

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 24th OCTOBER 2019

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[09:30]

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

PUBLIC BUSINESS

1. Draft Employment (Amendment No. 11) (Jersey) Law 201- (P.100/2019) - resumption - as amended

The Bailiff:

We now continue with the debate on the Draft Employment (Amendment No. 11) (Jersey) Law. It was left that we now debate the amended Articles 3 and 4 and those were proposed and seconded, then the 2 Amendments were dealt with and so we now come to the amended Articles. Does any Member wish to speak on Articles 3 and 4 in the Second Reading? All those in favour of adopting Articles 3 and 4, kindly show. The *appel* is called for. I ask the Greffier to open the voting.

POUR: 30		CONTRE: 5		ABSTAIN: 0
Senator I.J. Gorst		Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		Connétable of St. Mary		
Senator T.A. Vallois		Deputy of St. Martin		
Senator K.L. Moore		Deputy L.B. Ash (C)		
Senator S.Y. Mézec		Deputy S.M. Ahier (H)		
Connétable of St. Clement				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Articles 5 to 9 now remain. Do you wish to take those *en bloc* or do you wish to ...

1.2 Deputy J.A. Martin of St. Helier (The Minister for Social Security):

Yes. They are very easy Articles. We have really had the big debate. This is what I was trying to tell everybody yesterday, that it was either vote against or ... but we are where are, so I maintain Articles 5 to 9, Sir, and I look forward to any questions.

The Bailiff:

Are those Articles seconded? [**Seconded**] Does any Member wish to speak on Articles 5 to 9? Deputy Doublet.

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

Just a brief question. I am sorry if I had missed this yesterday. Could the Minister just outline when the law will be in force, please, if she knows roughly when?

The Bailiff:

Does any other Member wish to speak? I call on the Minister to respond.

1.2.2 Deputy J.A. Martin:

Yes. As I did say yesterday - and it is not ideal - when I was listening to Scrutiny and businesses, we allow people who employ women to claw back the maternity allowance, which will be around £220 a week. For companies, who only employ men, that has not been able to happen. Also there was a commitment, absolutely supported by me, to make sure that ... the 18 weeks was not long enough, so there is money in the Government Plan, the way to raise this money to make a parental benefit for 32 weeks. We are working on that now. We hope to get that money through. Unfortunately, both of them ... I have pledged to business I will not bring them in one without the other. With a good wind, getting Scrutiny to look at the legislation and work with them to make sure it is doing what everybody wants it to do, it will probably be June or July next year.

The Bailiff:

Very well. You maintain Articles 5 to 9?

Deputy J.A. Martin:

Yes, thank you.

The Bailiff:

All those in favour of adopting Articles 5 to ...

Deputy J.M. Maçon of St. Saviour:

Can we have the *appel*, please?

The Bailiff:

The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

Deputy J.M. Maçon:

Can we raise the *défaut* on Deputy Higgins before the vote closes?

The Bailiff:

I am afraid we have opened the vote. I do not think we can, I am afraid.

POUR: 33		CONTRE: 4		ABSTAIN: 0
Senator I.J. Gorst		Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		Connétable of St. Brelade		
Senator T.A. Vallois		Connétable of St. Mary		
Senator K.L. Moore		Deputy of St. Peter		
Senator S.Y. Mézec				

Connétable of St. Helier				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy J.M. Maçon:

Can we now raise the *défaut* on Deputy Higgins?

The Bailiff:

The *défaut* is raised on Deputy Higgins, yes. Do you propose the matter in the Third Reading, Minister?

1.3 Deputy J.A. Martin:

Yes, I do. I would just like to make a few overall comments and thank Members absolutely for their support. I know we had a really good debate. I am hoping going forward we have it right, but I know there is a lot more work to do. I pledge to work with all the businesses and their associates, Chamber. Going forward, they have a really excellent way to get into the 17 committees, as I said yesterday, if they want to do that. There were some excellent points made by all of Scrutiny yesterday about why people are not taking it and we have had a brief discussion, but going forward I want to know how we get to this knowledge and is it right. Secondly, my officers have said to me this morning that if all of the amenders had walked into Social Security, like I used to do as a backbencher - and sometimes Deputy Southern does it - and asked my officers, they would have told them exactly where the law needed to be amended. I would not have supported the Amendments, but they would never have been given wrong advice, so that is a pledge. These are policy officers, they are not my officers. They know where you want to amend it and they are there. If you do not know their names, or you do not know who to approach, approach any Minister in here and they will let you know. That is a really good way forward. They will tell you. It will not always be accepted, but we are where we are. That is all I wanted to say and I thank everyone for their support. We have still got a little bit

further to go and I look forward to the support for the whole parental benefit in the Government Plan and I maintain the Article in the Third Reading.

The Bailiff:

Seconded in the Third Reading? [**Seconded**] Does any Member wish to speak in the Third Reading?

1.3.1 Deputy S.G. Luce of St. Martin:

I have not contributed to this debate very much thus far, but I intend to now. I know it may be a bit late in the day, but I think it is important that my views are heard. I have been employed and I have been an employer. I have worked in and with small and large teams, when after 10 years of working for others I started my own business. I had 3 employees; when I finished, I had over 30. During that time I brought up 4 children with my wife and I now watch 2 of them being employed, while the other 2 run their own companies. I have very recently become a grandfather [**Approbation**] and now observe very much at first-hand how new parents try to balance childcare while being employed by others, therefore I would like to think I have some knowledge of the various subjects on offer here today. Every time we push a button in this Assembly to pass a new piece of legislation, we make things more difficult for some and easier for others and we make decisions that have consequences in both directions. But I just want to say at this point, whatever the outcome of today's family-friendly debate, we are not, at the stroke of a pen, or the push of a button, going to automatically create better parents for our children. There will always be those who will be fantastic, understanding, compassionate and responsible parents, irrespective of their circumstances. There will be others who will, regardless of what we do here today, exploit situations for their own benefit and not necessarily their children's. While this family-friendly legislation is to be very much welcomed, let us not assume that it is going to make things better for everyone, because that may not be the case. Every parent surely wants to do their absolute best for their children. Those of us here who have had children will have worked as hard as possible as parents to give those children the very best start we could. We will also have worked hard to ensure that our personal household finances were the best they could be too, to ensure we could afford the best for our families. However, should we adopt the same principles when we make decisions in the economy outside of the States?

