



**THE STATES assembled on Wednesday
7th March 2012, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
William James Bailhache, Esquire.**

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

Senator Paul Francis Routier – absent on States business
Senator Alan John Henry Maclean – en défaut (défaut raised at 9.48 a.m.)
Deputy James Gordon Reed of St. Ouen – excused
Deputy Shona Pitman of St. Helier – ill
Deputy Michael Roderick Higgins of St. Helier – absent on States business

Prayers

Notification of lodged propositions

Draft Policing of Parks (Amendment No. 4) (Jersey) Regulations 201-.

P.23/2012.

Lodged: 7th March 2012.

Minister for Transport and Technical Services.

Electoral Commission: composition and terms of reference P.5/2012

THE STATES resumed consideration of a proposition of the Privileges and Procedures Committee concerning the composition and terms of reference for the Electoral Commission and commenced consideration of Part 2 of an amendment of Deputy Roy George Le Hérissier of St. Saviour, as amended by his own amendment, and rejected the amendment that after the fourth bullet point, there should be inserted the following bullet points –

- The functions of the electoral process;
- Voting systems;

and the paragraphs be renumbered accordingly.

Members present voted as follows –

POUR: 22

CONTRE: 22

ABSTAIN: 0

Senator A. Breckon
Senator F. du H. Le Gresley
Connétable of St. Martin
Deputy R.C. Duhamel (S)
Deputy R.G. Le Hérissier (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy K.C. Lewis (S)

Senator P.F.C. Ozouf
Senator S.C. Ferguson
Senator A.J.H. Maclean
Senator I.J. Gorst
Senator L.J. Farnham
Senator P.M. Bailhache
Connétable of St. Helier
Connétable of Trinity
Connétable of Grouville
Connétable of St. Clement

Deputy M. Tadier (B)	Connétable of St. Peter
Deputy T.M. Pitman (H)	Connétable of St. Lawrence
Deputy T.A. Vallois (S)	Connétable of St. Mary
Deputy A.K.F. Green (H)	Connétable of St. John
Deputy J.M. Maçon (S)	Connétable of St. Ouen
Deputy G.C.L. Baudains (C)	Connétable of St. Saviour
Deputy of St. John	Deputy of Trinity
Deputy J.H. Young (B)	Deputy S.S.P.A. Power (B)
Deputy S.J. Pinel (C)	Deputy E.J. Noel (L)
Deputy of St. Martin	Deputy J.P.G. Baker (H)
Deputy R.G. Bryans (H)	Deputy of St. Mary
Deputy R.J. Rondel (H)	Deputy of St. Peter

THE STATES noted that, as there was an equality of votes, the matter had been determined in the negative in accordance with Article 16(2) of the States of Jersey Law 2005.

THE STATES rejected an amendment of Deputy John Hilary Young of St. Brelade that after paragraph (c) there should be inserted the following new paragraph –

“(d) to agree that an external group of experts should be established by the Privileges and Procedures Committee to be available to advise the Commission and validate its work as necessary”.

and the existing paragraph (d) be renumbered as paragraph (e).

Members present voted as follows –

POUR: 16

Senator A. Breckon
 Senator A.J.H. Maclean
 Senator F. du H. Le Gresley
 Connétable of St. Brelade
 Connétable of St. Saviour
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy J.A.N. Le Fondré (L)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy of St. John
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy R.J. Rondel (H)

CONTRE: 30

Senator P.F.C. Ozouf
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 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. Martin
 Deputy R.C. Duhamel (S)
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)

ABSTAIN: 0

Deputy J.M. Maçon (S)
Deputy G.C.L. Baudains (C)
Deputy J.P.G. Baker (H)
Deputy of St. Mary
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy of St. Peter

THE STATES, adopting a proposition of the Privileges and Procedures Committee, agreed to refer to their Act dated 15th March 2011 in which they 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; and to vary that decision as necessary and –

- (a) agreed that the Commission should be comprised of 3 members of the States, one of whom should be its Chairman, together with 3 other persons with appropriate skills and experience who were not members of the States, appointed by the States on the recommendation of the Privileges and Procedures Committee following a recruitment process overseen by the Jersey Appointments Commission;
- (b) agreed that the Chairman and 2 States members should be appointed by the States immediately following the adoption of this proposition, with the nomination and ballot procedures for these positions following the process set out in Standing Orders for the selection of the Chairmen and members of scrutiny panels except that –
 - (i) nominations for the 2 members should be invited from all members without initial nominations being made by the Chairman; and
 - (ii) voting for the Chairman and members should be undertaken by open ballot and not by secret ballot;
- (c) agreed that the terms of reference for the Commission should be –
 - “1. The Electoral Commission shall consider all the following areas –
 - Classes of States member;
 - Constituencies and mandates;
 - Number of States members;
 - Terms of office;and all other issues arising in the course of the work of the Commission which are relevant to the needs stated above.
 2. The views of the public in Jersey should be sought and all such views taken into consideration. Formal meetings and hearings of the Commission should be held publicly in Jersey unless the Commission believes that there are reasonable grounds for holding a meeting or hearing *in camera*. The content of all written submissions to the Commission will be made available to the public, unless the Commission believes that there are reasonable grounds for non-disclosure of a submission or part of a submission, and should be attributed unless the submitter explicitly requests that a submission shall be non-attributed and the Commission accepts the reasons for such a request.

