

## THE STATES assembled on Wednesday 20th February 2013, at 09.30 a.m. under the Presidency of the Deputy Bailiff, William James Bailhache, Esquire.

His Excellency the Lieutenant Governor, General Sir John McColl, K.C.B., C.B.E., D.S.O. was present.

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

Senator Sarah Craig Ferguson – en défaut (défaut raised at 9.35 a.m.) Senator Bryan Ian Le Marquand – en défaut (défaut raised at 9.35 a.m.) Connétable John Le Sueur Gallichan of Trinity – en défaut (défaut raised at 10.22 a.m.) Deputy Shona Pitman of St. Helier – en défaut (défaut raised at 9.56 a.m.) Deputy Kristina Louise Moore of St. Peter – en défaut (défaut raised at 10.03 a.m.)

Prayers

## **Documents presented or laid**

Jersey Advisory and Conciliation Service: Annual Report 2012. Presented: 20th February 2013. *Minister for Social Security.*  R.12/2013.

## Draft Referendum (Reform of States Assembly) (Jersey) Act 201- P.5/2013

THE STATES resumed consideration of the Draft Referendum (Reform of States Assembly) (Jersey) Act 201- and rejected an amendment of Deputy Trevor Mark Pitman of St. Helier that in the Ballot Paper set out in the Schedule, for Reform option B there should be substituted the following option –

#### "Reform option B.

#### Parish Constables will continue to be members of the States.

There will be 46 States members: 34 Deputies and 12 parish Constables.

There will be 6 large districts, each choosing 5 Deputies, apart from St. Helier Districts 1 and 2 which will each choose 7 Deputies.".

Members present voted as follows -

#### **POUR: 12**

Senator A. Breckon Connétable of St. John Deputy R.C. Duhamel (S) Deputy R.G. Le Hérissier (S)

## CONTRE: 33

Senator P.F. Routier Senator P.F.C. Ozouf Senator S.C. Ferguson Senator A.J.H. Maclean ABSTAIN: 1

Deputy T.A. Vallois (S)

Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy J.A. Hilton (H) Deputy S. Pitman (H) Deputy T.M. Pitman (H) Deputy M.R. Higgins (H) Deputy A.K.F. Green (H) Deputy J.M. Maçon (S)

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 Grouville Connétable of St. Clement Connétable of St. Peter Connétable of St. Lawrence Connétable of St. Marv Connétable of St. Ouen Connétable of St. Saviour Deputy of St. Ouen Deputy of Grouville Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy M. Tadier (B) Deputy E.J. Noel (L) 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 R.G. Bryans (H) Deputy of St. Peter Deputy R.J. Rondel (H)

THE STATES rejected an amendment of the Deputy of St. Ouen that –

"(1) in the Ballot Paper in the Schedule, for the words beginning "The Electoral Commission has put forward" and ending "6 large electoral districts." there should be substituted the words –

"Having considered the recommendations of the Electoral Commission, the States Assembly has put forward 2 ways of changing this system.

Both reform options would reduce the number of States members to 48 and introduce 6 large electoral districts.".

- (2) in the Ballot Paper in the Schedule, in Reform option A
  - (a) for the words "42 States members" there should be substituted the words "48 States members";
  - (b) for the words "7 Deputies" there should be substituted the words "8 Deputies".
- (3) in the Ballot Paper in the Schedule, in Reform option B -
  - (a) for the words "42 States members" there should be substituted the words "48 States members";
  - (b) for the words "30 Deputies" there should be substituted the words "36 Deputies";
  - (c) for the words "5 Deputies" there should be substituted the words "6 Deputies".