[9:45]

Because, if we bring in expensive measures that will affect business, we will affect that same economy and we then make it not to help parents with their family priorities. You could say I am a product of a free market economy. My overarching political commitment is to business, because I believe that, without jobs, everything grinds to a halt. We must always remember that Government can only spend other people's money, money that has first come in from taxpayers in whatever form. Jobs allow people to pay income tax, jobs allow people to have disposable income to enjoy things that they want to do, but that, in turn, creates G.S.T. (Goods and Services Tax) income and that is the very same government income that allows us to help others and provide services for the population. Let us be clear, here in Jersey we have been pretty good at that over the years and that is because we have been an Island that has thrived on small business and much more so than very many other places. It is my belief that many of those small businesses, currently working their proverbial socks off, just have not been engaged enough to understand the effects of these proposals on their ability to stay profitable.

The Bailiff:

Deputy, may I just interrupt you for a moment? Is this a speech about whether this law should be adopted in the Third Reading, or not? Because Standing Orders require that any debate is limited to that question and that question alone. The proposer may first speak, the debate shall be confined to the content of the draft, as adopted in the Second Reading and, therefore, if you were to argue this draft should, or should not, be adopted, then that is a valid matter to raise before the Assembly, but

not to make general observations which have nothing to do with the draft in question. I am simply applying Standing Orders as they are written in front of me, Deputy.

The Deputy of St. Martin:

I think it probably best I sit down then, Sir.

1.3.2 Deputy M. Tadier of St. Brelade:

I am speaking in the Third Reading about the content of the proposals. I think what we have seen here is a very measured overall proposal that has been through that iterative process. Despite some key and perhaps visceral differences yesterday with some Members about their points of view and whether, or not, this law is necessary, or whether it is workable, I think what it shows is that certainly in the 11 years I have been in the Assembly - and others have been here longer - that there have been fundamental changes that have taken place. I remember coming in here as a younger and probably more naive and greener Deputy, when anti-discrimination legislation was not even thought to be necessary and we had the leader of the Government of the day basically saying that: "We do not really need anti-discrimination legislation, because, hopefully, everybody could be nice to each other." I think we have come to a point now where everybody in this Assembly takes it as axiomatically true that we should have anti-discrimination legislation and that necessarily means that you do not opt out and that it covers everybody. I would commend not just this Minister for Social Security, but the others who have fought for it, perhaps at times when this was less popular, because I could have seen a time easily in the past, even 2 or 5 years ago, when some of the opt-out clauses would either have been passed in this Assembly, or would have been used as a reason not to put this kind of legislation forward. I think that there certainly will be lessons that are learnt, there might be things that need to be tweaked, as we go along, in the content of this law and that is only right, but it should also be noted that many big companies, but also in the public sector - and I am reminded of my teacher colleagues, for whom this is common practice - there are many women, predominantly certainly in primary schools, but also in the secondary profession and higher up, who have taken maternity leave and unfortunately, perhaps up until now, their partners have not been able to do that and the schools do not fall apart. The teachers, who are already under great pressure, manage to find temporary people to come over and fill those roles. I think the good thing about this, with the notice periods, is that there will be people for whom the temporary work suits and it will foster those kind of conversations which should really be taking place anyway. The legislation will basically underpin the kind of behaviour that we want to see being forthcoming and we would all take to be wholesome and we would want to see everywhere. I do commend the Minister for the contents of this law. The last point to make is I think that the idea that you have businesses on the one hand and then you have people on the other hand and the 2 are completely distinct and separate, businesses would not exist if it were not for people. We have comments like: "Without jobs, then everything grinds to a halt and there would be no economy" but without people there would be no jobs and without jobs there would be no economy. I think what this legislation shows is that our priorities have shifted. We are an Assembly that has to reflect society, but that is a 2-way mirror and the economy must be the servant of the community and it is not the community that must be the servant of the economy. I think today we have understood that in passing this, if not universally, then certainly hopefully with an overwhelming majority.

1.3.3 Deputy G.P. Southern of St. Helier:

Just briefly, I am very pleased to see this piece of legislation passed through, which puts individual people - people - at the centre of policy-making in this Assembly. In particular, I am pleased to hear from the Minister that the process goes on, because one of the half-valid arguments was about how we are funding this, for the individual who wishes to take maternity leave and their employers, who may have problems with funding that. The fact that this is ongoing I am very pleased to see and I

am looking forward to what the Minister comes back with in terms of the overall picture, or a more complete picture about how we can proceed in this particular area.

1.3.4 Deputy J.H. Young of St. Brelade:

I have not taken part in the debate, because it is not my policy area, but I do think it would be remiss today if we did not congratulate the Minister and her team for the work involved in modernising our legislation. **[Approbation]** I am part of the previous generations and I have brought children up and grandchildren and so on, but things were very different in those days. Now I think we recognise that parenting and the pressures of the modern world and multiple jobs and the whole stress of life is a different place. I am so pleased that we have brought our law up-to-date. There has been a huge amount of detail and complications in there and I think to have brought it successfully through all those challenges is really a great thing. Well done, Minister. I personally hope that we can move on from there and up our level of benefits in some areas and that will mean tackling contribution levels and facing the reality we need to raise more taxes at some point, but nonetheless, that is a debate for the future, but this is a good step on the road, so obviously I am supporting.

The Bailiff:

Does any other Member wish to speak in the Third Reading? I call on the Minister to respond.

1.3.5 Deputy J.A. Martin:

I thank Deputy Young for his very kind words. The officer support I have had over this, Scrutiny has done a great job to bring things to my attention, my Assistant Ministers have listened to business. It is the first step on the road, as Deputy Southern says. We need to, as Deputy Perchard said yesterday, find out why, with the modern stresses of life, people are not taking leave. Sometimes it will be about support, you have moved here, you have no extended family, or you live here and you will have extended family. I thank the Members for that, but behind the scenes I really cannot thank enough again the fantastic officers that have worked with me. Again, I just reiterate, if you want to amend something, please speak to these officers. They will get you on the right track and I will either accept it, or not. But absolutely, it is a really good day today, I think, for every mum and dad out there and especially for every newborn baby. **[Approbation]**

The Bailiff:

Very well, the *appel* has been called for. I invite any Members not in the Chamber to return to their seats and I ask the Greffier to open the voting.

POUR: 38		CONTRE: 6		ABSTAIN: 2
Senator I.J. Gorst		Senator S.C. Ferguson		Senator S.W. Pallett
Senator L.J. Farnham		Connétable of St. Brelade		Deputy G.C.U. Guida (L)
Senator J.A.N. Le Fondré		Connétable of St. Mary		
Senator T.A. Vallois		Deputy of St. Martin		
Senator K.L. Moore		Deputy L.B. Ash (C)		
Senator S.Y. Mézec		Deputy of St. Peter		
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				

Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy K.F. Morel (L)				
Deputy of Trinity				
Deputy of St. John				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**2. Employment (Jersey) Law 2003: review of parental leave rights amendments (P.54/2019)
- as amended**

The Bailiff:

Very well. The final item of Public Business is the Employment (Jersey) Law 2003: review of parental leave rights amendments, P.54/2019, lodged by Deputy Doublet. Deputy, do you wish this to be read as amended?

