

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 18th JUNE 2019

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[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **The Bailiff:**

#### **1.1 Welcome to His Excellency the Lieutenant Governor**

First of all, may I, on Members' behalf, welcome His Excellency the Lieutenant Governor. [Approbation]

#### **1.2 Appointment of Mr. R.J. MacRae Q.C. as Deputy Bailiff**

Members will be aware that as a result of the decision to appoint Mr. Timothy Le Cocq as my successor, a vacancy will arise in the office of Deputy Bailiff. A process for filling that post was agreed with the Lord Chancellor and Secretary of State for Justice. That process involved an open advertisement of the vacancy, a psychological assessment of applicant, 2 written exercises and a formal interview, following a series of consultations. The selection panel was co-chaired by the Deputy Bailiff, Mr. Le Cocq and Dame Janet Paraskeva, Chairman of the Appointments Commission. The panel included Mr. James McNeill Q.C. (Queen's Counsel), who is the senior judge of our Court of Appeal and a former member of the Scottish Judicial Appointments Commission, the former Lieutenant Bailiff, Jurat Paul Nicolle and former Senator, Mr. Terry Le Sueur O.B.E. (Order of the British Empire). I am pleased to announce that one of the applicants was Mr. Robert MacRae Q.C., the present Attorney and Her Majesty has graciously accepted the recommendation that he should be appointed the next Deputy Bailiff. He will take office later this year. [Approbation]

#### **1.3 Maintenance of mace**

Members will have noticed that there is no mace today, which is a great shame, but it is in the course of repair and it will reappear in the next couple of months, so probably not until September. Finally, there was a little musical interlude just as I was coming in this morning, which I was going to put down to the Minister for Infrastructure, but maybe that is not right.

#### **Deputy D. Johnson of St. Mary:**

No, I confess, Sir, I had hoped that as it was prior to your arrival it might not have been caught and I might escape. But I will not submit that plea, I will willingly pay my contribution.

#### **Deputy M.R. Higgins of St. Helier**

I think he was trying to have a musical procession.

### **The Bailiff:**

Deputy Higgins, I do not want that, thank you. Deputy of St. Mary, thank you very much.

#### **1.4 Welcome to Lord Green**

Finally, we have in our gallery today - and some Members will have had the opportunity of meeting him at the breakfast earlier today - Lord Green. He is over here for a couple of days and I would like Members to show their appreciation of his presence in the usual way. [Approbation]

## **QUESTIONS**

### **2. Written Questions**

[9:45]

## **2.1 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING OFFENCES COMMITTED AGAINST CHILDREN: (WQ.195/2019)**

### **Question**

With regard to offences committed against children between 1986 and the present date will H.M. Attorney General produce a table, showing for each year –

- (a) the number of prosecutions for each type of offence (e.g. rape, indecent assault, physical abuse, neglect, indecent photographs, psychological abuse etc.);
- (b) the number of acquittals and convictions for each of the offences detailed in (a); and
- (c) where there were convictions, the sentences awarded by the courts in each case?

### **Answer**

(An answer to this question was initially tabled on 30th April 2019; H.M. Attorney General has tabled an updated answer.)

An answer was tabled to this question on 30 April 2019. That answer explained that data prior to 2014 was not readily available. The reason being that the Law Officers' Department adopted a document management system in 2014 which holds complete records in respect of prosecutions presented by the Department. The answer provided information from 2014 to the present date.

Following the tabling of the answer Deputy Higgins has requested further information in relation to offences from 1986 to 2013. Neither the Law Officers' Department nor the States of Jersey Police hold sufficiently complete information to provide data for years prior to 2008.

However, data for the period 2008 to 2014 is held by the States of Jersey Police. Their data is recorded in accordance with the Home Office counting rules, which requires the data to be referenced to the victim of a crime rather than the defendant of a crime. This often leads to cases being recorded multiple times on the police system which would only appear once in Law Officers' data. Law Officers' data is recorded against the defendant. Consequently, the data held by the States of Jersey Police is not held in a form which allows a comparison with data previously provided for the years 2014 – present.