Members present voted as follows -

#### **POUR: 16**

Senator A. Breckon Senator S.C. Ferguson Connétable of Grouville Connétable of St. Lawrence Connétable of St. John Deputy R.G. Le Hérissier (S) Deputy G.P. Southern (H) Deputy of St. Ouen Deputy of Grouville Deputy S. Pitman (H) Deputy K.C. Lewis (S) Deputy T.M. Pitman (H) Deputy M.R. Higgins (H) Deputy J.M. Macon (S) Deputy J.H. Young (B) Deputy of St. Mary

**CONTRE: 31** 

Senator P.F. Routier Senator P.F.C. Ozouf 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 St. Clement Connétable of St. Peter Connétable of St. Mary Connétable of St. Ouen Connétable of St. Brelade Connétable of St. Martin Connétable of St. Saviour Deputy J.A. Martin (H) Deputy J.A. Hilton (H) Deputy J.A.N. Le Fondré (L) 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) Deputy G.C.L. Baudains (C) Deputy of St. John Deputy J.P.G. Baker (H) Deputy S.J. Pinel (C) Deputy of St. Martin Deputy R.G. Bryans (H) Deputy of St. Peter Deputy R.J. Rondel (H)

ABSTAIN: 1

Deputy M. Tadier (B)

THE STATES rejected an amendment of Deputy Trevor Mark Pitman of St. Helier that -

in Article 1(1) the definitions "first choice vote" and "second choice vote" should be deleted and for Article 8 there should be substituted the following Article -

"8 Vote

- (1) A vote is recorded by making a cross in the blank square opposite one of the options in the ballot paper.
- (2) A ballot paper is invalid if it records more than one vote.".

Article 9 should be deleted and in Article 10 -

- (a) in paragraphs (2), (3), (4), (5) and (6)(a) the words "first choice" should be deleted wherever they appear;
- (b) paragraphs (7) to (13) should be deleted.

in Article 11 –

- (a) in paragraph (1)
  - (i) the words "or counts" should be deleted,
  - (ii) for the words "referendum are" there should be substituted the words "referendum is";
- (b) in paragraph (2)
  - (i) in sub-paragraph (a) the words "first choice" should be deleted;
  - (ii) sub-paragraph (b) should be deleted.

in Article 12 –

- (a) paragraphs (1) and (2) should be deleted;
- (b) in paragraph (4)(c) the words "first choice" and "and" should be deleted;
- (c) paragraph (4)(d) should be deleted.

in Article 13(1)(n) for the words "paragraph (1)(e), (f) and (g)" there should be substituted the words "paragraph (1)(f) and (g)".

in the Ballot Paper in the Schedule -

- (a) for the words "Please write the number 1 next to the option that is your first choice and 2 next to your second choice: (You do not need to use your second choice if you do not wish to do so)" there should be substituted the words "Please place a cross against one of the options below.";
- (b) the words "Write 1 against your favourite option and 2 against your second choice" should be deleted;
- (c) for the words beginning "**No change: option C.**" to the end of the Ballot Paper there should be substituted the words –

**"Option C.** 

Neither of the above options.".

and the provisions of the Act and internal cross-references renumbered accordingly.

Members present voted as follows -

POUR: 17	CONTRE: 30	ABSTAIN: 1
Senator A. Breckon	Senator P.F. Routier	Deputy M. Tadier (B)
Senator S.C. Ferguson	Senator P.F.C. Ozouf	
Senator B.I. Le Marquand	Senator A.J.H. Maclean	
Senator F.du H. Le Gresley Senator L.J. Farnham	Senator I.J. Gorst Senator P.M. Bailhache	
Connétable of St. Lawrence	Connétable of St. Helier	
Connétable of St. Brelade	Connétable of Trinity	
Deputy J.A. Martin (H)	Connétable of Grouville	
Deputy G.P. Southern (H)	Connétable of St. Clement	
Deputy J.A. Hilton (H)	Connétable of St. Peter	
Deputy S. Pitman (H)	Connétable of St. Mary	
Deputy T.M. Pitman (H)	Connétable of St. John	

Deputy T.A. Vallois (S) Connétable of St. Martin Deputy M.R. Higgins (H) Connétable of St. Saviour Deputy A.K.F. Green (H) Deputy R.G. Le Hérissier (S) Deputy J.M. Macon (S) Deputy of St. Ouen Deputy of Grouville Deputy J.H. Young (B) Deputy J.A.N. Le Fondré (L) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy E.J. Noel (L) Deputy G.C.L. Baudains (C) Deputy of St. John Deputy J.P.G. Baker (H) 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 STATES rejected an amendment of Senator Lyndon John Farnham that -

in Article 1(1) after the definition "parish secretary" the following definition should be added -