Deputy L.M.C. Doublet:

Yes, please, Sir.

The Bailiff:

Very well. I ask the Greffier to read the proposition as amended.

The Deputy Greffier of the States:

The States are asked to decide whether they are of the opinion: (a) to request the Minister for Social Security to conduct a full review of the “family-friendly” elements of the Employment (Jersey) Law 2003 12 months after the parental leave rights amendments, outlined in the Draft Employment (Amendment No. 11) (Jersey) Law 201- (P.17/2019) have been implemented and to consider bringing forward for debate recommendations to provide support, financial or otherwise, for any businesses which may have struggled to comply with the law and families that may have struggled to access the rights set out in the law; (b) to agree that the aforementioned review should include the following, but not be limited to - (i) consultation with families, including an assessment of the impact on children and the extent of uptake by parents; (ii) consultation with local businesses, including an assessment of impact on finances and supply of cover staff.

2.1 Deputy L.M.C. Doublet:

I am extremely grateful to the Minister for accepting this Proposition. It is just a sensible move really, is it not? It is a safety net. The 2 main elements to the review will look at whether any support needs to be extended to businesses. That will include small businesses. Could the Minister confirm

that she will give specific attention to the small businesses, because of the concerns raised, but also to families? I think we heard yesterday that many Members are hoping that, in the future, that we can extend the paid portion of this leave and possibly take some of that on through the States, rather than through businesses, so would the Minister commit to specifically considering that, as well? Also several Members have approached me and said that they think the review is a good idea and how do they get involved. I do not know, because it is a Proposition calling on the Minister to review it, it is not me reviewing it myself, so I wonder if the Minister would maybe just outline how she will get Members involved in the review. I move the Proposition, thank you.

Deputy J.H. Young:

Clarification, Sir, if I may. Could the proposer tell us whether we are dealing ...

The Bailiff:

I wonder, is the Proposition seconded? **[Seconded]** Thank you. Does any Member wish to speak? Do you wish to speak then?

2.1.1 Deputy J.H. Young:

I just wish to ask clarification of the speaker. All right, I will make a speech. I am confused. We are faced with a Proposition and 2 Amendments. You spoke about we are discussing the substantive Amendment. I just wanted to find out whether we are saying this work should be done within 12 months, or 2 years, because I think that is an important issue.

The Bailiff:

The position is that the debate is open. You will get a chance to answer all the questions at the end as the proposer, but that is the normal debate.

2.1.2 Deputy J.A. Martin:

Yes and the Deputy very kindly, after I spoke to her, said the review was going to be after one year. As I said yesterday, we need some really good statistics. We have the 900 babies. Reading what Chamber have said, it takes 9 months to have a baby, so even when this law comes in, I want to work with real people who are dealing with the baby; can they take the leave?

[10:00]

There is nothing ruled out. I need to get a review group, I need to start. I am not going to wait 2 years and find out how is this working. I want to enable it. Like the Constable of St. Brelade, who said: "Chamber is not representative" but they do have a lot of businesses and workers, but you are right, they are 27,000 workers; we have 62,000 workers, so it is about just over a third. If I am not getting to the right small businesses, I need to find a way to do that, I need to not put on any more burden. At the end of the day, I think Deputy Southern, Deputy Tadier and Deputy Doublet have alluded to it as well and one way we will have to either to find some money, or raise some money. It is how far we can go with that, how far we can take it. On an overall note as well, I was remiss when I gave out my thanks. This Proposition has been very helpful for me to get this through, but Deputy Doublet herself has worked and spoken to so many mums and brought me so much research and is so supportive. I think Deputy Doublet alone probably changed a few minds in here and I am very thankful for that.

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

I have to say that this Proposition does sort of give me more confidence in the Social Security Department, as we used to call it, than I had yesterday. A little thing I would like the Minister, or the proposer perhaps, just to elaborate on is how she might define "struggled", because that could cover a multitude of things in her mind. Perhaps she could give us some clarity on that.

2.1.4 Deputy K.F. Morel of St. Lawrence:

In order for this Proposition to be successful, the Minister has quite rightly said she needs to go out and speak with different businesses and people. There is no doubt that regarding the last Proposition, the consultation was inadequate. The principal reason for that, as I said, only 27 employers were consulted. The reason for that is because when undertaking the consultation, it was - how can I describe it - basically they advertised and said: "There is a consultation. Speak to us if you want" then if you did not see the advert, then you could not speak, because you did not know the consultation was taking place. I am sure the Constable of St. Brelade will appreciate how difficult it is when running small businesses. First, you do not pay your subs to Chamber, so you are not represented by Chamber, because it is an extra cost on your business and you do not do that. While Chamber do represent many businesses, they represent far from all businesses in this Island. Equally, you do not have a human resources department looking out for adverts from the Government about consultation, so it is beholden on the Government not just with regard to anything to do with business, but in all of its consultations to decide who they need to speak to, what type of representative population they need to speak to and then go out and speak to them. The Government cannot sit and wait for people to come to them anymore. I really do urge the Minister, when undertaking any consultation with regard to this review, to go and first of all define the organisations and the people you need to speak to in order to make it representative, then go out and speak to them, do not sit in the office and wait for them to come to you, just because you have put an advert on Facebook, because that is not consultation and that does not work as consultation. That was one of the key findings of the Scrutiny Panel when undertaking our review. To make this Proposition work, the Department is going to have to do a lot more in terms of undertaking consultation and I urge it to do that. The other aspect of this that I just wanted to bring to mind was one troubling thing when we were undertaking scrutiny was that I believe it was Deputy Southern in 2017, or 2018, in the Chamber got an Amendment passed that a consultation should be undertaken on the maternity benefit at the time. I believe that was in about 2017, or 2018. That, sorry, is a review of maternity benefits. That review never took place. That was not Deputy Southern's fault, that was the Department's fault. When passing this today, which I am sure it will pass, we need to make sure that the reviews do take place, because it is completely wrong that something is passed here and then is completely ignored later on down the line. There is precedent for that in this Department, as I have just said. Minister, I will vote for this today, but please absolutely make sure that the review is done and that it is done properly, because otherwise we are wasting our time here today.