3. The Electoral Commission shall review existing studies and research and conduct further research as it sees fit.
 4. At the conclusion of its investigation, the Electoral Commission shall present a report with recommendations to the Privileges and Procedures Committee to enable the Committee to present the Commission's proposals to the States for approval prior to the submission of the proposals to the electorate in a referendum under the Referendum (Jersey) Law 2002.”;
- (d) requested the Privileges and Procedures Committee, in consultation with the States members appointed as Chairman and members, to take the necessary steps to recruit the remaining members of the Commission and requested the Commission to forward its recommendations to the Committee no later than December 2012.

Members present voted as follows –

POUR: 32

Senator P.F.C. Ozouf
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)

CONTRE: 14

Senator A. Breckon
 Senator F. du H. Le Gresley
 Connétable of St. Brelade
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John

ABSTAIN: 1

Connétable of St. Lawrence

Changes in Presidency

The Deputy Bailiff retired from the Chamber during consideration of the amendment of Deputy John Hilary Young of St. Brelade to the proposition of the Privileges and Procedures Committee entitled 'Electoral Commission: composition and terms of reference' (P.5/2012) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Arrangement of public business for the present meeting

THE STATES, adopting a proposition of Deputy Montfort Tadier of St. Brelade, agreed that the meeting should adjourn early for lunch.

Members present voted as follows –

POUR: 25

Senator A. Breckon
 Senator F. du H. Le Gresley
 Connétable of St. Helier
 Connétable of Grouville
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 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 T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)

CONTRE: 22

Senator P.F.C. Ozouf
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 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
 Deputy S.S.P.A. Power (B)
 Deputy E.J. Noel (L)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy S.J. Pinel (C)
 Deputy of St. Peter

ABSTAIN: 0

THE STATES, adopting a proposition of Deputy Montfort Tadier of St. Brelade, agreed to reconvene at 2 p.m.

Changes in Presidency

THE STATES re-assembled after the lunch adjournment under the Presidency of the Bailiff.

Electoral Commission – appointment of Chairman and Members.

Senator Sir Philip Bailhache was nominated by Senator Ian Joseph Gorst

Deputy Geoffrey Peter Southern of St. Helier was nominated by Deputy Roy George Le Hérissier of St. Saviour.

Each candidate made a speech and was questioned prior to an open ballot being held.

THE STATES, having proceeded to an open ballot and following a brief adjournment, were informed of the following results by the Bailiff –

The following members voted for Senator Sir Philip Bailhache –

Senator P.F.C. Ozouf
Senator S.C. Ferguson
Senator A.J.H. Maclean
Senator B.I. Le Marquand
Senator I.J. Gorst
Senator L.J. Farnham
Senator P.M. Bailhache
Connétable of St. Helier
Connétable of Trinity
Connétable of Grouville
Connétable of St. Clement
Connétable of St. Peter
Connétable of St. Mary
Connétable of St. John
Connétable of St. Ouen
Connétable of St. Martin
Connétable of St. Saviour
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy A.K.F. Green (H)
Deputy of St. John
Deputy J.P.G. Baker (H)
Deputy J.H. Young (B)
Deputy S.J. Pinel (C)
Deputy of St. Mary
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy of St. Peter
Deputy R.J. Rondel (H).

The following Members voted for Deputy Geoffrey Peter Southern of St. Helier –

Senator F. du H. Le Gresley
Deputy R.C. Duhamel (S)
Deputy R.G. Le Hérissier (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H).

The following Members abstained from voting –

Connétable of St. Lawrence
Deputy G.C.L. Baudains (C)
Deputy J.M. Maçon (S)
Deputy T.M. Pitman (H).

There was one spoilt paper.

The Bailiff accordingly declared that Senator Sir Philip Bailhache had been duly elected as the Chairman of the Electoral Commission.

The Connétable of St. Mary and Deputy James Patrick Gorton Baker of St. Helier were nominated as Members of the Electoral Commission by Senator Ian Joseph Gorst.

There being no other nominations, the Bailiff accordingly declared that the Connétable of St. Mary and Deputy James Patrick Gorton Baker of St. Helier had been duly elected as Members of the Electoral Commission.

Channel Islands Lottery: allocation of profits for 2011 P.6/2012

THE STATES, adopting a proposition of the Minister for Economic Development, agreed, in accordance with the provisions of Regulation 4(5) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, that all monies standing to the credit of the Channel Islands Lottery (Jersey) Fund which had not already been set aside by the Minister (representing 90% of the total Jersey portion of the profits of the Channel Islands Lottery from 2011) should be paid to the Association of Jersey Charities for the benefit of the community and the charitable needs of the Island.