" 'vote rejecting the options' shall be construed in accordance with Article 8A(1).".

at the beginning of Article 8(1) there should be inserted the words "Subject to Article 8A,".

after Article 8 there should be inserted the following Article -

#### **"8A Rejection of options**

- (1) A voter may, as an alternative to recording a first choice vote and second choice vote, record a vote to reject the options by making a cross in the blank square opposite the words "None of the above" in the ballot paper.
- (2) A ballot paper that records both a vote in accordance with paragraph (1) and either or both of a first choice vote and second choice vote is invalid.".

after Article 10 there should be inserted the following Article -

#### "10A Count of votes rejecting the options

Valid votes rejecting the options shall be counted and announced at the same time and in the same manner as, valid first choice votes.".

in Article 11(2) after sub-paragraph (b) there should be inserted the following sub-paragraph -

"(ba) the number of valid votes rejecting the options;".

in Article 12(4) after sub-paragraph (d) the word "and" and the following sub-paragraph should be added –  $% \left( \frac{1}{2}\right) =0$ 

"(e) the total number of valid votes rejecting the options.".

in the Ballot Paper in the Schedule -

(a) after the words "(You do not need to use your second choice if you do not wish to do so) there should be inserted the words –

"Alternatively, if you do not wish to vote for any of options A, B or C, place a cross in the box opposite 'None of the above'.".

(b) at the end of the Ballot Paper the following words should be added –

"None of the above "		,,
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and the Act and internal cross-references should be renumbered accordingly.

Members present voted as follows -

## **POUR: 13**

#### **CONTRE: 35**

Senator A. Breckon Senator S.C. Ferguson Senator B.I. Le Marquand Senator L.J. Farnham Connétable of St. Brelade Deputy of Grouville Deputy S. Pitman (H) Deputy T.M. Pitman (H) Deputy T.A. Vallois (S) Deputy M.R. Higgins (H) Deputy G.C.L. Baudains (C) Deputy of St. John Deputy J.H. Young (B)

Senator P.F. Routier Senator P.F.C. Ozouf Senator A.J.H. Maclean Senator F.du H. Le Gresley Senator I.J. Gorst 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. Martin Deputy R.C. Duhamel (S) Deputy R.G. Le Hérissier (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 S.S.P.A. Power (B) Deputy M. Tadier (B) Deputy E.J. Noel (L) Deputy A.K.F. Green (H) Deputy J.M. Macon (S) Deputy J.P.G. Baker (H) Deputy S.J. Pinel (C) Deputy of St. Mary Deputy of St. Martin

ABSTAIN: 0

**ABSTAIN: 0** 

Deputy R.G. Bryans (H) Deputy of St. Peter Deputy R.J. Rondel (H)

#### Arrangement of business for present meeting

THE STATES, adopting a proposition of Deputy Jeremy Martin Maçon of St. Saviour, agreed that the meeting should continue until the completion of the debate on the Draft Referendum (Reform of States Assembly) (Jersey) Act 201- (P.5/2013) and the consideration of the remaining item of public business.

Members present voted as follows -

#### **POUR: 37**

#### **CONTRE: 12**

Senator P.F. Routier Senator P.F.C. Ozouf Senator A.J.H. Maclean 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 Grouville Connétable of St. Clement Connétable of St. Peter Connétable of St. John 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 St. Ouen Deputy of Grouville Deputy J.A. Hilton (H) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy M. Tadier (B) Deputy T.M. Pitman (H) Deputy E.J. Noel (L) Deputy T.A. Vallois (S) Deputy M.R. Higgins (H) Deputy J.M. Macon (S) 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 R.G. Bryans (H) Deputy of St. Peter Deputy R.J. Rondel (H)

Senator A. Breckon Senator S.C. Ferguson Senator B.I. Le Marquand Connétable of St. Lawrence Connétable of St. Mary Connétable of St. Brelade Deputy J.A.N. Le Fondré (L) Deputy S. Pitman (H) Deputy K.C. Lewis (S) Deputy A.K.F. Green (H) Deputy G.C.L. Baudains (C) Deputy of St. Martin

## Draft Referendum (Reform of States Assembly) (Jersey) Act 201- P.5/2013

THE STATES, in pursuance of Article 1 of the Referendum (Jersey) Law 2002, made an Act entitled the 'Referendum (Reform of States Assembly) (Jersey) Act 2013'.

