

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 4th JUNE 2025

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

PUBLIC BUSINESS - resumption

1. French National Identity cards as valid travel documentation for French Citizens (P.36/2025) - resumption

The Bailiff:

We now continue with the debate on the main proposition, not, clearly, as amended, P.36. Does any Member wish to speak on the proposition?

1.1 Deputy A. Howell of St. John, St. Lawrence and Trinity:

I rise to support Deputy Bailhache's proposition to request the Minister for Justice and Home Affairs, subject to the existing safeguards to protect the integrity of the Common Travel Area, to maintain the scheme whereby French visitors can use a valid French identity card to travel to Jersey. I congratulated the previous Minister for Justice and Home Affairs when this scheme was introduced. Figures show a rise of French visitors arriving in Jersey on Condor or Manche Illes Express from 14,915 in 2022 to 42,100 in 2024. This, in no mean part, to this scheme. It is good to encourage French visitors, good to see school trips here once again, frequenting St. Helier. I did speak to officials while I was on our last French twinning trip to Agon-Coutainville in 2023. It would be great to be able to speak of the continuation of this scheme when I meet with them again in 9 days' time. Of course, many of us would like a 72-hour pass compared to the one for a few hours. But let us maintain the current scheme and then see how we can go further safely. Now, I urge you to support Deputy Bailhache's proposition.

1.1.1 Deputy M.R. Le Hegarat of St. Helier North:

I am pleased to accept this proposition on behalf of the Council of Ministers. I hope Members will have had the opportunity to review the comments that were presented last week, setting out some of the considerations as part of this. I am grateful to Deputy Bailhache for his constructive engagement with me and the Customs and Immigration Service in bringing this proposition. The question of whether the French I.D. (identification) card scheme could continue has been outstanding for some time. I think it would be very positive if we are able to resolve that uncertainty in favour of its continuance today. While the scheme has certainly been very successful to date and there was no particular desire to cease its operation, the uncertainty arose from concerns about its compatibility with the Electronic Travel Authorisation system once implemented. E.T.A. represents a significant enhancement to our border security and will provide advanced permission to travel into the U.K. (United Kingdom) and Crown Dependencies for those who do not require a visa. It has already been rolled out for the travel into the U.K., and I will be bringing legislation to the Assembly later this year to provide the implementation to Jersey, which is now expected early next year. It is important for Members to recognise that these are 2 separate except linked issues. Having carefully considered the options in relation to the I.D. card scheme post-E.T.A. implementation, I am pleased that we have found a way to continue this offering for French day trips by adding an exception to E.T.A. requirements into the Jersey Immigration Rules. This approach effectively decouples the French I.D. scheme from the implementation of E.T.A. In my comments regarding this proposition, I have set out some of the risks we take in this approach, but these are no greater than those that relate to the operation of the scheme as it is now. I am confident that we continue to satisfactorily mitigate these risks by applying rigorous requirements to the operation of the scheme, relying on the diligence of our highly-trained immigration officers and with the continued co-operation of carriers who have been excellent partners to date. I include these risks to outline for Members why I would take an exceedingly cautious approach to suggest any further expansion of the scheme beyond the current scheme as it is. There is a balance to be struck between the security of the border and the economic

and cultural prosperity of the Island, and I feel that the scheme as it stands achieves this balance. I am grateful to J.C.I.S. (Jersey Customs and Immigration Service) officers who have taken a creative and flexible approach to working through this issue, and to my Ministerial colleagues for their patience while we have done so. This has been ongoing for the last 18 months and things have changed. I am pleased that we are in a position now to be able to accept this. I therefore will urge Members to accept this proposition so we can continue the scheme and continue to have our neighbours come for their one-day trips.

1.1.2 Connétable M.A. Labey of Grouville:

As promised, I wanted to report back after our meeting last night held in Grouville Parish Hall with the Jumelage Games organisation. Thank you for Deputy Morel for coming along to support St. Lawrence. But I asked the question of the private individuals involved in the Jersey side of that operation, and they stated quite clearly that many of our visitors from our twinning organisations in Normandy come here on the *carte d'identité*, and that means that if this scheme was not in place, that we would put most of the twinning organisations at risk. They are already going through, and I am sure I will not speak out of turn here, they are going through a recruiting crisis. We were twinned with our organisation in Port Bail in 1991, and many of the individuals involved are now getting into their more mature years, shall I say, so if this carries on, it seems that we may be losing those organisations altogether. We must in every way continue to encourage our visitors from Normandy, our *le cousin* in our organisations. I beg everyone in the Chamber to support this proposition because we cannot afford to lose our twinning organisations.

1.1.3 Deputy P.F.C. Ozouf of St. Saviour:

Je prends la parole pour soutenir la proposition de M. le Député Bailhache même si le fait que je peux me permettre avec un cœur lourd. Car le soutien qu'il est juste que nous continuons à autoriser nos voisins français les plus proches à se rendre à Jersey avec une carte d'identité française valide. Mais je prends également la parole avec un sens de profond...qui m'échappe. Le sentiment, l'occasion marqué, de franchir une étape signifiante a été bien géré, mais je voudrais envoyer un message à nos compatriotes en français que je suis désolé que l'Assemblée ne peut pas...

[I speak in order to support the proposition of Deputy Bailhache, even if, in fact, I do so with a heavy heart. For this support, it is right to give to continue to allow our closest French neighbours to come to Jersey with a valid French identity card. But I also speak with a sense of deep...feeling which escapes me. The feeling, the clear opportunity, of making a significant step has been well managed, but I would like to send a message in French to our compatriots that I am sorry the Assembly has not been able to...]

I will continue in the English language. I wanted to send a message to those French individuals and I know that Members would not care what I said, whether it be in the English or French language, that I will be supporting Deputy Bailhache's proposition, but I did so with a heavy heart. The extension has been debated. It is a request to the Minister. The principle remains the same. I believe that we should welcome French I.D. card holders for all of the reasons that the Constable of Grouville has expressed. There are many - more than 50 per cent - French nationals who do not have a passport and who come from all over France to visit the areas of Normandy and Brittany and think: "Ah, Jersey, that wonderful place." Victor Hugo in Guernsey, we need to do more about Victor Hugo in Jersey, which I believe we can. Deputy Bailhache, I congratulate him. He said some polite remarks in his opening statement that he wished he had thought of my idea, but it was rejected. But I am resolute and proper and determined.

[9:45]

I believe that a confident forward-facing Government should continue to introduce measures that are proper, administratively practical and are common-sense and are tailored to Jersey. This narrow form

of Deputy Bailhache's proposition, restricted to day trips only, although I think there has been some uncertainty of the overnight stay. I would encourage, if I may, the Minister for Justice and Home Affairs to really consider whether or not the day trip can be extended to 24 hours. I think that any Member would consider that would be ... it is within the Minister's gift, subject to discussions at the Council of Ministers including the Minister for External Relation. I think it is right, as the Deputy previously said, to remind ourselves that prior to Brexit we had thousands of French nationals, thousands of E.U. (European Union) nationals coming without passports but with I.D.s and being able to visit Jersey. I would remind Members that in 2019 we had 70,000 French visitors arriving in Jersey. It has been recovered somewhat by the scheme. It was difficult to implement. There were doubts at the time. I know, I was there. Now those situations with French and indeed other European individuals not having passports is going to be a continuation. There is a continuation in a changing world with the E.T.A. For them, I regret those other not French nationals that have valid I.D. cards with all the biometrics and everything that is on there, they will not be able to have a spontaneous visit to Jersey because we do not allow it, because we say it is not possible. I think that the 2023 day-tripper numbers that rose to over 31,000 and in 2024 over 42,000 arrived are brilliant. They represent meals in our restaurants, bookings to attractions and visits to our shops. Visit Jersey does excellent work. I have estimated that a typical French day-trip visitor spends approximately £107. I am sure it is more, but they of course, if they had the overnight stay, would double that figure. One night in Jersey, a dinner, heritage site visit, a gallery tour, could bring it up to £200 per visitor. If we multiply that by the numbers of potential people, it is absolutely millions of pounds to our much-needed visitor economy. I believe we must speak to our own competence as an island. Our Customs and Immigration Service are brilliant. They are more than capable of continuing to administer this scheme. Manifest checks, real-time passenger tracking, immediate alerts for no-shows using A.I. In this A.I. automation, we can do even more better and cheaper and more safely. Jersey is not that porous border that we see spoken about in the United Kingdom. A passenger who fails to return, as the Minister has absolutely said and her predecessor has quickly identified, the few that have been found have been returned to the harbour. The system works and it can continue to work, and the integrity of the Common Travel Area was not compromised, and the Home Office in London informed of what Jersey was doing properly and legitimately raised no objections, certainly in my time. I believe we need to support this proposition and not fear shadows where there are none. Instead, show an increasing confidence about what we can do and our abilities to welcome and manage visitors to our important visitor economy. Unafraid to imagine a future where not only French visitors but other E.U. citizens with valid I.D. cards, with biometrics, may one day come to Jersey for short stays. If we can do this for France, I believe that we can do it for other E.U. citizens. I close by invoking perhaps a voice who should be better known in Jersey of his stay, Victor Hugo. *"Jersey est un morceau d'Angleterre tombé à la mer et récupéré par l'Angleterre."* "Jersey is a piece of England that fell into the sea and was picked up by England." It is a poetic observation and a reminder that we are both British and Norman, a bridge between those 2 worlds both physically, culturally and for all other reasons. I believe that what is increasingly a bureaucracy not imposed by us, but we can deal with it, has hardened that bridge into a wall. I wish to commend Deputy Bailhache and the Minister for her acceptance now of this scheme, a modest day-trip scheme, can be administered with dignity, pride and certainty and safety. I support Deputy Bailhache's proposition, not because it is all I have wanted, but because it is better than nothing. I hope, and I trust in this Assembly, have always trusted in the Assembly, that we will not rest until we can make further steps going forward following the overwhelming support of this proposition brought by Deputy Bailhache that ought not to have been necessary but maybe it was, and that we can one day look forward to a resurgence of other French nationals for an overnight stay and other E.U. citizens. *Monsieur le Président, merci.* "Mr. President, thank you."

Deputy S.G. Luce of Grouville and St. Martin:

May I raise the défaut on Deputy Farnham and Deputy Gorst, please?

The Bailiff:

Yes, the défaut is raised on Deputies Farnham and Gorst.

1.1.4 Deputy M.R. Scott of St. Brelade:

Was this proposition necessary? I think that is quite an interesting point because I know from my own experience that the Minister for Sustainable Economic Development has been pressing quite hard for these measures, but that is perhaps something for him to address. The value of the twinning associations and the support of them I totally appreciate, and I do participate in the twinning association activities of my own constituency. What the actual visitor spend is, is quite interesting. I do not know that we have the statistics, maybe again the Minister can respond, but when I have looked at the statistics in terms of visitor spend, the figures I have suggests that the U.K. visitors accounted for 71 per cent of all visitors contributing a total on-Island expenditure of £234 million into 2023 and in comparison France, 14 per cent visitors spending £17 million, other Channel Islands £9 million, 6 per cent of visitors, Germany 2 per cent, so I think it is quite clear where most of the money does come from. The concern that there are not other visitors travelling and visiting us, I do think that the position about passports is ... in terms of the visitors who come to the Island and spend, most of them probably would have passports, whether they are from Germany, Spain, wherever, I believe. I think there is a lot more to be understood in terms of the statistics. In the meantime, I think that we should have faith in the Minister, who has been in the front line, and the former Minister who has been in the front line, of negotiating with the authorities in terms of what is acceptable and achievable in terms of security. Yes, maybe it can be built on in the future. I therefore do very much encourage Members to support the proposition.

1.1.5 Deputy M. Tadier of St. Brelade:

I want to break my speech down into 3 real parts. The first is to take up the challenge of what was said in yesterday's debate about the fact that we have to look at this from the U.K.'s perspective. I want to start with the point that ... this situation that we find ourselves in today, where we are not allowing overnight stays, and we have rejected 72-hour, but we are allowing day-trippers to come from France but only if they come on certain vessels. It is probably one of those that falls into the category of being reasonable but not rational, because there is no rational reason that we would restrict the time that visitors can come to less than 24 hours; it has to be the same day. It is also not rational, I do not think, that we would restrict it just to French people. I will come back to that in a moment. As I said yesterday, there will be lots of non-French E.U. nationals milling around St Malo, possibly Granville, who would love to come to Jersey for a day and they are not allowed to. The question I will be coming back to later on is what is the end game here, Minister, in terms of Jersey's offering to the European community and what it would be willing to claim in terms of our rights from the U.K.? I think that is the starting point. I will put that question now to the Minister and ask ... I know that she has already spoken, and it is not for her to sum up, but maybe she can give it some consideration, and perhaps Deputy Bailhache can speak or another Minister can speak. I am sure that the Minister for Sustainable Economic Development may have something to say on that issue. Is it not discriminatory that Jersey is somehow giving a preference to French day-trippers when there may well be German day-trippers who potentially have a bigger spend? I know, historically, French visitors to Jersey do not always spend the most compared to some other nationals, certainly to U.K. visitors. I am not sure what the latest stats are on that. It seems to me that it is both discriminatory and undesirable that we should exclude in the longer term Germans, Italians, Spanish, Austrians, the list goes on, who might wish to come to Jersey for a day trip. What is the end game? Perhaps Deputy Bailhache can give some of his vision to that. Looking at it from the U.K.'s perspective, they might think, well ... we know that the less-than-24-hour scheme is secure at the moment, but we do not know what changes are going to happen in the future. We know that Jersey is coming up to an election, and we do not know what the future Minister is going to think. We do not know if the current or future Government has plans to cut the budgets for spending generally, or if the budgets

for immigration and customs will be cut. There are lots of question marks I think about even the day-trip scheme. Certainly, if I was one of the more hard-nosed or hard-line U.K. Ministers or an Opposition Minister in the U.K., I might be thinking of Jersey already by having this day-trip scheme as a soft touch. I do not think they allow day trips with an I.D. card to any other part of the British Isles. I might be wrong, of course. They do to southern Ireland, but that is part of the EU. I will be interested to hear from any of the Ministers about that point. I do want to finish perhaps on more of a positive note. The Constable of Grouville quite rightly said that the twinning associations generally do see the value of French visitors being able to travel over on an I.D. card. It is a shame he had not spoken to them before yesterday's debate, because I think he would have had got a strong, resounding message of support, asking him to vote in favour of Deputy Ozouf's amendment. But, hey, we are done with that. I do not want to reopen that debate. But I think there is a desire, certainly from the twinning associations but also the businesses in the visitor economy in Jersey more widely, that they would like to see European visitors be able to stay longer just on an I.D. card. But maybe we have to change the narrative because I think, and this is where I perhaps put a challenge out to the Minister for Sustainable Economic Development, his team and his Assistant Minister, but also to Visit Jersey, is that maybe we need to have a refreshed campaign specifically targeting French nationals, saying to them things in English like come to Jersey, it is better for more than one day. The campaign could easily be *Jersey ca vaut le passeport* or *Jersey ca vaut le po*. So, this idea that it is worth coming to Jersey for more than one day, and it is worth getting a passport to come to Jersey because this is what you will get in return from it. You will get all this cultural richness, this heritage, you will get this massive welcome, which will be different and hopefully better than if you were simply going to a different part of Great Britain. I remember that old slogan that the Jersey Tourist Board used to use, something like: "Jersey, it is closer to home." It is a little bit of France, but it is closer to home, or not quite British, not quite French, that kind of idea I think needs to be recaptured. A marketing campaign in mainland France, because we know that there are lots of adverts in the U.K.; I think that is quite right. But perhaps to push the budget for marketing in France, definitely in the regions of Brittany, Normandy, Paris, now that we have the flights from Paris.