Members present voted as follows –

POUR: 41

Senator P.F.C. Ozouf
Senator S.C. Ferguson
Senator A.J.H. Maclean
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

CONTRE: 1

Deputy M. Tadier (B)

ABSTAIN: 0

Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)

Income Tax: individual tax assessments P.11/2012

THE STATES rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier to request the Minister for Treasury and Resources to bring forward for approval the necessary legislation as part of the Budget 2013 proposals to provide that personal income tax assessments would be based on each taxpayer's own individual earnings thereby repealing the current provisions that a wife or civil partner's earnings could be assessed as part of the husband's or civil partner's earnings.

Members present voted as follows –

POUR: 7

Senator A. Breckon
 Connétable of St. Brelade
 Deputy R.G. Le Hérissier (S)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy J.H. Young (B)

CONTRE: 30

Senator P.F.C. Ozouf
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache

ABSTAIN: 0

Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)

Arrangement of public business for future meetings

THE STATES agreed the following arrangement of public business for future meetings proposed, as amended, by the Chairman of the Privileges and Procedures Committee in accordance with the provisions of Standing Order 88(3) –

20th March 2012

Old Age Pension: method for increase. Lodged: 3rd October 2011. <i>Senator A. Breckon.</i>	P.164/2011.
<i>Ex gratia</i> payment: Mr. D. Turner. Lodged: 4th October 2011. <i>Deputy M.R. Higgins of St. Helier.</i>	P.166/2011.
Draft Civil Partnerships (Consequential Amendments) (Jersey) Regulations 201-. Lodged: 7th February 2012. <i>Chief Minister.</i>	P.12/2012.
Draft Civil Partnership (Jersey) Law 2012 (Appointed Day) Act 201-. Lodged: 20th February 2012. <i>Chief Minister.</i>	P.18/2012.

Planning Applications Panel: appointment of member. Lodged: 14th February 2012. <i>Minister for Planning and Environment.</i>	P.16/2012.
Draft Employment (Jersey) Law 2003 (Amendment Nos. 5, 6 and 7) (Appointed Day) Act 201-. Lodged: 20th February 2012. <i>Minister for Social Security.</i>	P.19/2012.
<u>17th April 2012</u>	
Election campaign period: restrictions. Lodged: 21st October 2011. <i>Deputy R.G. Le Hérisier of St. Saviour.</i>	P.174/2011.
Election campaign period: restrictions (P.174/2011) – comments. Presented: 6th January 2012. <i>Privileges and Procedures Committee.</i>	P.174/2011. Com.
Standing Orders: Answers to Questions. Lodged: 21st October 2011. <i>Deputy G.P. Southern of St. Helier.</i>	P.177/2011.
Standing Orders: Answers to Questions (P.177/2011) – comments. Presented: 6th January 2012. <i>Privileges and Procedures Committee.</i>	P.177/2011. Com.
Draft States of Jersey Police Force Law 201-. Lodged: 16th November 2011. <i>Minister for Home Affairs.</i>	P.182/2011.
Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of Japan. Lodged: 9th February 2012. <i>Chief Minister.</i>	P.13/2012.
Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of the Republic of Poland. Lodged: 9th February 2012. <i>Chief Minister.</i>	P.14/2012.
Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of the Republic of India. Lodged: 9th February 2012. <i>Chief Minister.</i>	P.15/2012.
Prescription charges and income support for primary health costs. Lodged: 24th February 2012. <i>Deputy G.P. Southern of St. Helier.</i>	P.20/2012.

Draft Loi sur l'Association dite "The Jersey Football Association" (Repeal) (Jersey) Law 201-. P.21/2012.
 Lodged: 29th February 2012.
Minister for Education, Sport and Culture.

Draft Loi (201-) (Amendement No. 2) sur l'atténuation des peines et sur la mise en liberté surveillé. P.22/2012.
 Lodged: 6th March 2012.
Chief Minister.

1st May 2012

Committee of Inquiry: payments on premature cessation of employment contracts. P.2/2012.
 Lodged: 11th January 2012.
Deputy R.G. Le Hérisier of St. Saviour.

Draft Policing of Parks (Amendment No. 4) (Jersey) Regulations 201-. P.23/2012.
 Lodged: 7th March 2012.
Minister for Transport and Technical Services.

29th May 2012

Open ballot for Ministers and Chairmen. P.188/2011.
 Lodged: 5th December 2011.
Deputy T.M. Pitman of St. Helier.

Open ballot for Ministers and Chairmen (P.188/2011): comments. P.188/2011.
 Presented: 6th January 2012. Com.
Privileges and Procedures Committee.

THE STATES rose at 4.02 p.m.

A.H. HARRIS

Deputy Greffier of the States