laid down in the Referendum (Jersey) Law 2002.”.

Members present voted as follows –

**POUR: 33**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator B.E. Shenton  
 Senator A. Breckon  
 Senator S.C. Ferguson  
 Senator A.J.H. Maclean  
 Senator B.I. Le Marquand  
 Senator F. du H. Le Gresley  
 Connétable of St. Ouen  
 Connétable of St. Helier  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Clement  
 Connétable of St. Peter  
 Connétable of St. Mary  
 Deputy R.C. Duhamel (S)  
 Deputy J.B. Fox (H)  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of St. Ouen  
 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 A.E. Jeune (B)  
 Deputy T.M. Pitman (H)  
 Deputy A.T. Dupré (C)  
 Deputy A.K.F. Green (H)  
 Deputy J.M. Maçon (S)

**CONTRE: 8**

Senator J.L. Perchard  
 Connétable of St. Saviour  
 Deputy of St. Martin  
 Deputy R.G. Le Hérisier (S)  
 Deputy of Grouville  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of St. Mary  
 Deputy M.R. Higgins (H)

**ABSTAIN: 1**

Deputy M. Tadier (B)

THE STATES, adopting an amendment of Senator Ben Edward Shenton to the proposition of the Deputy of St. Mary concerning the establishment of an Electoral Commission, agreed that in paragraph (f) the words “shall be appointed no later than 30th September 2011 and that it” should be deleted and after the words “31st December 2012” there should be inserted the words “subject to additional funding being provided in the Annual Business Plan 2012”.

Members present voted as follows –

**POUR: 33**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator B.E. Shenton  
 Senator J.L. Perchard  
 Senator S.C. Ferguson  
 Senator A.J.H. Maclean  
 Senator B.I. Le Marquand  
 Senator F. du H. Le Gresley  
 Connétable of St. Ouen  
 Connétable of St. Helier  
 Connétable of Trinity  
 Connétable of Grouville  
 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 of Grouville  
 Deputy of St. Peter  
 Deputy J.A. Hilton (H)  
 Deputy P.V.F. Le Claire (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 Deputy S.S.P.A. Power (B)  
 Deputy K.C. Lewis (S)  
 Deputy I.J. Gorst (C)  
 Deputy of St. John  
 Deputy A.E. Jeune (B)  
 Deputy A.T. Dupré (C)  
 Deputy A.K.F. Green (H)  
 Deputy J.M. Maçon (S)

**CONTRE: 9**

Deputy of St. Martin  
 Deputy R.G. Le Hérisier (S)  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy S. Pitman (H)  
 Deputy M. Tadier (B)  
 Deputy of St. Mary  
 Deputy T.M. Pitman (H)  
 Deputy M.R. Higgins (H)

**ABSTAIN: 0**

THE STATES, having resumed consideration of the proposition of Deputy of St. Mary, as amended –

- (a) agreed that an independent Electoral Commission should be established in Jersey to investigate and report on all aspects of the composition of the elected membership of the States Assembly and the election and voting processes for such members, with the guiding principles of the Commission’s investigation to be –
  - (i) the need to secure the greatest possible acceptance by the public of any new arrangements proposed; and

- (ii) the need to ensure that the views of the electorate were reflected as effectively and as fairly as possible in the make-up of the States and of the Executive, namely the Chief Minister, Ministers and Assistant Ministers;
- (b) approved the terms of reference of the Electoral Commission as set out in Appendix 1 except that in the said Terms of Reference in Appendix 1 –
  - (i) in paragraph 1, in the fifth bullet point, for the words “The election process” there should be substituted the words “The functions of the electoral process”;
  - (ii) for paragraph 4 there should be substituted the following paragraph –
    - “4. At the conclusion of its investigation, the Electoral Commission shall put forward a complete package of how the elections to the States should operate in Jersey, with this package being capable of commanding the support of the public, and only to desist from this duty if in all conscience it finds itself unable to do so.”;
- (c) requested the Privileges and Procedures Committee, after consultation, to bring forward proposals for debate ahead of the debate on the Annual Business Plan 2012 detailing the proposed composition of the Electoral Commission, its anticipated costs, and how it was to be funded;
- (d) requested the Privileges and Procedures Committee to take the necessary steps to identify, through a process overseen by the Appointments Commission, the proposed membership of the Commission for subsequent approval by the Assembly on a proposition lodged by the Privileges and Procedures Committee;
- (e) agreed that on receiving the recommendations of the Electoral Commission, if the Commission had recommended a package of election reform (excluding such matters as could be classed as administrative improvements, for example matters pertaining to voter registration), the States should take into consideration the wishes of this Assembly which was that they should put the option to the electorate in a referendum and having followed the procedures laid down in the Referendum (Jersey) Law 2002;
- (f) agreed that the Electoral Commission should be requested to endeavour to complete its work no later than 31st December 2012, subject to additional funding being provided in the Annual Business Plan 2012.

Members present voted as follows –

**POUR: 29**

Senator P.F. Routier  
 Senator B.E. Shenton  
 Senator J.L. Perchard  
 Senator A. Breckon  
 Senator A.J.H. Maclean  
 Senator F. du H. Le Gresley  
 Connétable of St. Helier  
 Connétable of St. Lawrence  
 Deputy of St. Martin  
 Deputy R.G. Le Hérisier (S)

**CONTRE: 18**

Senator T.A. Le Sueur  
 Senator S.C. Ferguson  
 Senator B.I. Le Marquand  
 Connétable of St. Ouen  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Brelade  
 Connétable of St. John  
 Connétable of St. Saviour  
 Connétable of St. Clement

**ABSTAIN: 0**

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

### **Adjournment**

THE STATES adjourned, having agreed to reconvene on Wednesday 16th March 2011 to consider the outstanding items of public business.

THE STATES rose at 5.29 p.m.

**A.H. HARRIS**

*Deputy Greffier of the States*