[10:00]

I am sure that some of this has already been done. But to think about what works for the French psyche, and not simply applying a U.K. or Jersey mentality to what we think might work, but what would work for the French to visit Jersey. Perhaps even being more bold than that, the previous Government - albeit during COVID - gave I think it was ... was it £100, £300? I cannot remember the exact amount to everyone in Jersey during COVID. What if we simply said to the French: "If you book to come to Jersey for a week and you need to get a passport to do that, we will refund the cost of your passport." Because I think the message at some point needs to get out to French people that it is worth having a passport anyway, because it means you can travel outside the E.U. So yes, you can come to Jersey, you can visit the U.K., but you can also visit places like Brazil, Japan, wherever, Canada, with a passport, and you will need a passport to travel. I think this is where it comes back to the expectations of why this has been such an interesting debate and why Jersey I think has, to a certain extent, been ambitious but ultimately lacked that further ambition is that we have to understand the French mentality. They talk about mainland France as L'Hexagone, because it looks like a hexagon. What they often mean by that is that the hexagon of France is so diverse and varied. Even in Granville, I remember speaking to one of the members of the twinning pétanque. They said that often French people do not need to travel outside of France because it has everything. "We can go skiing down in the south, we can go to the beaches in the Mediterranean, we can go surfing in the Atlantic, and we can visit the interior. It has everything we need." Of course, on top of that, they have the European Union, so that is the whole point. Even a French person who does like to travel can still travel extensively with their I.D. card throughout 20 or so-odd countries. They will be able to do that as long as they want. They can come to Jersey if we pass this today and continue to come to Jersey for one day. That is where my final question really is to Ministers more

generally. What is the end game here? Is this only going to be restricted to French nationals? Why? If so, how can we justify that? It is discriminatory ultimately. Is this going to be extended? What is the next step? Are we going to ask for it to be extended for one night? What is the time delay? How long do we have to wait for this current scheme to be put in place? What are the key performance indicators that are going to be put in there to show not just the U.K. but to show ourselves that the scheme is working and to make the case for extending it to one to 2 to perhaps a week? But in the meantime, I hope Ministers will take that idea away, speak to Visit Jersey and say what schemes we can put in place to reward French people who are willing to get a passport to visit Jersey. We will keep our side of the bargain to make sure that when they get here that they are welcomed. Perhaps they have a scheme to reimburse them for the cost of their passport, within reasonable numbers.

1.1.6 Connétable M.K. Jackson of St. Brelade:

While I endorse what has been said by previous speakers wholeheartedly, there are a couple of points I would like to just put into the mix as being important in the deliberation of this proposition. One is the travel link, and particularly Manche Iles, the ferry service which runs from here to Granville and the adjacent Normandy coast. It is fairly tenuous. We put money into it, but in conversation with representatives from Granville, who attended here as part of our twinning association collaborations last week, the feeling was that if we did not have the identity cards, which we are close to achieving, that puts that link at peril. It is already difficult for the French to justify supporting it if it does not get the passengers. By virtue of the fact that we are encouraging French passengers to come here with these cards, I think is terribly important. If that could be increased to a longer stay, that would be even more valuable, I think, to that link, which I feel should be retained at all reasonable costs. The second point that came to me during the course of last week, I tend to hold my Parish surgery in my premises at St. Aubin. We had a visit from a party of French schoolchildren, probably about 15, 20 of them. All made their little purchases, might have been £5 or so. In the grand scheme of things, I am sure, not important but I always believe that if you look after the pennies, the pounds take care of themselves. I felt that those children will be the future visitors to the island. Are we making it easy for them to come to Jersey? Are they able to do exchange visits with Jersey schools? I think that they are unlikely to have passports because they will be, I suspect, entirely coming on the basis of the travel permits. That is an area I think we need to do more exploration on. Maybe that is for the Minister for Education and Lifelong Learning to consider. The other point that was made is that passports for the French are not perhaps quite so easy to obtain as for us. It is a relatively simple process for us. It is easily understood. But one gathers that it is not a question of trotting down to the La Mare filling in a form. The paperwork has to go to Paris, and there is quite a long delay in obtaining the passport. That may be one of the reasons why there is a reticence to obtain a passport by French nationals in Normandy. My plea, I think, is probably to the Minister for Justice and Home Affairs to consider how we can move from this thin end of the wedge, which Deputy Bailhache is proposing, to a bigger chunk. I would plead with her to debate with the British Government as to how that can be obtained and to emphasise the economic importance to the Island of so doing. I am sure she will be happy to do that. One of the reasons why I could not support Senator Ozouf's amendment to this was purely for the reasons outlined by the Minister for Justice and Home Affairs that we are not quite there yet, but I think there is mileage in trying.

Deputy S.G. Luce:

Before I start, may I raise the défaut on Deputy Millar, please?

The Bailiff:

Yes, the défaut is raised on Deputy Millar.

1.1.7 Deputy S.G. Luce:

I did not really want to say very much more than others, but I wanted to thank Deputy Ozouf for the speech he has made this morning. He was absolutely passionate yesterday about the need to extend the scheme and I would just like to thank him. I am glad he has come back for his words this morning. We know politics is about compromise and I would like us all to think that what we have in front of us today is a compromise and it will allow us to move forward in the years ahead as soon as we possibly can to an extended scheme, but I think it is important for us to prove to others outside the Island that we can run the scheme, we can run our security and our borders properly, we can administer this and it is a safe scheme. I think only by producing some data to show how well we can do that will we be able to extend in the future. I wholeheartedly support it.

1.1.8 Deputy L.M.C. Doublet of St. Saviour

I am going to support this, and my reasons are as follows. Previous speakers have covered the impact of Brexit, but I think it is especially on my radar because of the recent difficulties with the ferries, of course, and the flights from Blue Islands being affected. I am very concerned about our visitor numbers from the U.K. being impacted. This proposition is very timely in that respect. It is hard to know for certain about the visitor numbers because the monthly passenger arrivals data, which can usually be viewed online, has not been updated since February so it is quite hard to know what the impact is, and I wonder if any Ministers who have not yet spoken could shed any light on this. Also reflecting on the cost-of-living crisis and Islanders cutting back on spending in our hospitality venues. I agree with previous speakers that this could be something really important for boosting our economy and I urge Members to support the proposition.

1.1.9 Deputy K.F. Morel of St. John, St. Lawrence and Trinity

I think it is really important, Deputy Luce spoke about this is a compromise and compromises mean not always getting exactly what you want but I do also thank Deputy Ozouf for bringing yesterday's proposition. It shows, from my perspective, a statement of intent. I think my take on yesterday's vote was that - we listened to the debate - there are many, many people in this Assembly who would like to move to a 72-hour situation but now is just not the right time and that is not because of Jersey, it is because of the U.K., as I said yesterday. They are not having a rational conversation about immigration in the U.K. but I think there is more to it than that as well. We, as an Assembly, have not actually debated our relationship with Europe since Brexit. It has not been a discussion point in here, as a result there is no sense of anything wanting to change. We, as a Government - this Council of Ministers, the previous Council of Ministers - do not have a mandate to change our relationship with the U.K. in any way or to risk, let us say, the Common Travel Area with the U.K., and that is a big step. Personally, I am fairly agnostic about the Common Travel Area with the U.K. I still maintain a Common Travel Area with 27 countries is better than a Common Travel Area with one country. That is my personal view. But I do know that to make such a change or to try to be in 2 Common Travel Areas, et cetera, would be something that I think a Government needs a mandate for from the public via an election. That is not something that this Government or the previous Government has. I do think we need to debate Europe in this Assembly. We had an awful situation around Brexit and the T.C.A. (Trace and Co-operation Agreement) where the Assembly was, for those of us who were here will remember, basically forced to vote on a package that it had not even had time to read. That the U.K. had negotiated incredibly poorly and left us in the lurch in all sorts of areas. We, in Jersey, have been trying to pick up the pieces since then. The U.K. smashed the vase, and we are trying to stick it back together again in a way that we would like it to work for Jersey. I do think it is important that we, as an Assembly, talk about our relationship with Europe. There is a kind of silence, but that silence means we cannot make strong decisions about whether it is 72 hours, whether it is anything else. I know Deputy Ozouf and I see eye to eye on most of these matters, but we have no mandate. We have no mandate even from ourselves through discussion. I think that is something that, as an Assembly, we probably need to wake up to and just think about what is it that we want. Just to show the range of views, I spoke to a hotelier recently who said we

should not bother marketing to Europe. We should just put all our tourism marketing into the U.K. and not worry at all about Europe. That was a significant hotelier in the Island. It shows that just because I have a view about stronger relations with France and stronger relations with Europe it does not mean that they are felt by everybody in Jersey or even in this Assembly. I do think we need to open ourselves up and have those tough conversations; what is it that we would like. Because otherwise we will always be sitting there slightly fearful of antagonising or pushing too far and reaping potential repercussions from the United Kingdom. If there is something, if I can find a form of debate, I will try to bring a proposition which can force a debate on Europe in this Assembly because, goodness, we have seen the discussion in the U.K. We have had to put up with listening to their misinformed discussions about Europe for years and yet we have not had one here in Jersey. I think that is really important. To Deputy Tadier's point about discriminatory matters. Border controls are inherently discriminatory. You require visas from one country but not from another. You do not require passports from the U.K. but you do from Europe. Border controls discriminate, that is what they do. People from certain countries have certain rights in other countries and do not have rights in other countries; that is the fact of life. If I go to a country I have to take my passport; they may choose not to let me in just because if they want they do not like Jersey. Border officials have an immense amount of power because they, as individuals, can determine who comes into a country and who does not. So there is entirely discrimination around it and I do not think that is something that really affects our discussion of this 72-hour or 24-hour I.D. card situation. It is just a fact of life that people try to control the movement of people and, as a result, they discriminate. Our border controls discriminate, the U.K.'s do, the E.U.'s do. That is just the way it is. But I do take yesterday's debate and today as a starting point.

[10:15]

Whether I am in the Assembly or not, I do hope that the next Minister for Justice and Home Affairs, whoever that is, will push harder. If I am not in the Assembly I will be writing lots of letters to annoy them into pushing harder on the I.D. card situation. If I am in the Assembly, I will be pushing the Minister for Justice and Home Affairs to do exactly that and probably trying to build a consensus. Because over 2 or 3 years of good operation of the system that we have, there is absolutely no reason why we should not push further on with the 72-hour I.D. card. I am really pleased that twinning has been mentioned a number of times today. The Connétable of Grouville was quite right, there is an age problem with our twinning associations. As I have said I think in here before, I am pretty much the youngest in Jersey's and St. Lawrence's twinning association by some distance, and I am 50. So we do need to reinvigorate that because that is one method in which you may not only maintain cultural links, but we maintain economic links because, quite rightly, it is through the constant exchange of people between La Manche and Jersey that we maintain the system of Manche Iles Express. If that dries up, then we lose more connectivity as well. I do encourage all Members here to engage with their Parish twinning associations. They are really, really interesting. Please do also engage with your parishioners to encourage them to get involved. This also takes us back to French speaking and learning French, and obviously Deputy Bailhache's previous propositions about French-speaking schools. These are matters that we need to discuss but I think, more than anything, if we are to really want to draft the nettle in relation to Jersey having its own independent relationship with Europe and France, then we need to discuss that here and we need to discuss that with people in the Island. Otherwise, we risk acting on matters for which we do not have a mandate, but which have significant consequences. That would be extremely difficult but, of course, I will be wholeheartedly supporting Deputy Bailhache's proposition today, and I thank him for bringing it. I thank the Minister for Justice and Home Affairs and Deputy Miles, as the former Minister for Home Affairs, for enabling this 24-hour situation with the I.D. card to take place. Because it is hugely valued by our representatives in France. I spoke to some Deputies from the National Assembly just 2 weeks ago. They were very pleased that we were able to say: "We think that we will be able to

carry on with the I.D. card situation.” That meant a lot to them, because they know that it is Jersey being different to the rest of Britain and Jersey valuing its French links.

The Bailiff:

Deputy Tadier has asked if you will give way for a point of clarification.

Deputy K.F. Morel:

Of course.

Deputy M. Tadier:

I did want to wait until the end, thank you to the Minister. There are 2 points of clarification. The first one was when I mentioned discrimination about who can come in, i.e. other E.U. nationals not being allowed to travel in for a day trip on an I.D. card. Could the Minister clarify, as my point was about the economic benefit or economic loss to Jersey, whether or not the Minister thinks that it would be desirable to extend it to other nationals who might find themselves, for example, in St. Malo and available for a day trip? The second point of clarification was my question around other proactive steps that Economic Development and Visit Jersey might take to encourage French nationals to get a passport or to use their passport to visit Jersey for a longer period.

The Bailiff:

I think the first is a legitimate point of clarification. I do not think, Deputy, the second is a legitimate point of clarification. You are simply asking for the Minister to make an additional element to his speech, and I am not sure that is clarifying anything in particular. But as to the first point, Minister.

Deputy K.F. Morel:

Thank you for your ruling as well. I read it the same way. With regard to E.U. nationals, it is simple. I will state it. When anybody is talking to me about access to Europe, our relationship with Europe, whether we should allow all E.U. nationals into Jersey with I.D. cards, you are pushing at an open door as far as I am concerned because, yes, I do think we should have access for all E.U. nationals on I.D. cards, et cetera. But we live, as I said in yesterday’s speech, in a real world where that is not necessarily possible at this moment in time. But there would be huge value, I have no doubt, in E.U. nationals ... economic value as well as cultural value in E.U. nationals being able to access Jersey on I.D. cards.

Deputy L.M.C. Doublet:

Would the speaker give way for a point of clarification please?

The Bailiff:

It is a matter for you.

Deputy K.F. Morel:

Yes, but I fear I am about to be asked to make another speech.

Deputy L.M.C. Doublet:

I wondered if the Minister had included in his speech the information about the monthly visitor figures.