2.1.5 Connétable R. Vibert of St. Peter:

Deputy Morel has already perhaps said virtually everything I intended to say, but what I would urge the Minister is that having had contact from small businesses, both myself and the Deputy of St. Peter, I do not think you can deny that these businesses were not consulted. Deputy Morel highlighted yesterday that the review, that had been undertaken by a third party, included only 27 companies out of 1,000 in the Island. That is woefully inadequate when we are taking a vote of this magnitude. It absolutely is not correct and it should not be repeated again. I urge the Minister that that review is undertaken and that this time we have direct contact with businesses, because many are not members of Chamber, particularly the small businesses and they really do feel that they were ignored here. I had further emails last night as a result of the vote yesterday and I think there are some bridges to be built there. That is really all I have to say. I am definitely not against family-friendly legislation, or parental rights. In fact, I have just voted for Articles 3 and 4. Do I disagree with the fact that we should do it? No, I do not, but I do disagree with having no consultation. Thank you very much.

2.1.6 Senator S.C. Ferguson:

I reiterate and emphasise the fact that it is not just looking at the effect on parents, it really is absolutely essential to assess the impact on small businesses. Owners of small businesses are fed up with being required to provide information which is already in existence in States computers. They

do not have time to follow everything like this, they do not have time to read the papers and sort of say: "Oh yes, I must go and consult on this." They are too busy pedalling to try and keep the business profitable, organise the staff, cope with any new regulations we bring in. Let us be realistic, yes, we also need to look at the increased difficulties for women to gain employment. If they are of childbearing age, they will be discriminated against covertly and you cannot do anything about it. Please, can we remember that the States has no money themselves, they only have what they extract from taxpayers? You have got to think: is it a fair extraction from the taxpayers? It is too easy to say: "Oh, we must make the rich pay more" but we are waiting for various reports on tax and so on, but basically you have got to think more carefully about where you get the money from. You cannot just say that the rich will be a magic money tree, because they will not, they will pack up and go.

2.1.7 Deputy R.E. Huelin of St. Peter:

Can I take this opportunity to thank the Minister for Social Security for her very kind advice with my slight mistake beforehand and how supportive she has been in advising me going forwards? Thank you. This Proposition, what we have here is some stop loss insurance. I ask the question: what will be the premium we pay for that insurance policy? My concern is we are trailblazers. I believe this, now passed, puts us at the top of parental rights almost on a global basis, where we are offering 2 years' parental leave, one year for each partner. That is trailblazing stuff. I am always concerned about trailblazing, because if you are the first, it is really good to be the first, because nobody else understands the consequences of what lies ahead. There are no risk assessments, parallel risk assessments, that have taken place. Now, my industry, the I.T. (information technology) industry, is littered with spectacular firsts. ASOS was not the first online retail company. Does anybody remember Boo.com, which was launched with such fanfare and millions and millions of pounds which crashed and burned? Who remembers Bebo and MySpace? We now have Facebook. The point is it is the second and the third iterations of evolution that become the successful ones, because of the lessons learnt from the past. A little quick one: Hillary climbed Everest, but I think it was the tenth attempt, but he is recognised for getting there. Think of the failures and the unfortunate previous 9 that did not quite get there. Anyhow, that is my little bit. What I would like is more detail on the consultation, because I am really worried about the small businesses and 2 years could be a long life for those businesses. I hope that there are not any major consequences for those, be it financial, emotional, or mental, as they are put under undue pressure before we prepare for this review process. I would like to ask the Minister for Social Security, who has been asked to do this by Deputy Doublet, if we can have, within 3 months, a detailed breakdown of the form of consultation that she will be considering, so we can input into that. That will, obviously, be a working document as we evolve from the understandings that we get from our parishioners and small businesses alike that approach us. I think that is very important to them, to make sure that we are listening and have their input into this. If I could request that, so we get details of the consultation that will take place. I totally support Deputy Morel in highlighting the fact that it was not done well. I thought, for one second, it was only St. Peter that had not been consulted, because the Constable and I were the ones bringing this one up. The final point I would like to make is when the consultation takes place and the results come out, how brave will we be? How will we listen and how will we act on those listenings? Because, obviously, we hope it will be a great success. Obviously it has been approved; we hope so. I have fears that it might not be and I would like to be assured that we will be brave as an Assembly when this review takes place and we will listen to those businesses earnestly. Thank you very much.

2.1.8 Connétable J. Le Bailly of St. Mary:

I and everyone in this Assembly have been elected to represent the electorate, something that I have tried to do on a broad range of issues. Those issues are often Island-wide. Why? Because I stick my neck out. This parental issue affects all businesses, large and small. They understand the principle; they do not understand the lack of consultation. I have it on good authority that this

breastfeeding thing is a current fad. **[Laughter]** Many women are unable to breastfeed, or clearly do not want to.

The Bailiff:

Connétable, at the risk of being slightly controversial, I think it is difficult to describe breastfeeding as a “current fad” but, in any event, obviously, the debate is on whether or not this particular reporting back requirement, this investigation and reporting back, should be adopted. If your remarks are addressed to that, then, of course, they are entirely in order, otherwise they are not relevant to the debate.

Deputy R.J. Ward:

May I ask for a point of clarification? Can I ask whether the Constable understands that mammalian evolution means that breastfeeding is natural?

The Bailiff:

Yes, thank you very much. The Constable has not given way and therefore you cannot have a point of clarification. Connétable, if you would like to continue.

Deputy M. Tadier:

May I ask something? Could we have a 5-minute break, so I can go out and get some popcorn and come back?

[10:15]

The Bailiff:

Let us continue and let us make the debate an ordered one if we can, thank you. Connétable.

The Connétable of St. Mary:

Some parents apparently use something called Cow & Gate. It seems that someone might have left the gate open. It has been said in this Assembly that breastfeeding is vital, that parental leave to both parents ...

Deputy J.H. Perchard of St. Saviour:

A point of order, Sir. I do feel that the speaker is diverting completely from the Proposition in hand.

The Bailiff:

The requirement in Standing Orders is that speeches are relevant to the Proposition. Naturally, the Chair will always allow an element of leeway, because sometimes relevance can become apparent after a while, as speeches continue. **[Laughter]** But I am sure, having heard your point of order and having heard my explanation of Standing Orders, the Connétable will bear that in mind and the relevance of these comments will become clear shortly, I am sure.

The Connétable of St. Mary:

People keep telling me that this is the time of the snowflake generation, they cannot do things for themselves, they expect from everyone. I know exactly what they mean. People also tell me that there should have been more consultation on the whole of the parental and breastfeeding issue. They are right. There has been a total lack of consultation on the issue. If there had been, an amicable compromise would have been reached. The best thing to have done with the whole thing was chuck it out, seek a compromise acceptable to all parties, instead of having this bulldozed onto the businesses who will be affected. That has not happened. It could have been done; it is now too late. Let us make sure that we do this in the future.