Members present voted as follows -

## **POUR: 37**

## **CONTRE: 12**

**ABSTAIN: 0** 

Senator P.F. Routier Senator P.F.C. Ozouf Senator A. Breckon Senator A.J.H. Maclean 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 Grouville Connétable of St. Clement Connétable of St. Peter Connétable of St. Lawrence Connétable of St. Mary Connétable of St. John Connétable of St. Brelade Connétable of St. Martin Deputy R.C. Duhamel (S) Deputy R.G. Le Hérissier (S) Deputy of St. Ouen Deputy of Grouville Deputy J.A. Hilton (H) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy K.C. Lewis (S) Deputy M. Tadier (B) Deputy E.J. Noel (L) Deputy T.A. Vallois (S) 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)

Senator S.C. Ferguson Senator B.I. Le Marquand Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy J.A.N. Le Fondré (L) Deputy S. Pitman (H) Deputy T.M. Pitman (H) Deputy M.R. Higgins (H) Deputy M.R. Higgins (H) Deputy J.M. Maçon (S) Deputy G.C.L. Baudains (C) Deputy of St. John

## Jersey Financial Services Commission: appointment of Commissioner P.8/2013

THE STATES commenced consideration of a proposition of the Minister for Economic Development regarding the appointment of a Commissioner of the Jersey Financial Services Commission. The Deputy Bailiff, in accordance with the provisions of Standing Order 82, ordered all strangers to withdraw from the precincts of the States and the doors of the Chamber to be closed.

THE STATES, having concluded the debate *in camera*, proceeded to vote in public assembly and, in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, appointed Mr. John Richard Harris as a Commissioner of the Jersey Financial Services Commission for a period of 5 years, with effect from 1st March 2013.

Members present voted as follows –

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 by the Chairman of the Privileges and Procedures Committee in accordance with the provisions of Standing Order 88(3) –

## 5th March 2013

Police Station Relocation: review of decision (as amended). Lodged: 2nd October 2012. Deputy J.A. Martin of St. Helier.	P.92/2012.
Police Station Relocation: review of decision (P.92/2012) – comments. Presented: 19th November 2012. <i>Council of Ministers</i> .	P.92/2012. Com.
Police Station Relocation: review of decision (P.92/2012) – comments. Presented: 20th November 2012. <i>Minister for Planning and Environment</i> .	P.92/2012. Com.(2)
Committee of Inquiry: Historical Child Abuse. Lodged: 6th November 2012. <i>Council of Ministers.</i>	P.118/2012.
Committee of Inquiry: Historical Child Abuse (P.118/2012) – comments. Presented: 31st January 2013. <i>H.M. Attorney General.</i>	P.118/2012. Com.
Committee of Inquiry: Historical Child Abuse (P.118/2012) – amendment. Lodged: 5th February 2013. <i>Council of Ministers</i> .	P.118/2012. Amd.
Committee of Inquiry: Historical Child Abuse (P.118/2012) – amendment (P.118/2012 Amd.) – amendment. Lodged: 12th February 2013. Deputy M. Tadier of St. Brelade.	P.118/2012. Amd.Amd.
Draft Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 201 Lodged: 11th January 2013. <i>Chief Minister</i> .	P.2/2013.
Draft Control of Housing and Work (Transitional and Consequential) (Jersey) Regulations 201 Lodged: 11th January 2013. <i>Chief Minister</i> .	P.3/2013.