Deputy K.F. Morel:

I can clarify that I did not include that in my speech.

1.1.10 Connétable R.P. Vibert of St. Peter:

I will be supporting this proposition. I would just like to speak about our own twinning association. When we first heard that the ability to use a French I.D. card would be lost post-Brexit we checked how many French members of the twinning association had passports? It may be something to do with the age range of the members, but there were only 15 per cent of the French members who had passports. Of course that puts the twinning association under threat, its continuation. When the mayors visited - 2 of the mayors from the region visited at Liberation - they spoke to me about the importance of continuing the scheme. Of course, they also spoke about the ability to stay for more than one day, possibly up to 3 days. Like Deputy Morel, I did not support that, but only from the point that I believed it was not the right time. I think that if we can prove through this scheme that we have the ability to manage it, then that will add weight to any arguments that we have for a 72-hour scheme or overnight stays. Hopefully that will come back in the future. But I have to say that the ability to have day trips very much increases the chances of our twinning associations successfully continuing. Really, that is all I have to say.

1.1.11 Deputy D.J. Warr of St. Helier South:

It is good to hear some of the comments coming out here. It is a shame that Deputy Ward is not in the room because he likes my analogies of jam today and jam tomorrow. I think what we need to think about here is timeliness and urgency of this kind of thing. I will be supporting Deputy Bailhache's proposition 100 per cent, but I just want to make a point to the Assembly, is about timeliness. We are seeing bed numbers falling, we are seeing hotels continually being put on the market and converted into housing. In real time, the market in our visitor economy is declining. I come back to Deputy Ozouf's commentary and this extension of these schemes: where is our ambition? Why are we not more ambitious and pushing harder? The scheme, I understand, I have just had some data here which came in April 2023. What are we now, June 2025. That is an awful lot of time to have just checked in that the *carte d'identité* scheme is being properly run and well managed. My question is: why are we still waiting to extend that and improve on that scheme? I totally agree with the Minister in terms of a debate on Europe. I think it is really important. There are 744 million people who apparently live in Europe who are on our doorstep, that is a massive market that we are just turning our back on or seem to be turning our back on mostly. We have to find other strings to our economic bow. Our visitor economy is really important. We have to show that we really do back it. We do not want to just simply talk about it. We want to do it and we want jam today.

1.1.12 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:

Very briefly, just to go on a record. While I give wholehearted support to the Minister for Justice and Home Affairs, I think she is in a difficult position, given the post-Brexit sensitivities, especially around border control. I also align with the Minister for External Relations that we will work with her as well and with London to try and find a solution. French tourism is vital to our visitor economy, and of course the impact on our cultural links will be impacted further if we do not find a solution to this moving forward. I hope we can find a solution sooner rather than later. We are committed to continuing talks with the U.K. I very much hope, in line with the Minister for Sustainable Economic Development's ambitions with developing the tourism, rebuilding the tourism sector from the very difficult start we have had this year, and I think the feeling in the room is the same. We all want the same thing, it is about how we get there. Just for the record, I wanted to say that this Government is forward-thinking on that. We want to support the Minister for Justice and Home Affairs who has raised, and the previous Minister, have reached this position for the right reasons. But I believe there is a way forward and we are committed to finding it.

The Bailiff:

Does any other Member wish to speak on the proposition? If no other Member wishes to speak then I close the debate and call on Deputy Bailhache to respond.

1.1.13 Deputy P.M. Bailhache of St. Clement:

I thank all Members who have spoken in the debate. I hope that they will forgive me if I do not necessarily deal with every point that has been raised. I also want to thank the Minister for Justice and Home Affairs for accepting the proposition, and also her officials in the Immigration Department for the considerable assistance that they gave me in the preparation of this report and proposition. It is not easy for a Minister to stand up to considerable opposition to a particular point of view, and I am grateful to the Minister for standing firm and for agreeing to accept this proposition. Naturally, I accept the Assembly's decision yesterday on the amendment of Deputy Ozouf that now is not the right time to expand the scheme. But I hope nonetheless that the Minister will keep an open mind on the matter and, indeed, further than that, keep the issue under active review. It is very much in the interests of our community that our economy should be protected in the way that was suggested by Deputy Ozouf, and also very much in the interests of our relations with our nearest neighbour, as the interventions from the Connétable of Grouville and the Connétable of St. Peter showed. These things are important and need to be looked at. It is within our power to extend the scheme. I do not think that the very small risk of adverse repercussions should be overstated. If we are so risk averse that we are not prepared to contemplate sometimes standing up for ourselves, we will make no progress. I appreciated, too, the speech of Deputy Morel. He is quite right that our relations with Europe as a whole are important, and we do not talk about them. I hope that the Minister for External Relations might find some pretext for bringing to the Assembly the issue of our relations with our European neighbours. I thank Members for their contributions. I maintain the proposition, and I ask for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats, and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting.

[10:30]

The proposition has been adopted.

Pour: 47		Contre: 0		Abstained: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				

Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

2. Differential Pay for Ministers, Scrutiny Chairs and Committee Chairs (P.38/2025)

The Bailiff:

The final item of Public Business is Differential Pay for Ministers, Scrutiny Chairs and Committee Chairs, P.38, lodged by Deputy Renouf. The main responder will be the chair of the Privileges and Procedures Committee, and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) that the States of Jersey Law 2005 should be amended to allow for differential pay for Members, and to request to the Privileges and Procedures Committee to bring forward for approval the necessary legislative amendments prior to the end of the political term; and (b) to request the Privileges and Procedures Committee to include differential pay for Members within the terms of reference of the next remuneration reviewer, such terms to include the possibility of applying different payments for the following roles: (i) Chief Minister; (ii) Minister; (iii) Assistant Minister; (iv) Chair of a Scrutiny Panel; (v) Chair of the Privileges and Procedures Committee; and (vi) Chair of the Public Accounts Committee.

2.1 Deputy J. Renouf of St. Brelade:

This is a relatively simple proposition in that it asks us to take an “in principle” decision to allow differential pay for Members and sets out a process for enacting that decision should the Assembly vote pour. I will come to the arguments for the proposition shortly, but I would like to offer a few

words of explanation to describe exactly what the proposition delivers and what it does not deliver. Members will be aware that under the States of Jersey Law Article 44(1), all Members must be paid the same. That Article says: “No scheme, agreement or other arrangement whatsoever for the remuneration of, or the payment of any allowance to, elected members out of the consolidated funds shall provide for different elected members to be entitled to receive different amounts of remuneration or allowance.” Part (a) of the proposition asks P.P.C. (Privileges and Procedures Committee) to bring forward the relevant amendments to the law to delete this clause and allow for differential pay. I did not bring those amendments to the law myself, because I was advised that it is not normal practice for Back-Benchers to change the law, not least because there may be complications, for example, consequential amendments to the laws that a Back-Bencher would not necessarily pick up, and I thank the Greffier and the Chair of P.P.C. for their consultations that I had. While I think that is unlikely there are likely to be those kind of complications, I think it is best to stick to good practice. There are 2 points to make about a vote in favour of part (a) of the proposition. The first is that our vote today is not irrevocable. It is an “in principle” decision that could yet be reversed when P.P.C. bring forward the relevant legislative change, and perhaps the chair of P.P.C. can indicate in the debate when she expects this to be the case. The second point to make is that part (a) is the real meat of this proposition. It is the key decision because it sets in train a change in the law. It would remove the bar that currently exists against differential pay. It is important to remember that we, or rather a previous Assembly, have already handed the power to set our pay to the remuneration reviewer. We do not determine our own remuneration. The law says that whatever the reviewer recommends will be implemented. There is currently only one limitation, and that is the limitation imposed by Article 44(1). Passing part (a) of the proposition would begin the process of removing that bar on differential pay, still subject, as I say, to a further debate when the relevant law change is brought back by P.P.C. One final point to clarify regarding part (a), I have indicated to Members that I will take the proposition in parts, and if part (a) is rejected, then part (b) I believe will automatically fall away, and if it does not, I will seek leave to withdraw it. However, if part (a) is passed, then part (b) gives further guidance to P.P.C. and the reviewer by specifying the categories that would be recommended for the reviewer to consider. As I have said, I will take this section of the proposition in parts, so there will be a vote on each individual role. It is important to acknowledge that this part of the proposition is not binding on the reviewer. That is true in both directions, so to speak, so we might vote to include all the categories I have listed in the reviewer’s deliberations, but the reviewer still does not have to award them all differential pay. The wording of the proposition makes this clear. It requests the Privileges and Procedures Committee to include differential pay for Members within the terms of reference of the next remuneration reviewer, such terms to include the possibility of applying different payments for the following roles. We are voting to include the possibility of applying different payments for these roles. The final decision lies with the reviewer. It is also true that if we vote to exclude a category, that is again only advice to the reviewer. However, passing part (b) would mean that when P.P.C. directs the new reviewer to consider differential pay after the next election, their terms of reference will include only those roles that have been voted for. Legally, the reviewer would be entitled to make their own decision, but I have to say that it would be fairly extraordinary for a reviewer to step beyond their own terms of reference. Members will note that the proposition, if enacted, places considerable power in the hands of the remuneration reviewer. So, why do that? I think the answer is for the very good reason that this is the system we already have, and I think it is a good one. I would like to publicly put on record my thanks to the remuneration reviewers. They have done a great service to the Island, and to us in the Assembly. They have brought a sensible, calm, respectful and thoughtful approach to their remit. Their reasoning has been thoroughly researched and clearly explained. There have been no decisions that have looked like outliers. The application of that expertise has, perhaps not coincidentally, helped to detoxify the question of our pay. That is something that is good, and that is why I have no problem with allowing the remuneration reviewer to continue to set our pay, even if it also includes differential pay for Ministers and other roles. I should add that the reviewer suggested in a recent report that the matter

of variable pay be brought back to the Assembly. So, the answer to the question why bring this now, is because the reviewer asked for us to reconsider the matter. So, with that rather lengthy preamble out of the way, let me get on with the arguments for the proposition. There is, I think, one overarching reason why we should allow differential pay for it to be at least considered by the remuneration reviewer. It is about offering appropriate recognition and reward for taking on Ministerial or other significant responsibility. In almost all walks of life, additional responsibility leads to greater reward. That is a good principle in itself. It encourages people to do more and recognises their additional contribution financially. But beyond that simple principle, the case rests on making standing for election a more attractive proposition. Some Members may be uncomfortable with the idea that there should be a financial incentive to the consideration of whether to stand and whether to seek a Ministerial position. I am afraid we crossed that Rubicon a long time ago when we agreed that Members would be paid. Our predecessors made that change wisely to widen the pool of candidates accepting that not everyone has independent means and that it is legitimate to expect reward for political service. This proposition would take that one step further and, in doing so, align us with practically every other jurisdiction in the world, including Guernsey, the Isle of Man, and many other comparable jurisdictions. As I say, in the world outside politics, people are rewarded for taking on extra responsibility. They have an expectation that if they do well in their job, they will move up through the ranks, earning more money. Then what happens when they consider politics? Maybe they are young, maybe they are mid-career. We are asking to take something on that breaks with their normal and legitimate expectations. It is entirely legitimate to expect that taking on more responsibility will result in financial reward. As we go through our life, certainly in the professions, people expect their earnings to increase. It is true in the private sector, public sector, trade unions, the third sector, and so on. We have to remember that some Members may come into this Assembly quite young. They may want to start a family, or buy a house, or in other ways progress their lives. Were they to stay outside the Assembly, they might have expectations of promotion or other mechanisms to increase their pay. That is how life goes. The nearest equivalent we can offer in politics, and it is not an exact equivalent, but the nearest equivalent we can offer in politics is that Ministers and other senior roles should get more pay. That engages another reason why I think this change is a step forward. It would make our Assembly a little bit more like the society we represent. We already accept this goal in other areas. We want the Assembly to reflect the gender balance, the ethnic variety, different age groups, and so on that we find in society. We might also consider that it would be wise to reflect the reward structure that is prevalent in society. I think at this point we have to take a step back here, because this vote is not about us, or at least not principally about us. We all chose to stand knowing the system as it is. We were not deterred. We accepted the present system and needed no further encouragement to stand. But that is not the point. We have to think about other people who did not stand, people who might in the future be considering standing. This is about thinking about those who do not stand might want. I have been told by many of them that standing for election would be more attractive if a more modern reward structure were in place. I do not claim that this change will change the world. It is a modest change. It will not utterly transform the political landscape. I doubt it will lead to a veritable flood of new candidates. But it will make the idea of going into politics more attractive to a wider group of people, and that is a good thing. With regard to part (b), I do not propose to make the case for each individual category in detail, but simply to remind Members that the rationale for the proposition was to reward individual responsibility. My personal view is that the case for the Chief Minister and for Ministers to receive additional pay is easy to understand and, in my view, the easiest to justify. I think my views were helped formed in this during the COVID times when the then Chief Minister had to take decisions with life and death consequences for Islanders. We may have disagreed with some of those decisions, but the fact is they were very weighty decisions, and it struck me at the time, when I was not involved in politics, as slightly absurd that that responsibility did not attract any further reward compared to other Members. As far as Assistant Ministers are concerned, I note the comment of the remuneration reviewer who said that their view was that additional pay would only apply where an Assistant

Minister had delegated legal responsibilities. I happen to agree with that view, but in the end is a decision for the reviewer if we give that category to them. Perhaps the most controversial or marginal inclusion, if you like, is Scrutiny chairs and panel chairs and so on. I have included them, because under the U.K. system they are also included as they are recipients of differential pay. I think the remuneration reviewer should have the widest possible remit, remembering that they do not have to give differential pay to any of the categories that we vote for. I will therefore be voting for all the categories so as to enable the reviewer to have as wide a remit as possible. However, I understand some Members may wish to limit the reviewer's scope, and that is why I am taking that section of the proposition in parts. So, what of the arguments against this proposition? The original argument to put the ban on differential pay in place came from then Senator Syvret. He argued that additional pay for Ministers would tempt Members to compromise their principles for financial reward. It would encourage potential abuse of power through the exercise of patronage.