2.1.9 Deputy M. Tadier:

Opportune. It reminds me of the time when I watched “Meet the Fockers” and Robert de Niro’s character is there. I think maybe breastfeeding was a fad and is becoming a fad for men, because I remember Robert de Niro getting the fake breast, so that he could feed his newly-born grandchild. I completely sympathise, it must be difficult for men getting to grips with this new-fangled idea of breastfeeding, but as far as I know, women have been doing it right back to the mythical Garden of Eden, no doubt, or whoever the first human was. I think before that, animals did that as well. That is probably why we are called mammals, I think. But, anyway, that is an aside and it probably is related in a sense, because this is perhaps one of the activities that will take place during the leave which people are given. Nonetheless, I think we do have to allow, in this Assembly, for all points of view to be heard and that is why it is absolutely right that the Constable of St. Mary is given the opportunity and did move his Proposition and Amendment yesterday, because, whether we like it, or not, in fact there are probably lots more people in civic society who hold those kind of views than maybe are represented in this Assembly and it is important that those views are put forward. As somebody who has had probably unorthodox views myself in the past, I think it is important that we have those. But similarly, we must also, I think, challenge ideas when they come up in the Assembly, so when I hear Senator Ferguson come out with a statement like: “Government does not have their own money” I think to myself: “What a silly thing to say” because, first of all, you could say that about anything. You could say that companies do not have their own money, they only have the money that clients give to them, or customers give to them. Similarly, Government does, of course, have their own money, because they are a legal entity. The contract between citizens and the state is a well-established principle, because see how far your £1,000 or £5,000 of tax money that you give to the Government will go in buying you your own personal hospital, or your own personal road, or your own personal traffic light, or your own personal school. It will not at all do that, not to mention the fact that Government does have their own money, because they do own their own property and can rent that property out. That is not true in itself, but there is an underlying philosophical problem with that that shows that there are still individuals in this Assembly that do not believe in the concept of the state and that they believe the individual trumps that of the state, but, of course, that ignores our responsibilities to each other and the fact that ...

The Bailiff:

Deputy, the rule about relevance obviously applies to all Members. It could be that you are coming to a point that will deal with whether the Proposition before the Assembly should be adopted, or not, but it is obviously not necessary to traverse every point that every Member has made if not relevant.

Deputy M. Tadier:

No, Sir. In fact, I am doing that, because the first thing I am doing is rebutting a comment that has been made against this proposal, so I am deconstructing that and I am saying why it is completely legitimate, because what this Proposition asks us to do is to monitor the situation and the legislation that we have put forward. I think legitimately people have concerns about where this idea of parental leave is going, some because they do not think it goes far enough, others because they think it goes too far and others still because they believe there may be unintended consequences arising from it. We have to remember, of course, that the fundamental point is that this legislation that we have just passed is legitimate. It is right that we spend the money that we receive as a Government and that the Assembly is the check and balance on that. It is right that we, of course, put in place proper checks and balances to deal with that. Now, the question of consultation is always a good one, because in some ways you are damned if you do and you are damned if you do not. I do not know if that is parliamentary?

The Bailiff:

I do not think it is parliamentary, but you have said it, so we will continue.

Deputy M. Tadier:

We understand what that means, so you cannot win, no matter what you try and do. It is legitimate to raise questions about the nature of consultation. I have read through some questions and it is ultimately the questions that you ask which are relevant, because you can ask leading questions and you can have questions that should not be asked. But I do think it is difficult, because clearly the democratic process, as it exists in our Island, is optional, so we do not force people to engage at the ballot box. Maybe we should do that, maybe there would be different results if we did, but that is not how we currently choose to do it. I think Government does try, as far as possible, to use all sorts of media to put forward consultations. I certainly sat down and did one on the Sustainable Transport Policy recently. I think it is up to individuals and businesses ultimately to seek out the information that is in their interests and it is also for us to be able to publicise that with interested parties. There is a risk, of course and I have no doubt that the Minister will be going out and saying: "Have we consulted with all the people that we need to?" but if you do that, then you are charged with the fact that you might miss some people or: "Why did you not think of going to these people?" but the key thing is we should not just be engaging with the leaders and the directors of these companies. Whether they are large, or small, we need to be engaging with those employees of the small companies. Again, it depends how you define a small company. We have had one suggestion that it is 5 employees, or fewer, but of course it could be to do with turnover. You could have a company which has 10 or 15 employees, but which operates on much smaller margins and which is less lucrative than a company which only employs 3 people and which is having a much bigger turnover and a much bigger profit generated. But I want to hear from those individuals, because fundamentally, as I have said before, the 2 are not separate. The Directors and the most menial employee in that business are still human and all of those, whether male or female, or not identifying with either, will still be able to take their leave if they want to. What I would not want to see is the fact that we do not pass this today, because I think it is a thoroughly good Proposition. It cannot be used as an excuse to not do anything before 24 months, so if a problem is identified, or if a particular group of people, or an individual in this Assembly, or outside this Assembly, identifies a better way of doing things and a problem that can be resolved, then that should be put forward and it should be tested on its own merit, because all too often we have seen in recent years that we just say: "We are reviewing this, therefore we are not going to do anything about it" and then, before you know it, 10, 15 years down the line, nothing gets done. We must be open-minded to what the problems are. Fundamentally, what this will boil down to is asking the right questions, so we need to ask the business community: "Do you fundamentally agree that maternity leave/paternity leave is the right thing to do?" and I think the response, maybe not universally, will come back: "Yes, it is the right thing to do." The second question is how long it should be for. The third question, which is most fundamental, is how we pay for it. This is where it comes back to Government and spending the money that we own and that we earn for the benefit of our constituents in the Island. One way, or another, they are going to pay for it anyway. If businesses do not want to pay for it themselves, which they are not, apart from the first 6 weeks, then it will be Government that have to pay for it. That money will ultimately have to be paid for by the employees and the employers. If they are not willing to do either of those, then, of course, you come to a situation where they want something, but they do not want to have to pay for it. These are the fundamental questions we will need to get to grips with in the next 2 years, if we are to have a fit for purpose, mature and caring society that I think most of us want.

Senator S.C. Ferguson:

Might I ask for a point of clarification?

The Bailiff:

It is a matter for the Deputy whether he is prepared to provide a point of clarification, because he has to treat this as giving way as part of his speech. It cannot be asked for ...

Senator S.C. Ferguson:

I thought he had just sat down, Sir and I was asking ...