# STATES MINUTES

Code of Conduct for Elected Members: Commissioner for Standards. Lodged: 14th January 2013. <i>Privileges and Procedures Committee</i> .	P.4/2013.
Draft Financial Regulation (Disclosure of Information) (Amendments) (Jersey) Regulations 201 Lodged: 18th January 2013. <i>Minister for Economic Development</i> .	P.7/2013.
Rate Appeal Board: appointment of members. Lodged: 22nd January 2013. <i>Minister for Treasury and Resources.</i>	P.9/2013.
HSBC Middle East (HBME): investigation. Lodged: 29th January 2013. Deputy G.P. Southern of St. Helier.	P.10/2013.
Jersey Police Complaints Authority: appointment of members. Lodged: 29th January 2013. <i>Minister for Home Affairs</i> .	P.11/2013.
Jersey Overseas Aid Commission: appointment of non-States Commissioner. Lodged: 4th February 2013. Senator P.F. Routier.	P.14/2013.
<u>19th March 2013</u>	
Jersey Innovation Fund: establishment, funding and operation. Lodged: 20th November 2012. <i>Minister for Treasury and Resources</i> .	P.124/2012.
Green Initiative Fund: establishment. Lodged: 31st January 2013. Deputy G.P. Southern of St. Helier.	P.12/2013.
Draft Employment (Minimum Wage) (Amendment No. 9) (Jersey) Regulations 201 Lodged: 31st January 2013. <i>Minister for Social Security</i> .	P.13/2013.
Draft Social Security (Amendment of Law No. 5) (Jersey) Regulations 201 Lodged: 5th February 2013. <i>Minister for Social Security</i> .	P.15/2013.
Beach House, Green Island, St. Clement: grant of a right to access through the sea wall. Lodged: 6th February 2013. <i>Minister for Treasury and Resources.</i>	P.16/2013.
Draft Restriction on Smoking (Advertising, Promotion and Display) (Jersey) Regulations 201 Lodged: 6th February 2013. <i>Minister for Health and Social Services</i> .	P.17/2013.

Draft Restriction on Smoking (Amendment No. 3) (Jersey) Law 201 Lodged: 7th February 2013. <i>Minister for Health and Social Services</i> .	P.18/2013.
Draft Residential Tenancy (Jersey) Law 2011 (Appointed Day) Act 201. Lodged: 8th February 2013. <i>Minister for Housing</i> .	P.19/2013.
Draft Amendment (No. 20) of the Standing Orders of the States of Jersey. Lodged: 15th February 2013. <i>Privileges and Procedures Committee</i> .	P.29/2013.
Draft Companies (Amendment No. 7) (Jersey) Regulations 201 Lodged: 8th February 2013. <i>Minister for Economic Development</i> .	P.20/2013.
Channel Islands Lottery: allocation of profits for 2012. Lodged: 8th February 2013. <i>Minister for Economic Development</i> .	P.21/2013.
Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of Brazil. Lodged: 11th February 2013. <i>Chief Minister</i> .	P.22/2013.
Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of Latvia. Lodged: 11th February 2013. <i>Chief Minister.</i>	P.23/2013.
Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 6) (Jersey) Regulations 201 Lodged: 11th February 2013. <i>Chief Minister</i> .	P.24/2013.
Minimum Wage: revised hourly rate from 1st April 2013. Lodged: 11th February 2013. Deputy G.P. Southern of St. Helier.	P.25/2013.
Independent Planning Appeals Tribunal: establishment. Lodged: 12th February 2013. Deputy J.H. Young of St. Brelade.	P.26/2013.
Island Plan 2011: wind-farms. Lodged: 12th February 2013. Deputy G.C.L. Baudains of St. Clement.	P.27/2013.
Liberty Bus: reinstatement of Route 18 to Le Squez and Le Marais. Lodged: 13th February 2013. Deputy G.C.L. Baudains of St. Clement.	P.28/2013.

## 16th April 2013

Starter Home Deposit Loan Scheme. Lodged: 4th December 2012. *Minister for Treasury and Resources.* 

## 14th May 2013

Draft Discrimination (Jersey) Law 201-. Lodged: 15th January 2013. *Minister for Social Security*.

THE STATES rose at 6.45 p.m.

P.131/2012.

P.6/2013.

## M.N. DE LA HAYE

Greffier of the States