[10:45]

Members would be tempted to be obedient and servile to those in a position to offer a Ministerial position, with its accompanying financial reward, so we would be encouraging naked ambition. I must say, looking back over Jersey's recent political history, there are those who might say such behaviours do not need any financial encouragement. Twenty years ago, there were perhaps justifiable fears that the shift to a Ministerial system, when tied to increased pay for Ministers, would encourage the wrong sort of behaviours. But the ban on Ministerial pay has been in place for more than 20 years, so Members can judge for themselves whether the lack of Ministerial pay has had the desired effect. My own case would be that the existence of questionable behaviours that are motivated by a desire to achieve higher office undoubtedly exist, but they do so independently of any potential financial reward. As evidence, I would respectfully submit that the performance of Jersey's political system has not been any different in this respect from any other country that does pay Ministers more. I struggle to see what noble behaviours have been so conspicuously promoted in Jersey and so lacking in other jurisdictions that are subject to the corrupting influence of Ministerial pay. Twenty years on, I feel confident in saying that the instruction of Ministerial pay is highly unlikely to significantly change the behaviour of Members in the lead up to the selection of Ministerial positions, all of which are ultimately in the gift of this Assembly anyway, rather than handed out by patronage. It is perhaps an argument that introducing higher pay to attract more candidates is in some way an inferred criticism of Ministers or office holders in place now, that we do not have high enough quality candidates, and only by Ministerial pay can we attract better candidates. That is not my argument. My argument is that variable pay will help widen the pool of potential candidates. Those new candidates might be an improvement, they might not. That is not the point. My point is that it is better to have more candidates. We should want to widen the pool of candidates from whichever part of the political spectrum they come. Competition for places is good, and I am sure anyone standing for election would want to test themselves against a variety of candidates; the more the better. There is an argument against this proposition on the grounds that it will make no difference but costs money at a time when the Government is not balancing its books. On the subject of money, it is impossible to say how much it will cost, because we do not know what the remuneration reviewer would do with their newfound flexibility. But I estimated in my report that it would be no more than £250,000 based on the kind of statements that they have made in the past about this subject. It is not an insignificant sum but, given the potential improvements to the functioning of our democratic system, I think it is a modest investment. So, that is one side of the argument, but the other side is the idea that it will make no difference. I beg to differ. I have been contacted by plenty of people who do not want to put their head above the parapet to say it publicly, but who are absolutely clear that the absence of Ministerial pay is a disincentive to some people to stand. In conclusion, I know there will be some public opposition to this, but not perhaps as much as we might think. Certainly, there has not been much opposition expressed when I posted on social media about this, and I have not picked up a strong argument against, so it may not be quite as

controversial as maybe some Members think. The truth is there will never be a right time to bring this proposition. I have brought it because the remuneration reviewer suggested it should be debated, and because I believe in the principle. I think the time has come for this simple modernisation, but I look forward very much to hearing Members' views.

The Bailiff:

Is the proposition seconded? [**Seconded**] For clarity's sake, I should say that I agree that if the Assembly votes against part (a), part (b) will automatically fall away.

Deputy R.J. Ward of St. Helier Central:

May I ask a question regards to the intention of part (b)?

The Bailiff:

Sorry, may you ask a question?

Deputy R.J. Ward:

About what will happen with part (b).

The Bailiff:

Yes.

Deputy R.J. Ward:

When it says "taken separately", will we be voting on (b)(i), (b)(ii), (b)(iii)? Just for clarity.

The Bailiff:

That is what the proposer has indicated.

2.1.1 Deputy M. Tadier of St. Brelade:

I will start probably with a well-known quote about power. I think it is a Tony Benn quote. He talks about the 5 questions about what you ask when you come across anybody in a position of power or influence, you say: "What power have you got? Where did you get it from? Whose interest do you exercise it? To whom are you accountable? How can we get rid of you?" All of those questions do have relevance to what we are debating today, because Deputy Renouf wants ... I mean, let us not beat around the bush. He said of course he would like the ability of the remuneration adviser to look at these issues, but of course what he means is that he wants differential pay. Nothing wrong with that, it is a valid political point to make, position to hold. But he is saying in all of those cases that there is then a gradation. He has listed 6 positions which we should consider giving Members in the future more pay for doing. I will come back to the point of irrespective of how well they do that job, we are expecting to pay them more just for having been elected to those positions, which I think is problematic. I will come back to that point. There are also key positions there which are not included. For example, for being a member of Scrutiny, if you are a member of a Scrutiny Panel or a Public Accounts Committee member, you do not get paid any more for that. I will just leave those thoughts with Members, especially if you are one of those Members potentially in the future who is doing a very proactive vice-chair or vice-president or a role which means that you might be deputising quite a lot for those who have been elected there. So, there are lots of intricate questions here, which I think need to be addressed, which have not been addressed, which we would do well to think on in this debate because they are not insurmountable, but I think they do pose problems. Certainly, the way that this proposition is worded, I think, does have flaws in it. Let us start off with the first point that Deputy Renouf said that in most walks of life, if you take on more responsibility you get more pay. He said that certainly happens in the private sector. Well, it does not necessarily happen in the private sector. If you are self-employed in any walk of life, you might decide to take on more responsibility, but depending on how well you exercise that responsibility, it will not always result

in extra pay. It may well be that, let us say, you are a carpenter, an electrician, you may be an entrepreneur of whatever, you may decide to take on more responsibility, more risk, if you like. It is not automatically going to result in a bigger payout, because if you take on more work, take on more responsibility, but you cannot ultimately do all that work, you will find that you get less pay in some cases because you are not competent. So, we have not addressed the whole question of competency in Government, I think, which is the issue. I am also looking at a half-empty Assembly today, so I do not know if it is just the angle that the camera is at, I do not know if we need to include perhaps attendance performance pay in this, because certainly we are looking at a half-empty Assembly. Presumably it cannot be half empty, otherwise we would not be quorate, and I accept the fact that I am not there in person, but I am here at least online. I cannot be with us in person today because of illness. I think those are the starting points, that the premise that we need to make a comparison between the jobs that we do in this Assembly potentially, and the jobs that others do, the first thing is we are comparing apples with pears. The idea, and this premise has come up time and time again, that we need to get more people to stand for election, we need to get better quality of candidates, people are not willing to leave high-paid jobs in whatever sector to come and work in this Assembly, well that is perhaps a conversation to be had, but it is not true, is it? Because there are lots of Members in this current Assembly who have taken pay cuts. I mean, I just need to look to my own benches, and my own party benches, and I will not embarrass anybody and point out people who have taken significant pay cuts, and also a lack of job security, and a lack of paid holidays, and a lack of an equivalence of pension provisions to do this job because they believe in the whole point of democracy and they believe in the whole ethos of service. So, for lots of Members, and it is not just these in the past and in the future, pay is not the primary consideration. The idea is, of course, that we should be able to live sufficiently, but when we are in this Assembly, the motivation to take on extra responsibility, I think certainly for me and the colleagues that I know, is because they want to do a job well, they want to see the Island well served, and they want the best people in those roles doing what is in the public interest for the Island. The question of pay is not at the forefront of our minds. So, I think let us come back to the actual positions that are being talked about here, and I think we do have to differentiate these. The argument that potentially in the future the Chief Minister should get more remuneration, I think is understandable, because it is the Chief Minister who is subject often to the high-profile votes of no confidence, who has to carry the can. I think when it comes to other positions it becomes more problematic, because we go back to those 5 questions I asked at the beginning about how do these positions get their power? Who delegates them? Well, of course, in the case of Ministers, it is the Assembly, but it is the Chief Minister who can hire and fire. In the case of Assistant Ministers, of course, it is not even the Assembly. A Minister, in consultation with the Chief Minister, can decide how many Assistant Ministers they want, and, of course, they are appointed without any direct mandate from the Assembly, let alone the public. So, that is problematic because it leads to the question of patronage. It leads to the questions of bribery, not in an absolute sense, but the suggestions that if you become an Assistant Minister and do what I want you to and vote the right way, not only will you get that position of influence and authority, but you will also get extra pay. I think that becomes very problematic at a time when we are trying to minimise conflicts of interests and engender greater trust from the public, not do the opposite, and I think that becomes a serious consideration. I have certainly seen in my 15 years, that there are big differences in the way Members are treated, perceived by the public, and also the workload. So, I do not mind saying this on public record. I think I have always been a hardworking and diligent, albeit not a perfect, States Member, but I have to say that the lightest workload that I ever had in my 17 years of being a States Member was the time that I was an Assistant Minister. I am not saying that I had a very light workload, but some strange things started to happen. What I noticed is that for some reason I started to get less casework. Some people who had previously contacted me before maybe would not contact me as much because they thought, okay, he has got a different portfolio. They might have gone to other States Members. It did not dry up completely, of course I was still doing my surgeries. I found that I did not have to go to Scrutiny meetings anymore, I was not allowed to

because I was not a member of Scrutiny. All of those meetings that I would have been involved with from a Scrutiny perspective dried up. But I also did not have the full Ministerial responsibility because it was the Minister who was, ultimately, answering for the department. I did feel very included as part of that team, but did it merit any more pay? I do not think so because I was probably doing no more work in real terms than I was as a non-chair of a Scrutiny Panel. To say that an Assistant Minister or that I should have been paid more simply because I had more responsibility as an Assistant Minister, when I was, arguably, doing no more work or possibly less work than as an ordinary States Member, would have both been incorrect and I think would be insulting as a principle. Immediately I think we can discount the idea that Assistant Ministers for a whole raft of reasons should be paid more automatically just because they are Assistant Ministers. Of course there are Assistant Ministers who are, effectively, full Ministers. An Assistant Chief Minister who turns up to every Council of Ministers meeting, should they automatically get more than, say, a junior Minister or a full Minister but of a smaller, less contentious department? An Assistant Chief Minister who is bringing through some very contentious issues about housing and work, for example, who is in the media every day, who is getting a lot of stick online versus a Minister who at any given time is not getting that kind of scrutiny and is perhaps not bringing forward a lot of legislation, perhaps not through their own fault, I think this is where it starts to break down. I think the question about public service, the fact that we are all equal coming into this Assembly and then it is the Assembly which chooses some of those key positions, which we do because we want to do a good job of them, we or whoever it is in the future.

[11:00]

I think that is a really valid principle which we are, potentially, throwing out today just because we want to fit in with these perceived democratic norms or these false analogies that happen with the private sector. I would beg for a moment of caution in that. I also look at the other positions that are included there. As a chair of a Scrutiny Panel, should I get paid more just because I chair a Scrutiny Panel when I have got some excellent members of my Scrutiny Panel who are very diligent, who can deputise for me, who I can trust entirely and who bring a lot to the table? Also, as the chair of a Scrutiny Panel I have got officers that work with me and the same can be said for Ministers. I have got access to some great staff that I would not have otherwise. I do not feel that I need extra pay for being the chair of a Scrutiny Panel. I am quite happy with the pay of an ordinary States Member and I am happy to do that job as long as the Assembly wishes me to. I think that would, hopefully, be the case for any future potential candidates. Let us get back to the point that is being made is that the idea is that we need to get more States Members from different backgrounds, more candidates come forward for election. When you put yourself forward for election (a) you do not know whether you are going to get elected and (b) if you do get elected you have no idea what the Assembly is going to ask you to do, if anything. This idea that you will get some great business folk who maybe are on, I do not know, an accountant's salary or whatever, who will come into the States and then they will expect to be given these positions of authority. It does not happen like that. It depends on their competence, it depends on what their politics are, it also depends on what the politics of the rest of the Assembly are and whether they can build that trust and prove the fact that they can do that role. It is not automatic. This idea that this proposition today is somehow going to increase the contendership, if you like, for the next election does not follow. It might if we said we are going to increase States Members' pay dramatically, double it, for 2026 so that people know as soon as they are elected that they are going to get a minimum which they can compare to their salaries. But that is not what we are doing. This does not solve any of those problems, it creates more precarity because people will not know what they are going to get paid. They might be leaving a job to find, as an ordinary hardworking States Member, that they are not getting paid. They are in an Assembly which they have got no control over which positions they get. On top of that we have differential pay, which I think is, potentially, really divisive. It is only going to serve to put more people off from that. I will listen to what other Members say, I am not completely against the proposition. I do not

think this is the right time to be doing this. I think it is an absolutely terrible look for the Assembly to be saying we want Ministers to be paid more. I could certainly finish on the question of competency and what would happen, for example, if a Chief Minister was willing to protect an incompetent Minister who is making error after error? We can say it is hypothetical, or we can say it is entirely plausible and that person remains in the job receiving not just full pay but enhanced pay, even though they are doing a terrible job. Ultimately, of course it will be up to the electorate and the next election whether they get elected or not. But in the meantime, they are receiving enhanced pay perhaps for incompetent work. Responsibility does not always equal competence and there are lots of people without the title who do lots of hard work in this Assembly. I think it is important that in the future that they are recognised and certainly this proposition does not seek to do that. It is entirely divisive and I think it sends out the wrong message at a time where we should be focusing on greater unity and focusing on the good work that States Members do, not the pay that they might wish to receive in future, which could end up being eye-watering.

The Bailiff:

Thank you very much, Deputy. Deputy Scott, did you have a point of order?

Deputy M.R. Scott of St. Brelade:

I had a question about the interpretation, Sir, if I have done ...

The Bailiff:

I think that is a point of order, yes.

Deputy M.R. Scott:

Thank you. To say that I can understand quite what I am voting for. Paragraph (a) refers to differential pay, can I interpret that? That could then mean lots of different types of ways of evaluation, so it could be market value, it could be performance-related pay.

The Bailiff:

It is simply ...

Deputy M.R. Scott:

Differential, yes.

The Bailiff:

It does not specify that. If the Assembly votes for part (a), then the prohibition on any form of differential pay contained within the States of Jersey Law will come to an end. How that applies and how that is interpreted is not within the purview of paragraph (a).

Deputy M.R. Scott:

Okay. If the law were amended, then that would be something that the P.P.C. would take forward then. I am just thinking, what would happen if I only voted for (a) rather than (b) and then trying to understand what (b) does, Sir?

The Bailiff:

If you voted for (a) you will be voting for exactly what I, hopefully, have just indicated, that there will no longer be any presumption against an absence of differential pay and the Remuneration Review Committee will be free to consider remuneration without that stricture.

Deputy M.R. Scott:

Okay. Can I assume the details would be within the power of the P.P.C.? Okay. Then (b), it says: "To request the P.P.C. to include differential pay within the terms of reference, such terms include

the possibility of applying different payments for the following roles.” If I voted for that, it says: “To include the possibility of applying different payments.”

The Bailiff:

It is not an exclusive list.

Deputy M.R. Scott:

Right.

The Bailiff:

It would be possible for P.P.C. or indeed unlikely I suppose for a remunerating assessor to consider and recommend that there are other roles that are differentially remunerated.

Deputy M.R. Scott:

When we go through the (i) to (vi) it is more for the purposes of understanding if the States Assembly want to exclude certain things.

The Bailiff:

Yes, I think a vote for any of (i) to (vi) or all of them indicates to P.P.C. what the Assembly’s expectations are with regard to those roles, either they are included within that differential review or they are absent from it; that is the most that can be said of it I think.

Deputy M.R. Scott:

Thank you, Sir.