The Bailiff:

Yes, but he still has to agree to give a point of clarification.

Senator S.C. Ferguson:

All right, I am sorry.

Deputy M. Tadier:

I will hear the question and I may be able to assist.

Senator S.C. Ferguson:

Yes, I just wonder if the Deputy could define why he thinks Government needs to get money. What is the purpose of government?

The Bailiff:

I do not allow that. No, I think, Deputy ...

Deputy M. Tadier:

I was simply going to say that if the Senator wants to come for a coffee perhaps sometime in St. Aubin or at the Arts Centre, we can have an hour's chat and philosophise.

The Bailiff:

Yes. I think a question about the purpose of government is probably too far outside the parameters of the debate at this point. Senator Mézec.

2.1.10 Senator S.Y. Mézec:

I think we all know that this Proposition is absolutely non-contentious, as accepted by the Minister and, therefore, it is going to go through by a very large margin, I presume even by those who have issues with how this has been conducted up until this point. But I wanted to rise to address some of the points that have been made in this debate and stick up for the Minister here, who I think has conducted this whole issue in an exemplary way. I reject the idea entirely that she did not consult. I know that it can be very sad and frustrating when you passionately believe in something and you make the case as strongly as you can, but you end up failing to persuade people. If Members want examples of this, just look at my record as a backbencher bringing Propositions to this Assembly. But the fact is that it is very possible to carefully listen to what people tell you and still independently conclude that what you are hearing is wrong. That is not a sign that there was no consultation, or that the consultation which took place was a phony consultation. I reject this idea and I would like that on record, that I think the Minister has done a good job, but then I think that this Proposition is still a helpful way forward. I woke up this morning and saw that I had been tweeted by a former States Member, who was also an Assistant Minister in a previous Government. I raise this point simply because the Deputy of St. Martin, in an earlier contribution, made a point that I thought was philosophically similar. In this tweet, of course, this former Member singled out Reform Jersey, but it could be said of all of the Members who supported the Minister yesterday. He ended his tweet with an interesting note, which I think is similar to the ethos of what the Deputy of St. Martin said. He said: "Time you listened to local economic contributors" and by that he meant business leaders. I say to those who have that view that it is not just the business leaders of this community who are the economic contributors, it is the working men and women of Jersey who are the economic contributors. **[Approbation]** It is our job, as a government, not to simply pander to special interest groups, be they businesses, be they any other group, but it is to create some sort of level playing field, so that the people we represent can go and live happy and productive lives.

[10:30]

In this instance, weighing that up has concluded that introducing improved parental leave has been the right thing to do. I do not agree that the Minister did not partake in any effective, or meaningful, consultation. It is just those that are unhappy with how this has gone have lost the argument. I am thoroughly glad that they did lose it and I support the Proposition.

2.1.11 Deputy R.J. Ward:

Just briefly, I want to talk to talk purely about consultation and the nature of it. What I would say, there are a couple of things in order to set that up. First of all, perhaps some bad news for some Members of this Assembly: society does change, it has changed and it does become more progressive. There is a young generation that expects more, that expects the right to be with their children, that expects the right to have dignity in work, that expects the right to have the time to produce a family which will become the future for all of us. We need to take account of that. When we consult and I agree ... first of all, I do not know which way to put this, so I will start and I will give it a go. I agree that there is a perceived conflict between workers' rights and successful businesses, but I think that is a false dichotomy. Modern successful businesses do not have a battle between what they want to do to be successful and the rights of their workers. There are some examples, which I will not name, which we all know have a very poor record with their employees, but they do not have a good reputation. Those that have really good relations with their employees have a fantastic reputation. As a government, we need to be here enabling that at all levels of our business community, so that we have a more successful society. But to get back to the consultation, I urge you not only to consult in this way, but to consult with parents, to consult with preschool nurseries, who see the successful outcomes of children who are better equipped to go to a nursery, have got decent attachments and therefore can move away from their family when they need to and socialise with other children, which will produce better education in the long term. I agree 2 years is a good idea, but in 4, 5, 6 or 7 years, you may not see the outcomes until then. That is a trust thing and that is the trust that we need to have that we are making positive impacts in our society if we make the right decisions now. That is so important. The other thing I would say is part of the consultation needs to be an educational aspect with businesses to say: "Look, this is what we are trying to do longer term. We genuinely believe that the workforce that you will have in the future will be a better workforce, because it will be fully functioning and positive contributors to our society." That is what we need from our future generations. We cannot stay in the times of this Victorian notion of children just being seen and not heard, or just being a burden, or something that is a cost. There is more than that. As we age, we are reliant upon that generation to come through and look after us. I used to joke around with the students I teach and say: "I really want you to do it, I want you to be successful, I want you to do the best you can and the reason is you will be paying my pension." We need to really think about the future generations. This is a small step. It is a relatively brave step for this Assembly in such a short time, I accept that, but we must not have that division between doing this, the right thing and this idea that we cannot enable businesses to succeed, as well. They can succeed in the right way, with the right society that we want to live in, so I urge you and say thank you for this Proposition.

2.1.12 Senator L.J. Farnham:

I am pleased to follow Senator Mézec. He did raise a good point about the economy, the definition of the economy. It is the state of a country, or a region, in terms of the production and consumption of goods and services, so not only are the producers important, but the consumers are, as well. For legislation like this to work, it has to work for everybody, which is why I think this proposal is very sensible today, because it monitors and that will give us the information we need to improve, perhaps, our legislation in terms of the feedback. I just wanted to give some reassurance, if I may, about the work my Department is going to be doing with the Minister for Social Security and by engaging with industry bodies and our own Jersey business over the next 2 years, to make sure that we are on hand to provide support wherever possible. I also hope to continue to work closely with our Scrutiny Panel, who have given some very good advice and guidance in the past on this. The small business

owners that I have spoken to, who have been concerned, are not so concerned about the principle of the year off. They agree that, so I think they want to be supportive of this sort of support for the community. This is simply about the availability of staff. If a small business with 12 staff has 3 members of staff who are going to start a family, it is going to potentially lose some important members of its workforce. If they are important and valued members, whether they want to be off for 3, 6, 12 or 18 months, I know that businesses will work with their valued staff to try and accommodate that, but I think the work we need to focus on is about how we find replacement staff. I intend to continue my dialogue with the Minister for Home Affairs. We need to look closely at the trial scheme of work permits we have. I think we need to extend that across other sectors and we need to find, in short order, some sort of financial support to help certain small businesses deal with the additional cost in the first instance.