2.1.2 Deputy S.M. Ahier of St. Helier North:

Firstly, I would like to say that this is a contentious topic. There are many who believe that politicians are paid too much and, equally, there are plenty of others who believe they are underpaid. Because of this many able people will not stand for an Assembly position due to having to accept a reduction in their salary. I am not altogether sure that this proposal will in any way rectify that problem. I hope that all Members have taken the opportunity to read the very informative comments paper from P.P.C. It highlighted the previous occasions on which this topic has been debated, the most recent being P.40/2021, which in many aspects, particularly part (b)(vii), resembles the current proposition. I do have some sympathy with the suggestion that the Chief Minister should be paid more than other Members. If you compare the remuneration of the C.E.O. (chief executive officer) with that of the Chief Minister, it is quite outrageous. But it must be remembered that the Chief Minister and all other Ministers do have a considerable amount of assistance, as it should be, from the Cabinet Office and from their own departments. Then when it comes to the question of Assistant Ministers, I do not believe that they should receive differential pay purely because they are appointed by the Minister, rather than being elected by the Assembly. The proposition seems to be trying to determine who does more work and, therefore, who should receive more pay for that extra work? One could then argue that the Constable of St. Helier has a much more onerous task than the other Constables but they are not mentioned in part (b) of the proposal to receive extra pay. It is important I believe to state that all Members’ roles are full-time roles and that each individual Member fulfil those roles to the best of their abilities. It is worth noting that our closest neighbour has a differential pay system for their people’s Deputies, whereby the president of the Policy and Resources Committee, the equivalent of our Chief Minister, receives £85,000 per annum, whereas the Presidents of the 6 principal committees, plus the other 4 members of the Policy and Resources Committee, receive £65,000 per annum, with the remaining Deputies on £48,000. But of course, in Guernsey they only have 40 Deputies compared to our 49 and, as such, we should not be supporting an overall increase in expenditure without seeing an equivalent reduction in the number of States Members, especially since in the opening speech of the proposer he suggested that it may cost £250,000 more for the extra

pay without any such reduction in States Members. Even though we are determining future Members' pay and not our own, I am unable to support this proposition today.

2.1.3 Connétable K. Shenton-Stone of St. Martin:

I stand to speak as chair of P.P.C. In response to the Deputy's question in his opening speech, I am not sure that it is possible at this point to say when the draft law would come back to the Assembly. If the Deputy's proposition is adopted P.P.C. will pick up with the Legislative Drafting Office, issuing law drafting instructions, and the work will be accommodated in the legislative programme. I hope that Members may have read the comments prepared by P.P.C. on Deputy Renouf's proposition. The committee is not taking a position. It is, ultimately, a matter for each individual Member and the Assembly whether to agree to it. In our comments we have set out what would happen if the proposition were adopted. As Deputy Renouf has said, P.P.C. would come back to the Assembly with draft legislation to amend the States of Jersey Law. Article 44 currently prevents the introduction of differential pay and that provision would need to be removed. Once a law allows for a differential pay in principle, it would then be a matter for the next States Members' remuneration reviewer. After the next elections P.P.C. will appoint a recruitment panel to identify the next remuneration reviewer. The process for the reviewer's appointment is set out in the law. Once in post the remuneration reviewer is obliged to consult all Members, and particularly the Minister for Treasury and Resources, and to report back to P.P.C. with a determination of the remuneration to be paid to elected Members. Under the law the reviewer's determination takes automatic effect and the Assembly cannot change it. If Deputy Renouf's proposition were adopted, the next P.P.C. would be able to instruct the new remuneration reviewer to consider differential pay. It would then be a matter for the reviewer whether differential pay was introduced and, if so, what differentiation there should be. Whatever the new reviewer concluded in that area would take automatic effect. I hope this is helpful. Just as chair of P.P.C., I would like to say to Deputy Tadier that we have almost a full Assembly today.

2.1.4 Deputy A. Howell of St. John, St. Lawrence and Trinity:

We are all elected to this Assembly. All the roles in this Assembly are equally important. We are all trying our best to serve the parishioners who have elected us. I believe that we should all be paid the same. I think that what is being suggested is divisive and I think we should carry on with the status quo and oppose this proposition.

2.1.5 Deputy H.M. Miles of St. Brelade:

First of all, I think I want to congratulate Deputy Renouf for bringing this topic to the Assembly. It is a difficult thing to do and it is divisive. I just wanted to offer a couple of observations based on some of the things Members have already said. I think I take a slightly different perspective to this proposition and I take it out of the realm of hard work. It is not about hard work for me, it is about the size of the role. Each of the different roles has a different magnitude. I have been in a Ministerial role, now I am chair of a Scrutiny Panel. I am also a member of a subcommittee for P.P.C. and a member of another panel. But none of that is about the volume of the work. It is about the size of the role.

[11:15]

I was a civil servant for over 30 years and as part of my civil service work I was also a Hay evaluator. I think there might be merit in the P.P.C. considering the role of Hay evaluation in assessing the magnitude of the jobs that are available in this Assembly. Hay job evaluation is internationally used. It is a systematic approach to evaluating and comparing job roles. It is about jobs, not people. You evaluate different components, yes, you look at specialised knowledge, you look at managerial know-how, communication, influencing skills. But it also incorporates levels of problem-solving that are required by the role. What the thinking challenge is, how is that different from being a Minister,

when you are a Minister or a Chief Minister, to when you were a Back-Bencher? Levels of independent judgment. But perhaps most importantly, Hay evaluation tries to assess levels of accountability. The degree to which the role is answerable to outcomes and performance assesses your freedom to act and the magnitude of the role and the impact of the decisions on the organisation. I am not sure that it is being used for political roles, and I can understand how public accountability is very different. But it is used effectively across our public service. I do wonder whether we should be aligning the roles within the Assembly with some of the roles that are already evaluated using the Hay system for existing public servants, be that administrators, be that managers, be that senior leaders, be that chief officers. What I would say is that Ministers and some Assistant Ministers have statutory responsibilities. They have a lot of weight on their shoulders, whether that is signing off deportation orders or whether that is making decisions about planning appeals. Some of these are very, very serious decisions that have serious impact. They are not decisions that a Back-Bencher has to make or a member of a Scrutiny Panel has to make. I think really in terms of the difference we need to look at the difference in role, the level of risk-taking. Even basic things like the level of vetting to which a Minister is subject for particular roles does vary from a Back-Bencher. Again, I go back to what Deputy Renouf said at the beginning, this is about asking P.P.C. to do the work. It is about the principle. I hope the comments that I have made about evaluation might be helpful but certainly something that we may consider. It may not be appropriate but at least it injects an element of science into the process, rather than this kind of random issue of who works harder. On that basis, I will be supporting the Deputy's proposition today.

2.1.6 Deputy R.J. Ward:

It has been a very interesting debate. I thank the Deputy as well for bringing this to debate because it is not an easy thing to do, given the unfair criticism that we all take, and I say that about every Member of this Assembly. I think some of the things that are said about politics and politicians on this Island, regardless of your political hue, are completely unfair and unreasonable. Because I think everybody in this Assembly - and I have said this publicly in the press when they interviewed me - everybody is trying to do the best possible job they can, regardless of our differences of opinion. I support all Members in doing so. Very interesting that Deputy Miles brought up Hay evaluations, which are an absolute beast of a process to go through. I sat here in a little moment of panic thinking about how that would happen and whether the outcomes would be politically palatable for our society. I think that is a question we have to address because the political palatability of this is a question that has to be in our mind. One thing I would suggest is we change the word "remuneration" because, firstly, it is a very difficult word to say because no one can pronounce it; it really makes you stumble when you try and do a speech. I would suggest that P.P.C. change that to perhaps just, I do not know ... I looked up synonyms and there are so many, so I am not going to go through them all. I come from a position where from day one in my political career here I stood on a platform to say we need one type of States Member in equal-sized constituencies. The most important thing that we can do on this Island is have a fair voting system. We recently voted to increase inequity in our constituencies, and I think that is a much bigger issue than how much we are paid. I was one of the people who took a pay cut because I was very much further on in my career. I did not really think that through, if I am honest. My wife thought it through but we will not go to that discussion. I do not think we come into this for that, and I think the quote from Tony Benn is a good one. I have held a number of roles in this Assembly, chair of Scrutiny Panels, certainly in Central St. Helier with constituency cases, many, many cases and supporting many, many people from many parts of our society and I do so. I found that, if I am honest, the most challenging part of any role that I have had, because I have constantly felt that I cannot do enough and that has been a real challenge. Somebody in this Assembly - I will not say who it was, it might surprise people - said to me some time ago: "This job is a constant exercise in controlling guilt about what you cannot do well enough." I think those are very wise words and it is for all of us. I have also taken on the role of Minister, which I am very proud to do and I also recognise, as somebody said, the support that we get as Ministers. I could

not do the job without the private secretary work and the work of those officers that work around us. I do not have this view of civil servants that there are too many or they are not doing their jobs or they are overpaid. I think we need to think very carefully before we start that conversation because that is the beginning point of the criticism of us in our role in this Assembly. What we need are clear politics. I personally believe we need clear party politics so that everybody knows where everyone stands on the political spectrum, what they stand for and what they bring to this Assembly; that gives clarity to people voting. In terms of differential pay, I would say I think a Chief Minister should receive more for the role they take on. I think that makes sense. It is a role which is all-encompassing. But we all know, as Assembly Members, our job is not 9.00 to 5.00 and it does not matter what we do, at some time you are getting criticism. I have had criticism for walking my dog at the wrong time during the day because I had forgotten to take him out in the morning, because I start at 7.00 in the morning with my emails. I have had criticism for being out in the evening. Whatever we do we cannot win but we all take on that responsibility equally. I do not know if I can support this, simply because of the time where we are at the moment. I do not like the narrative that we need people who are paid highly to come into the Assembly because they are the only people who have the skills that we need. We need people, if anything, who come from the backgrounds where they are paid as much, where they are struggling, where they do understand what the reality of life is in terms of the struggle to get from day to day to week to week. It does not mean those people are not capable, not intelligent, not educated and not able to represent a section of our community that perhaps is not represented as well in this Assembly as it should be. I do not think a lot of personal wealth behind somebody in this Assembly makes any difference whatsoever, apart from giving security and perhaps the money here that we are being paid might be pocket money for some; it certainly is not for me and many people in this Assembly. It goes towards my mortgage. I have a problem with the level of pay, of course I do, and the value that we are given and I think we need to have that argument on this. I wonder whether just simply differential pay distracts us from that; that is my concern. This is not a criticism of the Deputy bringing this. I am trying to genuinely have an open debate probably with myself as I am stood here as much as anything, and say I am not so sure whether this would be case. I do worry, and this is the extreme worry I suppose in my mind, when we give power to any individual, to a point they can hold people, if you like, not to ransom but there is an influence there because of the level of pay. Money is like a motorway and whatever you are earning you fill it up and you spend it. I have discovered in my life if you get less you spend less, you have more you spend more, so you do become reliant upon that. I do not think it will make that much of a difference of whether people have a mortgage because this is such an insecure role. Every 4 years there is total uncertainty as to where we will be, and none of us should ever assume that we will be here in the future. I think I will finish by saying I cannot vote for the second part because I do not think I should be deciding on who should be included. I would ask the question as to whether if we do not vote for part (b) but part (a) is voted for, all of those parts of part (b) could be included anyway because it is up to the service itself. I do not see part (b) as something I would want to vote for because I do not think I should be determining who gets that pay. It is me making a judgment who does the most work and who has the most important role; I cannot do that. I think we all have a very important role, and I know all of us would have been through it at some point where you have to make an incredibly difficult decision or you have to do something that is incredibly difficult and you cannot achieve what you want to achieve. That happens to all of us in our roles, be it Constable, Deputy, Minister, Assistant Minister, chair of a panel, assistant chair of a panel or whatever. I cannot vote for part (b). I will not be voting for it at the moment but I still have a bit of an open mind, simply because I think there are other things that we need to do first before we enter into this differential pay system. I do not think the other systems we have got for the way that we appoint are particularly effective at times, so I would doubt that. Perhaps this debate is more important than we realise but at this moment in time I cannot support both parts.

The Bailiff:

Thank you, Deputy. The Connétable of St. Martin, you put your light on. Did you put it on for a point of order or a clarification?

The Connétable of St. Martin:

I was wondering if I would be allowed to make a speech in my own right, not as chair of P.P.C.

The Bailiff:

I am sorry, no, Standing Orders is you can have one speech only on that. That would not be possible.

2.1.7 Deputy M.R. Scott:

There are elements of this proposition that I could be supportive of, but I have a concern that I have difficulty with supporting it in its current form. I want to apologise to the Deputy to some extent, because if I perhaps had more focus on it, I might have proposed an amendment to make it in a form that I could support. I am not aware of how many people he had discussed this with. But I feel that paragraph (b) has made an assumption about the P.P.C. preparing the terms of reference. When I have heard the chair of the P.P.C. describe the process and the law, which I have now looked at, it seems that control is basically given to the reviewer to make determinations and then that is what applies. I can see reasons to support differential pay. I totally agree that one does not want divisiveness in this Assembly, difficult as it may be to prevent. But I would point out that we have examples of differential pay in lots of ways and lots of reasons where you might say they are equitable. You might refer to people's life experience, you might say would it be right that somebody who has only just left school gets paid the same amount as somebody who has been working for many, many years? I am saying this totally regardless of Ministerial status or roles. Even with the Ministers themselves - and I have to apologise if I offend any Ministers who are listening to me - but you might well point out that someone have more responsibilities of powers that they need to exercise under certain laws than others. Again, would you just say: "Right, you are Minister, you should get X"? There are other things like market value, I suppose to some extent related to how long people have been alive and working and doing different things. But if we are talking about this general desire to encourage people to stand, particularly people with a lot of experience who look at salaries and think: "Good grief, not for that, thank you because I can get so much more", then maybe we should be applying a differential pay that does look at the remuneration that they would get if they continued in their existing jobs or their last job, possibly cap it so we could afford it.