2.1.13 Senator I.J. Gorst:

I think we have heard a lot from our left-wing colleagues this morning, so I just want to rebalance the argument, but arriving at the same point. I think the work that the Minister and her officials have undertaken is first class. It is unfair to criticise her in the way that some Members have. I absolutely think that what they have done and what this Assembly has done is in the best interests of Jersey for its long-term future. We cannot escape from the fact that our young people face greater pressures than I think any of us have ever known. That is quite a difficult assertion to make, because we know past generations, who have lived in our community, have survived great challenges, particularly during the Occupation. The pressures that young people face today are unprecedented. The globe is literally at their fingertips and with that brings unprecedented pressure, so it is absolutely right that we, as an Assembly, should put in place the very best protections for our young people as they start out in life. As Members said yesterday - and I absolutely agree with - that attachment to a meaningful adult, or parent, whether that is by birth, or adoption, or foster, or any other way, is critically important to wellbeing and good mental health throughout the challenges that they face. But I equally would argue that it is good for business to have protections and provisions in place for employees. I well remember my senior partner used to run ... we were quite an old-fashioned firm, we are not afraid of that and we traded on quality of customer service, but the senior partner's mantra was this: "If you look after your staff, your staff will look after your customers, or clients" whichever the in word is: "and you will, therefore, be successful." It is not anti-capitalist to look after one's staff, have a good relationship with them, pay them well and provide good provision for them, as some might think. It is not just the remit of socialists to believe that looking after one's staff is in the benefit of the community. It is fundamentally good for business. Something that comes from this Assembly, why are we concerned about it being good for business? Because we cannot get away from the fact that businesses provide jobs and there is a partnership between business owners and people employed in businesses. They provide jobs, they provide economic growth, they provide, through salaries, through other payments, the money in our pockets that we live by and that we provide for our families by. I absolutely refute this idea - and I stand 4 square with Senator Ferguson - the Government does not have their own money. The Government legislates to take money from Islanders. The arguments that we have in this place are about whether that is appropriate, about what level that should be, about the community provision that we can provide from demanding money out of Islanders' pockets in a positive way. It is a contract and we have to get that balance absolutely right to maintain fundamentally democracy in our community and secondly the acceptance that by coming together, by sharing our resources in the way that we understand government, we can provide for a better future for Islanders. I am not sure, with the greatest of good intention that the Deputy has brought forward this proposal ... it is going to sail through today, because some people want the review to say: "It is not working and therefore we should strengthen it and do something more" and other people are going to say: "It is not working. We should pare it back, because it is costing businesses too many jobs and we have lost jobs here, or we have created jobs here." We are going to support the Deputy today, but we must go into this realistically. For me, I see nothing wrong with

what the Minister has brought forward. I think she has done a very good job and she has my full support. It will mean that her officers now have to undertake a review in the timeline set out. That will mean that they are not able to do other important pieces of work and she leads one of the really important Departments, that have a great workload. I will be supporting it, but we should be careful, as ever, first, what we wish for and, second, most certainly what we vote for.

The Bailiff:

Does any other Member wish to speak on the Proposition? I call on the Minister to respond. I beg your pardon, I do not call on the Minister to respond.

Deputy L.M.C. Doublet:

I have been promoted, Sir.

The Bailiff:

I call on the Deputy to respond.

Deputy L.M.C. Doublet:

I did not know you could do that, Sir.

The Bailiff:

No, much less powerful than that.

2.1.14 Deputy L.M.C. Doublet:

Like Senator Mézec, I am pleasantly surprised at the number of speeches and thank you to everybody who has contributed to the debate. I have noted something down. I cannot remember who was talking about feedback, but I think several Members have mentioned that they hope small businesses will be ... it might have the Deputy of St. Peter. One point that I really wanted to emphasise, before I respond to people individually, is in terms of consultations, yes, we do specific pieces of work in consultations, but anyone, any member of the public, can and should give us feedback at any time. I think, in Jersey, we are really lucky and we are really privileged that we have a system where our politicians, us as States Members, we are really accessible. I know that I am available to my constituents and to Islanders generally to hear their views and I think we all welcome those views. I would ask businesses and families on this issue and any other, if you have a view, do not wait for a consultation, email your States Member and make your views known any time. Deputy Young, I am sorry if I did not clarify the Amendments in my opening speech and thank you for raising that. The Minister clarified that the first Amendment was to make the review after 24 months, rather than 12 and the second Amendment was to change the P number, because originally it referred to the Minister's first Proposition. The Constable of St. Brelade, I believe it was, was asking for a definition of what I meant by "struggled" and I cannot give him one, because as I mentioned in the report, this Proposition was a response to businesses and what I was hearing from businesses, so it is a direct response to their concerns, so those are the words from businesses that I have heard. Deputy Morel gave some really constructive points and I thank him for that. I agree with him and I share his frustrations around consultations and reviews. These problems, I think, are universal to any consultation review that we carry out and, in fact, we have been discussing in diversity fora how we can access groups of people, who are not very engaged with us.

[10:45]

It is a perennial problem with us and one that we really need to get to grips with. I agree with what he said there and I thank him for the constructive words. Senator Ferguson, I can confirm I am fully cognisant of the fact that there is no magic money tree. The Deputy of St. Peter, I hear what the Deputy was saying about iterations of the law. I remember being a new Member and campaigning for things like this and this is the latest in several iterations, not just from this Minister, but from

previous Ministers. I think this one is a vast improvement on what we have had before, so I think this is where we are at, this is the improvement for me. The Constable of St. Mary, I will not respond directly, but those comments did lead me to reflect on the words of Deputy Perchard and I believe Deputy Morel and I think the Minister during the debate yesterday and there were comments made about how civil the debate was. Even though there were some deeply held views and it has been quite a difficult debate at times, we have managed to be civil throughout, most of us and I think if it is a trait of a specific generation, there is something positive to be learnt from that. I bear no ill will towards the Constable at all. Deputy Ward made some excellent points about the review being an educational process, because I think that is important, making sure that people know what the new legislation is. Senator Gorst, I agree with your wise words and thank you for those. I commend the Proposition to the Assembly and ask for the *appel*.

The Bailiff:

The *appel* is called for. I invite Members not in the Assembly to return to their seats. I ask the Greffier to open the voting.