[11:30]

But there is a lot to unpack here, and I am aware that when it comes to having been in a partnership, there often has been discussions about what is fair to remunerate partners, and that often involves a lockstep where partners get paid more depending how long they have been in a role with their partner. I can absolutely appreciate it is very difficult to come up with something that seems equitable in all circumstances. But I do think that the idea of differential pay has got some merit in light of what I have said in terms of perhaps attracting candidates and being aware that perhaps in the general community one might say: "That person has not had any work experience whatsoever; that person has had loads." But I also would feel very uncomfortable evaluating that myself. I think that could be something that could be given to a reviewer but you have got to be very specific about what you want. From what I can see the P.P.C., if I pass this proposition, it would not be a matter of the P.P.C. specifying terms of reference and putting them to the Assembly; it just would not work that way. That gives me difficulty in approving a change to the States of Jersey Law just to simply allow differential pay. At that point it is all in the hands of the reviewer. But I honestly do appreciate that other jurisdictions do have this acknowledgement at least of the different responsibilities of Ministers. But I think I have already pointed out that it would be one thing if we were to say, right, Chief Minister, give that Chief Minister a bit extra. But when you start extending this to Ministers, notwithstanding their roles, notwithstanding the responsibilities, Assistant Ministers, I am not really

that bothered because I have worked, yes, whether as a chair of a Scrutiny Panel or an Assistant Minister, I am working the same and many people are working very hard. I think it gets more and more complex when you start saying this person should get more and that role should get more. Another matter is the actual financing for this. We know that we have got some severe budgetary challenges. As the bringer of this proposition has already said, we do not know if you gave the reviewer the ability to award different salaries, quite how that would affect the budget of the Greffe, of Government generally. I have started thinking when it comes to all these nice-to-haves, would it not be great if we had propositions that operate a bit like I try to operate my wardrobe, which is the one in, out thing, that if I am going to propose that money is spent in one area, why do I not also propose that it be taken away from another? I do have a proposal here and I think I would get the support, not only of the community but of many States Members, and that was reduce the number of States Members and then that could produce more money to support perhaps differential salaries to the extent that we think that that would be equitable. Even so though, there is more that we would have to do there because we know we all have got different work to do. I have put in a whole proposition myself that could be used in a way that could help reduce the number of States Members. If we revisit the whole Constitution of the States Assembly maybe we could. But you have got to get your ducks in a row and we are doing this first. We are not saying, right, let us organise ourselves so efficiently, as we are asking the Executive Government to do, that we can operate with fewer people and then we have got the money and then we can start looking at our remuneration - sorry to use the word that Deputy Robert Ward does not like much - but to do that differently. I am sympathetic to this proposition but I just find myself reluctant to press that pour button for these reasons. If somebody can offer some counterarguments that might convince me afterwards, I am very happy to hear them.

2.1.8 Deputy A.F. Curtis of St. Clement:

Many Islanders will feel that, as States Members, we are grossly overpaid and grossly underworked. But many of us know the reality is quite different. Words from now Chief Minister, Deputy Farnham, in 2022 when he asked both candidates for the chair of P.P.C. on the topic of States Members' remuneration; had a quick search of Hansard and found me that one. He goes on to say, however: "This is a difficult issue and one we have avoided for too long and whether our levels of pay are appropriate at attracting or land the very best members of society to stand." As an addendum to that question: "Does each candidate believe there should be different levels of pay, depending on the roles carried out by Members? If this answer was yes, would they undertake to carry out work to review this as a matter of urgency? I know it is not popular, it is never popular when we discuss these issues but the reality is I think we have to face up to those difficult questions and not back off from making changes to ensure this Assembly can facilitate members from all society." It is not easy to have this conversation and we have heard those reasons already. I think coming straight out of an election with 4 years to look forward to delivery, Deputy Farnham, now Chief Minister, saw that and raised what is a difficult question that I think P.P.C. should deal with and should be open to discussing. He might like my views on this, which is I cannot support much of part (b) of this but the one part I can support is remuneration for the Chief Minister, which I think is the clearest example Members have today to think about why a change in the law in principle is an appropriate decision to make. Whether or not we support the scope proposed by Deputy Renouf in all parts of part (b) is a different matter. But the ability to have that conversation in some ways feels stopped by what is at the moment a fundamental law change that is required. The remuneration reviewer would no doubt like to opine on different options and given a clear steer from this Assembly to think before they act in the case of the next reviewer, may come back with some very good suggestions. But the lack of any mandate to even think where one would go with that I think has stopped seeing some perhaps good solutions come forward. Like Deputy Scott spoke before, I could not support one for Assistant Ministers, not until at least they are appointed by the Assembly. I could consider Ministers. However, I take note that the States of Jersey Law still gives the Chief Minister now the power to move Ministers under

Article 29 and under Article 29A, has powers relating to changes to Ministerial offices. Anywhere there is pay involved there is, as we have heard, the risk of the use of that pay as influence but there are clear things we can do to change that. I would support, regardless of this, that any change to the creation or destruction of a Ministerial office to be a proposition by the Chief Minister to the States Assembly, that includes splitting of portfolios or merging of portfolios or even a transfer of statutory functions. Any of these things will go a long way towards ensuring that the decisions made about who occupies what roles and those that have different remuneration come to the States first and that is a decision by the Assembly for who should occupy them. I do think there is a journey to go on before we know the final destination here but what this asks us to do is to open the door. I hope at least Members can support part (a) and part (b)(i); that to me seems clear. Anybody who disagrees is entitled to but I think the description given about the weight of responsibility, regardless of the decisions made and whether we agree with them, is one we should take. I do thank Deputy Renouf for ... in a year to the election, happy to raise this and I think to quote, as I say, Deputy Farnham: "It is a difficult issue but one we have avoided for too long."

2.1.9 Deputy L.M.C. Doublet of St. Saviour:

I have written 2 speeches on this matter and one got into the reasons for and against differential pay and I have put that completely aside. The reason is this, in other debates where an individual Member stands to gain financially or not from the outcome of debate, we are required to declare that as a conflict. If it is not a conflict that is shared by a large enough number of people, we are required to withdraw from the debate. I have a slight feeling of being quite uncomfortable having this debate, and I think it is probably shared by other Members. That feeling has led me to decide that what I think is we should put this decision in the hands of an independent and conflict-free remuneration reviewer. Voting for this proposition today, certainly part (a), does not necessarily mean that you want to introduce differential pay. It would be subject to the independent evidence-based process, and every Member would be consulted at that point. I want to save my thinking and I would like to be part of that process and to have an input at that stage in a way that is balanced and assessing with evidence. I think previous speakers mentioned scientific evidence-based approach to it; that is what I would like to happen. I have voted against differential pay for States Members in the past. I would emphasise again, I am probably going to vote for part (a) but it does not mean I necessarily agree with differential pay. Of course Members who do agree with differential pay of course should vote for this. But I think Members who do not agree with it should also vote for at least part (a). Because I recognise that this will have the effect of kick-starting a thorough and robust consultative and evidence-based process that we all have a say in. It takes that conflict out of our hands and it puts it in that independent body that we have decided to introduce to make these kinds of decisions. That for me is the most selfless and reasonable decision to make in terms of certainly part (a). I have listened to other speeches around the impact of part (b), so I am yet to decide how to vote on that one. I would like to listen to the summing up of the proposer to understand the impact if we approved part (a), but not part (b).

2.1.10 Deputy P.M. Bailhache of St. Clement:

When I was first elected to this legislature, the Assembly was an Assembly of amateurs. Nobody was paid anything. The consequence was that Members were mainly self-employed or retired. Then there came a pressure for change, because it was clear that some people were prevented from standing for membership of the States, because they could not afford to do it, they needed a salary to live. At first there was an arrangement whereby Members could apply for a subsidy and then eventually a salary for all Members was introduced. The Assembly then became professional. Members were paid to do a job. Then the States of Jersey Law was passed in 2005, which introduced Ministerial Government. Some Members were given specific responsibilities. Some of those responsibilities are extremely onerous, as other Members have said. The responsibilities of the Chief Minister and

also Ministers too are very considerable. In my view, the fact that the Chief Minister is paid the same as me, who has no independent responsibilities whatsoever, is utterly absurd.

[11:45]

The remuneration reviewer has given us a cast iron hint that we ought to have differential pay for different responsibilities undertaken by Members. Every professional organisation does it. No other Parliament fails to reward responsibility appropriately. Is there some reason for not doing it? If one looks at the comments of the Privileges and Procedures Committee and looks back to the comments of the then Senator Syvret, who introduced what is now Article 44 of the law. The objection was a potential abuse of the power of patronage. That does not seem, to me, to hold water; certainly no longer. Appointments to all the offices in question, with the exception of Assistant Ministers, are made by the States. The States does not hold a power of patronage when it appoints Ministers. It appoints Ministers, Assistant Ministers and the Chief Minister on merit. My only reservation about this proposition is that I wish the proposer had grasped the nettle and moved the abolition of Article 44. If his proposition is adopted, we are condemned to another long debate on exactly the same subject and we could have avoided that if we were debating the abolition of Article 44. Notwithstanding that reservation, with some reluctance, I am going to support Deputy Renouf.

The Bailiff:

Deputy Tadier, you have indicated you have a question for the Attorney General. The Attorney General is not in the Assembly at the moment. We have asked for him to return. He is available online. What is your question for the Attorney General.

Deputy M. Tadier:

The current position is that all States Members have to be paid the same. Is there anything stopping departments paying their Ministers in the form of some kind of stipend honorarium, which would not come out of the States Assembly budget and would not arise from the positions that the Ministers hold as States Members, but as heads of departments, so to speak? Would it be within the gift of departments to, effectively, pay Ministers separately for the separate work that they do as Ministers?

The Bailiff:

To clarify the question for the Attorney General, is this a question about the budgetary process, Deputy Tadier? In other words, departments would put in bids for the ability to pay their Minister, because those bids would have to be put in by Ministers in any event. In terms of clarity for the Attorney General, I am not quite sure of the nature of the question that you are asking, because a department only has a budget when a Minister makes a bid for a budget within the overall process and it forms part of the Government budgetary requirements.

Deputy M. Tadier:

I am happy to clarify.

The Bailiff:

I am asking if there is a question there for the Attorney General.

Deputy M. Tadier:

The question is about the legal basis. Irrespective of this proposition, if nothing were to change, are there *vires* for a department to pay a Minister an additional sum, which could be an expense, an honorarium or a stipend for the work that they do as a Minister, without need to change the States of Jersey Law? Outside of that, is that a mechanism whereby Ministers could be paid more?

The Bailiff:

Mr Attorney, are you able to assist on this point?

Mr. M.H. Temple K.C., H.M. Attorney General:

Yes, Sir. My immediate reaction to the question is, no, there is not *vires*, because Article 44 is clear in its terms. As, Sir, you have already described, each year with the budget the States Assembly approves allocations to Ministers under the Public Finances Law. My immediate reaction to Deputy Tadier's question is, no, there is not that ability. I am happy to check that further and respond if there is any change to my answer, but I do not believe there will be.

The Bailiff:

Thank you very much, Mr Attorney. Does any other Member wish to speak on the proposition?

2.1.11 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:

I will aim to be brief. I am sure every single Member of this Assembly is here because they have a desire to contribute to their community, to our community. We have a representative Assembly and a capable Assembly. I have worked with most Members closely and I have seen the level of effort that goes in. It is a privilege and an honour to serve in this Assembly in whatever role we end up doing. In relation to the proposition, and it is brave of the Deputy to bring it, because it is difficult to talk about these things, which is probably why we should leave it out of the hands of the Assembly. However, advocates for equal pay argue that all Members should be compensated equally for their roles, promoting a sense of unity and fairness. There is a lot of times a sense of unity across the Assembly. Even though we disagree a lot, we must not lose the fact that underneath the debate, behind the debate, behind the decisions, we are all trying to deliver the best for the Island. That approach can also help eliminate disparities based upon perhaps perceived seniority of Members, of roles and positions, fostering a much more collaborative environment, focused on public service, rather than individual financial gain. I still maintain that none of us are in here for that reason. While equal pay for all Members might promote fairness and a better public service ethos, or that could be the perception, the question is that it is essential to weigh these benefits against, as Deputy Miles and other Members said, the complexities of the role responsibilities of the economic implications of the public perception. People often say to me occasionally when I am walking the dog: "What hours do you work?" I say: "When I am awake I am working and when I am having nightmares ... I mean, dream about [Laughter] ... that goes for probably all of us, because this job gets under our skins, in a good way. That leads to the good work we all do here. A balanced approach is the right solution that considers both the equity and potential need for differential compensation. However, that is a decision that should not be in our hands. That is a decision for the independent reviewer. At the moment, I am likely to support part (a), but will abstain from part (b).

2.1.12 Deputy P.F.C. Ozouf of St. Saviour:

Deputy Renouf opened by recalling his own journey into office from early unpaid years of Ministerial service to his current role. I speak to myself in saying that my own journey here was unpaid initially. I stood as a frustrated Islander, having returned to Jersey, frustrated with the political situation that I found myself in. My father being Constable of St. Saviour, I would have been expected to serve in St. Saviour, but I did not. I stood in St. Helier and got in. With that, over time, I held increasingly greater responsibility and served the Island in various different capacities. I have now stepped into a non-executive role and I hope Members will not mind if I say it is a non-executive role without even the ability to join a Scrutiny Panel, something which I do not quite understand why somebody that has served this Assembly for so many years is unable or uninvited to join. I hear the remarks from members of Reform and others. I listened intently to Deputy Tadier's opening comments that all Members are equal and thus should be paid the same. He agrees that all States Members are equal in the demographic mandate and he pointed to the fact that not all roles are equal in responsibility. It is not implying that anybody is better. It is about a system that reflects the society which we serve. I was in the Assembly when Senator Syvret brought the equalisation pay into law. I can hear, still, in my sometimes overworked mind his words about the abuse of power of patronage, fearing that

Ministers might be used to pay positions to buy loyalty. Twenty years on, I would hope that this Assembly and its structures and the checks and balances that are in place with Scrutiny, with Public Accounts Committee, Comptroller and Auditor General, Commissioner of Standards and the rest of it that there would be those proper checks and balances that would deal with any patronage appointment that was the real reason why the original proposition was put forward and accepted. Checks and balances are how things work. Members must remember, if I may, that the Assembly has been ... people do not really think about executive and non-executive in the wider public. Many members of the public do not know that I am not a Minister or whatever. They know that I am Deputy Ozouf and I am a Member of the States. I find it incredibly difficult to basically say today that I am worth the amount of money that I got paid when I was a Minister. All the people that I look at who have moved on in their worlds, in their jobs, compared to having spent nearly 20 years here and then left and came back, we need to think about why it is that the Opinions and Lifestyle Survey said that this Assembly is held in such low esteem. It is. There are a number of reasons why. I am not going to suggest that any Member does not do their best, but democracy is about, as those Members at the excellent meeting we had last night of the Commonwealth Parliamentary Association, and those Members who have been to other places and learn and get experience from other places, they realise that why would you ... they see a plurality of Members, party political systems. Really, do Members ever on their Commonwealth Parliamentary trips ever find a place that does not reward responsibility with an appropriate level of pay? In our finance industry, I know that that is probably the reason argued by many that we have a salary them and us situation. People in the finance industry and people in business are unwelcome Members of this Assembly. Are we even able to have a situation where people that are in any managerial role, whether in a not-for-profit or a charity, able to come to this Assembly and, yes, have no certainty of what job they are going to get, but if they are capable and they have the respect and trust of this Assembly, they are going to maybe get into a senior job with a senior amount of responsibility. However, they cannot live even a near lifestyle to that which they would get in the private sector or the voluntary sector. I am not here for the money, but I am lucky. I do not have children and I was able to serve not having been paid, and I have been able to live on my States salary after the 3 years where I did not get anything and I got it.

[12:00]

Really, if I look across at other people of my age group and the level of salary that they are getting, it is simply no incentive. That is what Deputy Renouf is trying to say. I am not ashamed to talk about pay. Jersey is a complete outlier in this idea that it is all the same amount of money. In Canada, Ministers earn 311,000 Canadian dollars. I have been looking quickly to see if I can find it, and I cannot find the exchange rate. But it is a lot of money. Prime Minister Carney earns 422,000 Canadian dollars. A Back-Bencher gets about a third of that. Malta ... I could talk to Members about every single place that has democracies ... and I am citing democracies that are regarded as the non-corrupt ones, by the way, the ones that have good marks in terms of their international corruption index. This idea that Jersey is going to become corrupted by a system of differentiated pay would suggest that the checks and balances that this Assembly ought to have between its separate areas of Government, non-Executive, Executive and the arm of Government that is called the judiciary. It is obvious that we need to change. If Members do not realise and in their heart of hearts think that this is a fair system and a system representative of the current remuneration, and the fact that it is all one is going to be the kind of package that is going to attract those Members of our society who want to serve. It is about service. You do not get the same amount of pay as in the private sector or whatever. I dare not even suggest the salaries of people in the legal fraternity are, but if we have clever lawyers in private practice, they are hardly likely to come and be a States Member. How many lawyers do we have in this Assembly? Not many. Members may point fingers, but those Members who are, it is uncomfortable to say it, they can. But you cannot if you are a 20, 30, 40, 50 year-old person. This idea that single pay is the solution. I do not think this Assembly is performing very well these days.

I am sorry about that. There are some people who are doing a great job and I know people are working very hard. I believe in democracy and I believe that the right to stand for election should be a reasonable choice and a possible choice. The level of equal pay without any responsibility increments is just simply wrong. It is fundamentally wrong. If it is true that you can have this idea of corruption and patronage then why does it work in other places? I can see the leader of Reform laughing at me. I will try and avoid it. It is not right. I do not believe in party politics in Jersey. I believe in a coalition of independence, working for the interests of Jersey. At the moment I am confused with the current system, where there is a party in Government. I have raised that to you, Sir. I am confused and I am seriously in my discombobulated situation, of not being on one side or the other, and unable to advance things in the interests of the parishioners that voted for me, unable to get any propositions through. There is something wrong and there is something wrong with the system as it is at the moment. One element of it is the fact that there is this single pay structure, which is unfair, discriminatory to people that want to serve, but cannot because they cannot even begin to expect to have the abilities to look after a family, buy a house and all the rest of it. We could speak in this debate about the frank truth of the level of pay that we get here that the Chief Minister gets, the Minister for Treasury and Resources gets, the Minister for External Relations, and the chairs of the Scrutiny Panels, compared to an equivalent post that would be pay evaluated by Deputy Miles. It is vastly different. I would urge Members to support this proposition and think about the fact that we are a democracy and we need a fair system. With additional responsibility must come ... because there is a lot of work being a Minister and a chair of a Scrutiny Panel and all the bits in between, then we need to have a pay system that rewards that, otherwise I worry of a continuation of what we have at the moment.

The Bailiff:

Deputy Ozouf, will you give way for a point of clarification from Deputy Tadier?

Deputy P.F.C. Ozouf:

I do not think so, Sir. I have made my point and I do not think I can add anything else.

Deputy M. Tadier:

Sir, may I raise a point of order then? The Deputy may have inadvertently misled the Assembly by saying that he has been excluded from joining Scrutiny Panels. I wanted to test the ...

The Bailiff:

No, that is clearly a matter of the personal view of the Deputy. It may be correct, it may be incorrect, but it is not a point of order on which I can possibly rule.

2.1.13 Deputy M.E. Millar of St. John, St. Lawrence and Trinity:

I am not going to speak for long. I would like to thank Deputy Renouf for bringing this proposition. It is long overdue and I do support it. I am slightly motivated to speak by something Deputy Doublet said, which was that she found it uncomfortable having this discussion. Some of that discomfort will be taken away by the fact that we are going to put the question of pay under the proposition into the hands of an independent person to consider. I would also perhaps suggest to the Deputy that one of the reasons why we have a continuing gender pay gap is because women, particularly, are uncomfortable with going in and asking for a pay rise. However, I would imagine in very many businesses in Jersey, the U.K., America, people will be going in to their bosses today or tomorrow or next week to say: "I think I should have a pay rise and I should have a pay rise because I have taken on more work, I have taken on more responsibilities, I am working lots of extra overtime, and I am worth the pay rise." What it comes down to, as Deputy Ozouf also said here, the question of the worth of the role. I find it impossible to agree with the argument that Ministers who are making very significant decisions are not considered worth a pay rise. It is absurd to say that the Chief Minister, who has huge amounts of responsibility, who is constantly in the firing line, is not worth a

little bit more than Back-Benchers. That Ministers who are constantly criticised, whatever they do, are not worth a little bit more for taking those very difficult decisions. Ministers do take difficult decisions all the time. They are very challenging. They will be criticised. Those decisions may hang round their necks for years, if not decades. People will be reminding of them for ever. It is important that we recognise the worth of those roles. To be honest, if you are a Minister and you do not think you are worth it, perhaps you are not doing your job properly.

2.1.14 Deputy S.Y. Mézec of St. Helier South:

This is my fourth debate on the issue of differential pay in my time as a States Member and I will be maintaining the position that I have had throughout my entire time in the Assembly, irrespective of what position I have held in it in that moment. Reform Jersey takes a united view on this proposition, as well. There is, of course, plenty of logic in the heart of this proposition. It is, of course, perfectly logical to make an argument that in an organisation those with more responsibility should get more pay. Perfectly logical, you can make a case for that no problem. It is also an objective fact, as the proposer pointed out, and as Deputy Ozouf pointed out several times in his speech too, that Jersey is an outlier on this. It is the case in other, even comparable, Parliaments. We have a system on this that is different, including just a few miles away in Guernsey. They have a different system on this too. Here, is where they miss the point. We are not just an outlier in this area, but we are an outlier on plenty of other areas that much more urgently need to be addressed than this. We, to our absolute shame, still do not have a voting system that gives Islanders an equal say as to who gets elected into this Parliament. Nor an equal say on who ends up in Government. It is bewildering that so many people seem to not cotton on to this basic part of democracy with which we are failing. We are also an outlier in not having party politics. The only sensible mechanism that you can have for going to the ballot box and deciding who is in your Government and what package of policies you get to live under for the rest of that electoral term. Those are much more urgent measures that need to be addressed before we talk about giving people a greater financial reward for doing this job, when there is not a deep enough connection right now between who ends up with those positions, gifted that by the public with a clear democratic mandate. That is why this proposition is putting the cart before the horse. There are some flawed arguments that are made in support of it. It is utterly flawed to think that providing a graded pay structure, where those in certain positions get paid more than others, will entice - their view, not mine - higher calibre candidates to come forward for election. It is clearly a nonsense, because when you put your name forward for election, you have no idea what the totality of the election result will be and what position you may end up being in. Do we get people putting themselves forward because they are wanting one of the higher paid jobs and then the maths after the election works out that they cannot get that role, because there is not support for them in the rest of the Assembly for that role, so they end up on a Back-Bench role with the lowest salary that they were not expecting. What do they do then? They have gone into something where their expectation is completely unmatched because of that natural consequence of the system. I have to say, as a party leader, I would consider it a red flag if any potential candidate approached us saying: "I want to come forward, but only if I get one of the higher paid positions, please." That absolutely would be a strike against them through our selection process. They ought to be coming forward because they want to serve the Island in whatever capacity is best for the Island, not because of financial considerations. I have to say, I have not enjoyed some of the dialogue on this publicly, because some of it, wanting to structure our system to entice people with business backgrounds to come into the Assembly, is quite demeaning for those who do working class jobs. We need to have a much more representative Assembly, and that part of the dialogue completely misses that. The central reason why I will oppose this and why I have opposed it previously is because of the typo in the proposition. It talks about differential pay. That is, of course, a typo. It should say deferential pay, because that is where this will end up. In our system, and I say this casting no aspersions against the current Chief Minister or any others, because I have maintained this position previously and it is one that I do not think would affect me, but you would be giving the Chief Minister the power to threaten a Minister who was not

keen on toeing the line with a pay cut. That is the power that you would be giving to them. As it happens, the incumbent would not dream of ever wanting to wield that power. His integrity is far above that, but that is no safeguard against future ones. It is not a safeguard against those fairly innocent circumstances that might arise from some Ministers, who are not from a particularly wealthy background and are doing their best to serve their Island and are trying to put their skills into a Ministerial position for the best of the Island, but they might have children they are trying to put through university, which is a financially difficult thing to do for many families.

[12:15]

They might have housing costs that they want to deal with as best as they can to support their family. However, they might have political difficulties with something that is going on in Government. There may be someone elected as an independent Member with an independent manifesto, not the same as the rest of the Government, but may find tension sometimes working in a coalition where everybody does not have the same view, where they may feel that there is a financial incentive for them to put their principles aside so that they are not risking their position in Government. That is something we should not allow to happen within our system. A system of equal votes and party politics would be somewhat of a safeguard against that. Deputy Ozouf referred to all of these other jurisdictions that have differential pay, but they all have equal votes and party politics, where it is less likely to be an issue of policy or principle, because when a party or a coalition of parties have a majority, they are going to replace a Minister with someone with exactly the same policies as them anyway, so it would only be about professional conduct, where that might become an issue. I have been in a position before where I have resigned my position as a Minister. It is a very difficult thing to do, because you want to serve your Island to the best ... I see another Member who has done that before and knows how difficult it is. You want to serve as best as you possibly can and you want to do what is right. Sometimes that will mean keeping your position and trying your best, but sometimes it means giving it up, because things are as such that that is the best thing you can possibly do. Financial pressure should not have to be a consideration in that. It should only have to be what is right for the Island and to give the Island the Government that it deserves. Let us get things the right way round. Let us not vote now to enable ... this is where Deputy Doublet gets this absolutely wrong. She said that she was not necessarily in favour of differential pay, but if she votes for this proposition she is guaranteeing that it will happen, because once the floodgates are opened with that law change it is inevitable. That is also why the list of positions that will have separate votes on is spurious, because you need to change the law to enable any one of those and once the law is changed, because we have handed over the process to the remuneration reviewer, they can automatically go ahead with it without having to come to us to ask permission to extend it to others on that list. That is the inevitable consequence of voting to scrap Article 44 from the law. For those reasons, the Assembly, and I know this will fall on deaf ears for some, needs to wake up on this issue and realise that we are operating in a democratically-flawed system that does not give power to our population to choose their Government, choose what policy package they get to live under for the subsequent 4 years after that. Until we get that right, tinkering around with who gets paid what in this, is frankly a debate that is misguided. I do not support it and urge Members to vote against the proposition.

The Bailiff:

Deputy Scott, did you have a point of clarification?

Deputy M.R. Scott:

Yes, please. I waited until the end of the speech rather than interrupting.

The Bailiff:

Do you give way, Deputy? Yes.

Deputy M.R. Scott:

The speaker suggested that the Island was an outlier in terms of not having party politics. What evidence has he based this on in terms of small jurisdictions that have populations of less than 200,000 people?

Deputy S.Y. Mézec:

Sir, could I have another 15 minutes on this, because this is something I have dedicated my entire political contribution to Jersey into. We are an outlier in not having party politics. If I could clarify specifically what I said is I said we were an outlier in not having equal votes and party politics. There are, of course, some jurisdictions comparable to Jersey that lack one and not the other. Guernsey is a good example. It does not have party politics, but it does have equal votes, so they are doing better than us on that front certainly. We are an outlier because we do not have both. Even in some small jurisdictions very few of them lack both, but will have at least one of those.

The Bailiff:

Thank you very much for that clarification. Connétable of St. Mary.

2.1.15 Connétable R.D. Johnson of St. Mary:

Reverting to the proposition itself, I congratulate the Deputy for bringing it forward. I shall be relatively brief. As I see it, and as the proposer made clear, this is simply almost an enabling provision to enable us to go further down the road. I accept, certainly, that the Chief Minister should be better rewarded in recognition of their efforts. I do not for a moment suggest that any Member would seek to be a Member by virtue of remuneration, but once they are here each person has different responsibilities and that should be properly recognised. I have no problem in voting in favour of (a). Part (b) causes me a bit more of a problem, in the sense that, again, I appreciate that it is simply to request P.P.C. to include differential pay for Members. The list could be said to be incomplete in some senses. I note, for instance, that the chair for the Planning Committee is not included. I have not sought his opinion on that, but it does occur to me that there might be other positions which are worthy of inclusion. I am also mindful of the fact that Deputy Renouf himself is not a chair of a Scrutiny Panel, but I am conscious of the fact that he does chair the sub-panels, et cetera, which have as important a bearing on States business as some of the Scrutiny Panels. I am also aware that there have been cases in the past where chairs of Scrutiny Panels have been distracted by other activities and the vice-chair takes on a disproportionate burden. I am disturbed that doing anything which might upset the harmony as between Scrutiny members. Putting all that together, I am inclined to vote for (i) and (ii) of part (b), but not the others, but on the basis that the remuneration reviewer will have greater sway in that and in coming to decisions will discuss and consider and consult with States Members at the time. It is on that basis, and this is not the final word, that I will be voting for those small items of (b).

The Bailiff:

Thank you very much. Deputy Tadier, you have a point of order?

Deputy M. Tadier:

I do, Sir. Sorry to have to go back to it, but the content of Deputy Ozouf's speech has breached Standing Order 104C, which says that the contents of a speech should not impute improper motive directly or by innuendo to any States Member. What the Deputy did, certainly by innuendo, is that imputed that members of the Scrutiny Select Committee were not allowing him to join Scrutiny. I would like him to clarify that and for you to rule on that, Sir; not least because it is not true. I do not expect you to rule on the voracity of it, but it is a clear innuendo where he is seeking to portray himself as having been excluded for some reason, which makes an allegation which is contravenes that Standing Order, potentially.

The Bailiff:

I do not consider that to be a point of order that I should rule on, certainly not within the context of this current debate and at the stage that this debate has reached. In any event, it is clear that Deputy Ozouf has expressed a view. It is clear that he feels in a particular way. However, for him to clarify that further, it was not a part of the speech which seemed to me to be germane in any sense to the issue before the Assembly at the moment. Therefore, clarification would be unnecessary and, as a result of which, I do not rule this is an appropriate point of order on which I should rule.

Deputy P.F.C. Ozouf:

If it is helpful, I will withdraw any suggestion that it was imputing improper motive. It is a matter of fact.

Deputy M. Tadier:

Sir, I will circulate an email as well which will help.

Deputy P.F.C. Ozouf:

A fact that I am not on anything. Why that is the case, I do not know why. But the fact is, I am not.