POUR: 41	CONTRE: 1	ABSTAIN: 0
Senator I.J. Gorst	Connétable of St. Mary	
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Ouen		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy S.M. Ahier (H)		

Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Very well. That concludes the Public Business for the meeting and I invite the Chair of P.P.C. (Privileges and Procedures Committee) to propose the arrangements for future meetings.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

3. Deputy R. Labey of St. Helier (Chairman, Privileges and Procedures Committee):

There have been 2 matters lodged since the Consolidated Order Paper was published, P.113/2019 Guidelines for Buskers in the name of Deputy Tadier and P.114/2019 Draft Data Protection (Registration and Charges) in the name of the Minister for Economic Development, Tourism, Sport and Culture. P.113/2019 has been listed for 26th November and P.114/2019 for 10th December. Senator Ferguson has informed me that she wishes to delay her Proposition on the 5G network, P.69/2019, which was due for debate on the 12th November sitting. The Senator would like to move it to 10th December. The Minister for Economic Development, Tourism, Sport and Culture has P.111/2019 down for debate on the sitting of 26th November. The Minister would like to bring that forward. It does require a suspension of Standing Orders in terms of the lodging period, but my understanding is that there was an administrative error, the *projet* was held up in the system. Through no fault of the Minister, or his Department, it was delayed in being lodged. The Minister would like to take P.111/2019 at the next sitting on 12th November. I believe there is some time sensitivity. If Members want to hear from the Minister, I am sure he would oblige.

3.1 Senator L.J. Farnham:

This is for the change in the funding model for the Joint Channel Islands Financial Services Ombudsman. I am suggesting the 12th because the 26th is the Government Plan day and I think we are all going to have our work cut out with that. The Ombudsman’s offices in Jersey and Guernsey would be grateful of some extra time, if the States do approve the Proposition, to have plenty of time to put it together before the end of the year.

The Bailiff:

I think there is no harm if Members agree to listing it there, but of course there will still have to be a formal application to have the matter debated on the 12th. Having said that, there will still need to be a Proposition to shorten the lodging period. There is no reason why we cannot deal with that now. It may, therefore, be much more straightforward to deal with it now. The Minister will know if he is able to bring it on that day and we can arrange business accordingly. Do you wish to make that Proposition?

Senator L.J. Farnham:

I do, Sir.

The Bailiff:

Do you wish to add to the reasons?

Senator L.J. Farnham:

No, thank you, Sir.

The Bailiff:

Is it seconded? [**Seconded**] Do Members wish to speak on that? Deputy Morel.

3.1.1 Deputy K.F. Morel:

I just want to say I think it would be more appropriate to hold this debate about whether to shorten the lodging period, or not, on the day that the Minister would prefer to bring it, the reason being that from a Scrutiny perspective, we have not had a chance yet to look at this. We have not been briefed yet and I am unable to inform the Assembly, from a Scrutiny perspective, whether it is appropriate, or not, from our view in Scrutiny to shorten the lodging period, so I feel this is not the right time and place for this debate. I feel it should be on the day, as would normally happen with lodging period shortening.

3.1.2 Deputy J.M. Maçon:

I am cognisant of the point that Scrutiny does need to have a look at it and that is right, but what I was also going to say is if the Minister could undertake to do a briefing for States Members on this, perhaps within the timeframe, I would probably be supportive of it, because I think it is sensible. It is a short sitting and it is better to use our time sensibly in that regard, but again, we need the full information. If we are going to close a window, we need to have that extra support from the Department sooner, rather than later.

3.1.3 Deputy G.P. Southern:

Just briefly, what I would be looking for from the Minister is some reason as to why this is urgent. It would be appreciated by Guernsey authorities and Jersey authorities if we did this, but that is not a reason for doing that urgently.

3.1.4 Deputy J.H. Perchard:

Can I just have a point of clarity from you, Sir? If we were to vote against reducing the lodging period today, does that mean that the Minister would not be in a position to make that same proposal on the day of the debate that he wishes to?

The Bailiff:

Yes, I think that would be right. The States would have resolved that it could not be dealt with on that day.

Deputy J.H. Perchard:

I would, therefore, urge the Minister to withdraw that proposal, because, as Deputy Morel said, we may well be in a position to debate it on the day, but we just do not know from a Scrutiny point of view, because we have not had a chance to scrutinise it.

The Bailiff:

It is open to the Minister, with the leave of the Assembly, to withdraw the Proposition to deal with it today and to revisit that Proposition on an earlier occasion, or to proceed with it today. Does anyone else wish to speak?

3.1.5 Connétable C.H. Taylor of St. John:

I think it would be advantageous to everyone in this Assembly to have certainty as to when we are going to debate it. I am not someone who can write a speech in 3 minutes and it is rather pointless writing a speech if it is not going to be on that date, so I think most Members here would like some certainty. I see a very logical reason for it to be held on the 12th, simply because we are going to be so very busy on the 26th with the Government Plan debate.

3.1.6 Senator L.J. Farnham:

May I just help the situation? I have listened to what Members have said. I undertake to ensure this comes to Scrutiny immediately. We will hold a briefing for Members. Deputy Southern's point is the 12th is looking quiet, the 26th is the Government Plan. If we leave it until 10th December, that does not leave the authorities too much time. I am just saying this, because what I will do, having said that, I think out of respect for Members, I will ask on the 12th. I will do what Members have asked and I will bring this back and ask on the 12th if we can debate it on that day, because it is a quiet sitting. **[Approbation]**

The Bailiff:

Very well. I take it that Members agree that the Minister can withdraw the Proposition at this point. Very well. Is there anything to add on arrangements for future business?

Deputy R. Labey:

No, Sir. I propose the arrangement of public business.

3.2 Deputy J.M. Maçon:

I wonder, there was a matter which might be helpful to agree about on the 26th, whether we would sit on the Monday, as has been convention and whether perhaps the decision would be better to be made now.

Deputy R. Labey:

That decision has been made. I thought that information had been circulated to Members.

The Bailiff:

Yes. The Assembly is sitting at 2.30 p.m. on Monday.

Deputy M. Tadier:

I do not think there is any discord in this, but it is the Assembly that makes the decision about whether we sit on the Monday, so we could put this to the vote now, please?

Deputy R. Labey:

Yes, I make that Proposition.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak? All those in favour of sitting at 2.30 p.m. on 25th November, kindly show. Those against? Very well, the States will sit, and it is quite right, Deputy Tadier, it is a matter for the Assembly obviously as to when it sits. Very well, anything further on the arrangement for future business?

Deputy R. Labey:

Nothing further, Sir. I propose the arrangement of public business.

The Bailiff:

Do Members agree with the future arrangements as proposed by the Chair of P.P.C.? Very well.

Senator J.A.N. Le Fondré:

Just before we adjourn, can I just remind Members that there is a briefing in just over an hour on the Government Plan efficiencies which you are all invited to? There have been reminders and I believe sandwiches are available as well, if that is an incentive.

The Bailiff:

Very well. The States stands adjourned until 12th November.

ADJOURNMENT

[10:56]