The Bailiff:

I do not think this particular exchange is in any sense helpful to the business of the Assembly. In concluding this matter, whatever the truth or accuracy or inaccuracy or otherwise of what Deputy Ozouf has said in terms of how people are behaving is entirely a matter outwith the purview of this debate, it seems to me. Very well. Moving back to the parameters, Deputy Tom Binet.

Deputy T.J.A. Binet of St. Saviour:

Sir, I have had a change of mind. I am losing the will to live.

The Bailiff:

Very well. We would not want that, Deputy. Does any other Member wish to speak.

2.1.16 Deputy M.R. Le Hegarat of St. Helier North:

Honestly, I was not going to speak. However, I would like to make a point, so that all Members know the point I am going to make. I will not support this, because I do not agree with differential pay in relation to the role of States Members. A lot of people have made comment about roles and responsibilities and the fact that if you are in an ordinary job this would not happen. However, that is factually incorrect. Welcome to the world of being a police officer. I assume the likes of customs and immigration and some of the other emergency services would be the same. If you are a police officer, a constable, it does not matter which role you are within the organisation. You might be a front line police officer working 24-hour rotating shifts, you might be a detective constable in the public protection unit or you may be doing any other of those roles, you all get the same salary. You may, as the years progress, get differential pay for the length of service. However, as a police constable with 4-year service your role is paid the same. What this means is that any police officer is able to move between roles without worrying about the differential pay that could potentially impact any mortgage that they may have. We have young people in this States Assembly that need to have some idea of what their pay is going to be and that means it may be difficult for them to get a mortgage. Therefore, I am uneasy about saying that if you are a Minister you can get this amount of money, but if you are not you cannot, because they do not know what their salary is going to be should they stand for election. That goes throughout the police service, but it does not only talk about the different roles. It also is about the responsibilities. There are a number of police officers that take additional responsibilities: surveillance officers. That would be the same for customs and immigration. It is also about working shifts or not working shifts. You do not get any more money. Also, whether you take on being a firearms officer or a search team officer, all of those roles are done in addition to the salary that you are getting. It probably sounds a bit of an odd analogy, but it is not

necessarily very different from what we are saying here. Some of us have different roles and different responsibilities to others, but our primary role when we got elected was to serve the community, to serve the people that we represent. Deputy Howell mentioned that. That is why I am not in favour of differential pay. I do agree that the Chief Minister is a role that is all encompassing. However, can I say something else? I also think it is a privilege to be in this Assembly. It is a privilege to be a chair of a Scrutiny Panel. It is a privilege to be a Minister. More importantly, I would suggest, a very privileged position to be the Chief Minister. That is a real honour. Maybe people do not have the same view. As the Island's representative on a political stage is quite an honour. It is not only about financial reward. It is more than that; far, far more than that. For me, I am not in favour of the differential, because of the things I have outlined. However, I do not disagree with what Deputy Miles said in relation to pay evaluation. I do not necessarily disagree with that, although, as I said, I have my reservations. I want somebody who stands for election next year to be able to say: "This is my salary. If I need a mortgage, I am going to the bank and I can say: 'My salary is £57,000.' I cannot go to the bank and say: 'Well, it might be £85,000. It might only be £45,000.'." Let us not be under an illusion, more pay for some will be less pay for others.

[12:30]

2.1.17 Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter:

I hesitate to rise, but I see it the way the mover of the proposition explained it at the start. Like Deputy Mézec, my voting record on this probably will not have changed in all the times that we have debated it. As we currently sit or stand here, the remuneration reviewer is constrained on how they look at Members' pay. They are constrained in that whatever is proposed has to be the same for every single Member. What the mover is proposing with part (a), and one could argue that part (b) is superfluous, but the Deputy will deal with that in his summing up, no doubt. With part (a), it is asking P.P.C. to come back and remove that tying of the hands of the remuneration reviewer. That, to me, seems a sensible straightforward progression. As Deputy Doublet says, she can engage and any Member can engage, with that process and it will be independently decided, so we will not need to, as individuals, deal with whether it is right for us as an individual or it is right for that next individual, we will be simply allowing an independent remuneration reviewer to bring forward the proposals that they think are best for Members and for Jersey and therefore the electorate. Therefore, we are making rather heavy weather of it. It seems to me eminently sensible and straightforward to take away this constraint to allow an independent reviewer to consider. They may come back and they may take the views of Members that say it should be absolutely the same. It will give the certainty that the last speaker mentioned, but it will be put into the hands of an independent person for them to decide and recommend. That is the only sensible, logical approach to take. That is why I will be supporting the mover of the proposition.

Deputy A.F. Curtis:

Yes, please, Sir. If I could notify the Assembly, I did not entirely expect we would be here, there is a funeral I would like to attend and so I may, unfortunately, have to leave in the next 5 or so minutes. I wish to give to leave to the Assembly that there is a funeral I would like to go to.

The Bailiff:

Very well. Does any other Member wish to speak? If no other Member wishes to speak, I close the debate and call upon Deputy Renouf to respond.

2.1.18 Deputy J. Renouf:

I was given some advice recently that when you make a speech you should stand tall, speak clearly and sit down quickly. Given that we are approaching the lunchbreak, I shall attempt to do that. I am not sure whether to thank the Chief Minister for compliment in calling me brave. As we all know from "Yes, Minister", in politics that is a metaphor for foolhardy. So be it; I have shot my bolt in

that regard. It has been interesting listening to the debate and I thank everybody who has contributed. It has been a reasoned debate and I appreciate that very much. It did call to mind a former colleague of mine who once proposed a T.V. (television) documentary with the thesis that you could only understand the whole of British history through the lens of the Civil War conflict between Roundheads and Cavaliers. I thought that was something that might slightly resonant, in particular in the Channel Islands. There is on the one hand this puritan-levelling tendency versus, I do not know if I could call it, the flamboyance of the cavalier wanting to allow more expression of individuality and so on. I would not want to push that too far, but it was a thought that occurred to me as I was listening to the debate. In the interests of time, I will not go through what everybody has raised, although I did make notes on everybody's contributions. One of the points that was raised was that this is not the same as being in the outside world, where people have pay rises and so on, because you do not know when you are elected whether you are going to get this extra remuneration. I would say that is exactly the same as it is in the outside world. You can apply for a promotion, you can want to be promoted, but you do not know whether you will get that. You carry on in your job with the hope that that will happen. Politics is not an exact comparison, as I said in my opening speech, for the world outside, but differential pay would bring it closer to that system. I do want to take issue with the idea that there are more urgent things to consider. I have been in the trenches with Deputy Mézec, in terms of arguing for a better voting system. I do not think that the 2 things are incompatible. We can vote for this safely in the knowledge that the 2 things can be pursued as separate avenues. The question of differential pay marks, in my view, an improvement to the standing of the Assembly and the operation of our political system; as I said, a modest improvement, but nevertheless an improvement. The question of voter reform is something which I will be very happy to join the Reform Party in supporting again in the future. The question of party politics being a red herring, in that this Assembly cannot mandate party politics, and we saw at the last election what happens when some people went down that route. That is a bit of a red herring. The question about whether or not the Chief Minister can threaten effectively someone with a pay cut, it is not really the case, because in our system they can get rid of a Minister but they cannot chose the replacement or determine exactly the replacement. That puts a bar, as former Chief Ministers are well aware, in terms of their ability to exercise that power. Deputy Mézec said that he resigned in a previous situation. I very much doubt that he would have not resigned in order to cling on to Ministerial pay; the principle is more important. The question Deputy Tadier raised around Scrutiny Members being hardworking and so on. Yes, I am absolutely clear about this, this is not a proposition about rewarding hard work. Every Member of this Assembly works exceptionally hard. It is about recognising responsibility. The Assembly will have a chance, if they get to part (b), to indicate which roles they think are worthy of that. The question was raised about responsibility not equal incompetence. No, it does not. That is also the case in the outside world. We do not know, but we do have checks and balances in place, as in politics, as in the rest of the economy and so on, to deal with people who are not performing as they should. They may be imperfect, but that does not invalidate the principle that taking on more responsibility should lead to greater reward. The question of the chair of the Planning Committee was raised, why did I not include the chair of the Planning Committee. It is open for amendment, of course, if somebody wanted to bring that in. My view was it is relatively finely balanced, but you could argue that the chair of the Planning Committee operates with a committee taking decisions, without taking individual, personal responsibility. However, I would not want to push that too far. Perhaps I should get to the nub of the point around part (a) and part (b). There is a slight Hobson's choice here. There was a difficult decision to be made about this. I could have just brought part (a). Indeed, I could have brought the law change. I explained in my speech why I did not bring the law change. I was advised not to. It does give us the benefit of having a chance to gauge public reaction if part (a) is passed. If there is a savage public reaction against this then I guess Members could reflect on that. Personally, I do not think there will be. The question about part (a) is the principle. That is, indeed, the most important part. If we pass part (a) then we set in train the removing of the bar. If we only pass part (a) and not part (b) then we leave

the independent reviewer a completely free hand. It is entirely up to them what they do with that. They could award differential pay to nobody, that is entirely possible. We only create the possibility. They could award differential pay to different categories: just the Chief Minister, Ministers, or whatever. We simply create the possibility. Part (b) gives the Assembly the chance to give an expression of view to P.P.C. and to the independent reviewer about the views on different categories. It is, if you like, a temperature check for that consultation that would happen. I thought that was worth offering as an extra feature, but if Members do not want that part then they reject every part of part (b), it is very simple, and leave it just as part (a). I hope that has clarified the difference between part (a) and part (b). I hope Members vote for both parts. As I say, I will personally vote for all the categories in part (b), in order to create the maximum flexibility for the remuneration reviewer. In terms of the public's view, I do note that there has been relatively little comment on this proposition. The comment that there is is generally along the lines of: "You are all a bunch of charlatans anyway, why should you get more pay? You should not be paid anything at all", that kind of thing, and every Assembly is inevitably described as the worst Assembly ever. By which count, I envy the Constable of St. Helier and other long-time Members of the Assembly because they obviously experienced the halcyon days before we had gone through half a dozen cycles of steadily worsening quality, as expressed by the public. No, behind the small level of opposition that I have seen, most of the public would fully understand this. I have been called brave for going for it, but I do not think it is that brave. I am quite prepared to stand up for the principle. It is a principle that the public at large will understand. In conclusion, it is not about hard work, it is about responsibility and making the Assembly more reflective of society. It is not about us. I know several Members have said: "I came into this because of my desire to give to society. I have pride in doing it. It is a privilege" and so on. Yes, it is. It is all of those things. We accepted all of that when we stood for election. We knew we would not, if we became Ministers, get any more. We need to think a little bit wider than that. We need to think about what people outside might think. It is not just about attracting people from business. It is not just about attracting a so-called higher quality. I have avoided using the words "higher quality". I have talked about attracting more candidates. It might be people from the world of business. It might attract more younger people, who might think that they can see a logical progression, at least in principle, through this. As I say, it is not likely to change the world, but it is a modest improvement voting for part (a) will set in train the change. If any Members are concerned too much then they know they will have a second chance. I accept Deputy Bailhache's point that we should have been braver. As I say, I took the view that I should follow the normal procedures. It does, at least, have the benefit of meaning that Members can take a second look when the law change is brought. I urge Members to support part (a) and vote on part (b) in the way I have suggested, in terms of if you want to give an indication to the remuneration reviewer then choose the ones you would like most to get pay. If you would rather that the whole issue was simply left to the remuneration reviewer then, please, just vote against all of part (b). The question was also raised about whether or not this will lead to the consequence of increasing the Ministerial pay would lead to a reduction in salary for the rest of Members. The remuneration reviewer has complete freedom. However, the remuneration reviewer has decided what they think the base salary of Members should be. They have given very clear reasons for that. It seems to me that it would be very odd for them to turn around and say: "With all those reasons why you should be paid the amount you are paid, I now think you are not deserving of that, it is less." I personally think that is an unlikely outcome, but the law gives freedom of manoeuvre, if you like, to the remuneration reviewer. I hope that has clarified all the issues at stake. I will continue with my kamikaze mission, maintain the proposition and call for the appel.

[12:45]

The Bailiff:

Vote on (a) separately and then (b) for all individual paragraphs?

Deputy J. Renouf:

Yes, please, Sir.

The Bailiff:

Very well. The appel is called for. I invite Members to return to their seats. The first vote is on part (a) of the proposition. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. Part (a) has been defeated. As a consequence, part (b) falls away.

Pour: 17		Contre: 27		Abstained: 2
Connétable of St. Helier		Connétable of St. Lawrence		Deputy K.F. Morel
Connétable of St. John		Connétable of St. Brelade		Deputy L.J. Farnham
Connétable of St. Mary		Connétable of Trinity		
Deputy L.M.C. Doublet		Connétable of St. Peter		
Deputy I. Gardiner		Connétable of St. Martin		
Deputy I.J. Gorst		Connétable of St. Clement		
Deputy K.L. Moore		Connétable of Grouville		
Deputy P.F.C. Ozouf		Connétable of St. Ouen		
Deputy Sir P.M. Bailhache		Connétable of St. Saviour		
Deputy D.J. Warr		Deputy G.P. Southern		
Deputy H.M. Miles		Deputy C.F. Labey		
Deputy M.R. Scott		Deputy M. Tadier		
Deputy J. Renouf		Deputy S.G. Luce		
Deputy H.L. Jeune		Deputy M.R. Le Hegarat		
Deputy M.E. Millar		Deputy S.M. Ahier		
Deputy M.R. Ferey		Deputy R.J. Ward		
Deputy L.K.F. Stephenson		Deputy S.Y. Mézec		
		Deputy T.A. Coles		
		Deputy B.B. de S.V.M. Porée		
		Deputy C.D. Curtis		
		Deputy L.V. Feltham		
		Deputy R.E. Binet		
		Deputy A. Howell		
		Deputy T.J.A. Binet		
		Deputy R.S. Kovacs		
		Deputy B. Ward		
		Deputy M.B. Andrews		

The Bailiff:

That concludes Public Business for the Assembly. I ask the Chair of P.P.C. to propose future arrangements.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**3. Connétable K. Shenton-Stone of St. Martin (Chair, Privileges and Procedures Committee):**

The next sitting is on 24th June. There have been no changes to the arrangement of business for the future meeting since the publication of the Consolidated Order Paper. The election legislation is

down for the next sitting and I therefore believe that the Assembly will sit for at least Tuesday and Wednesday of that week. I make the arrangement of business.

3.1 Connétable A.S. Crowcroft of St. Helier:

I believe that P.45 was lodged yesterday and could be debated at the next sitting. I request that it could be debated next time, because the 8th July sitting will be very busy.

The Bailiff:

Obviously, that is a proposition that you will make at the time, if there is a foreshortening of lodging period. If the future business as proposed by the chair of P.P.C. is agreed, the Assembly stands adjourned until 9.30 a.m. on 24th June.

ADJOURNMENT

[12:50]