Consequently, the data held by the States of Jersey Police for the period from 2008 to 2013 will be analysed by the Law Officers' Department in order to provide accurate data which will provide the information in the same format as contained in the first tabled answer.

To manually analyse the police data to convert it into a comparable format to that previously provided is a significant task that requires a suitably qualified legal adviser to undertake the analysis. Resources are being sourced and the data will be provided as soon as the analysis and conversion is complete.

## **2.2 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE PRODUCTION OF GUIDELINES FOR JÈRRIAIS TO BE INCORPORATED INTO OFFICIAL SIGNAGE AND LETTER HEADINGS: (WQ.246/2019)**

### **Question**

Following the adoption of 'Jèrriais: promotion by the Public Sector' (P.143/2018), as amended, will the Chief Minister provide an update on the implementation of Part 2(b) of the proposition, namely that, within 4 months, the Council of Ministers would produce guidelines for Jèrriais to be incorporated into all official signage and letter headings produced and used by the public sector in Jersey; and if Part 2(b) has not been implemented, will the Chief Minister explain why not, given that the deadline of 4 months has passed?

## **Answer**

A draft set of guidelines is being circulated to the Council of Ministers, and the Deputy, in advance of publication, which expected during the week commencing 17<sup>th</sup> June (the 4 month period elapsed on 12<sup>th</sup> June, which was not quite met as final internal checks were being performed before publishing).

In the meantime, we have been quietly adopting the use of Jèrriais, including in relation to new signage, letterheads, and business cards, seeking to reflect the principles agreed by the Assembly, and setting an example for other organisations on the importance of Jèrriais as a component of our unique culture.

### **2.3 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE EXTENSION OF POLICY UNDERPINNING THE USE OF JÈRRIAIS TO THE COURTS AND BODIES WHOLLY OR PARTIALLY OWNED BY THE STATES OF JERSEY: (WQ.248/2019)**

#### **Question**

Following the adoption of ‘Jèrriais: promotion by the Public Sector’ (P.143/2018), as amended, will the Chief Minister explain when, and how, communication was undertaken with the relevant bodies to ensure implementation of Part 2(d) of the proposition, namely that, in so far as was reasonably practicable, the policy arising from the adoption of P.143/2019 should also extend to the courts and those bodies wholly or partly owned by the States or in receipt of States funding, with implementation plans to be included in their next annual reports?

#### **Answer**

As Chief Minister I am finalising guidelines for the adoption of Jèrriais in our official signage and letter heads, and those of our arms-length organisations, and in the meantime, we have been adopting the principles agreed by the Assembly, increasingly using Jèrriais.

However, government does not hold, and nor should it assume, responsibility for directing or encouraging the courts to adopt decisions of the Assembly. That is a matter for them, and the institutions of the Assembly. Similarly, part- or wholly-owned entities, and bodies that we fund, are not under our direction in terms of their branding and signage.

However, once our guidelines have been completed, I am perfectly content for the relevant parts of Government, (including our shareholder function), to promote our new guidelines with these entities. Indeed, we would encourage all companies and organisations to consider the use of Jèrriais.

### **2.4 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE SAVINGS ACHIEVED THROUGH THE PROCESS OF APPOINTMENTS TO TIERS 1 AND 2 IN THE PUBLIC SECTOR: (WQ.249/2019)**

#### **Question**

Will the Minister state what annual savings, if any, have been achieved as a result of the appointments which have been made at Tiers 1 and 2 of the public sector, breaking down any such savings by department?

#### **Answer**

The target for the top two tiers of the senior leadership team was a reduction from 66 posts to 40. The ‘One Gov’ vision involved reducing the upper levels of government and the Minister understands

that this is being achieved. However as each area progresses through a proper consultation process there is a potential for the final number to differ. The various areas of the organisation are at different points of their consultation process and until that due process has completed the final numbers will not be known.

The Government of Jersey restructuring reorganises public services to better join up and integrate how services are delivered to Islanders. The organisational structure of Government is being modernised and departmental responsibilities changed to deliver a modern way of working. Costs and savings at a departmental level are not comparable. Some new departments have been created and some departments no longer exist in their previous form.

**2.5 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING DEPARTMENTAL EXPENDITURE AS OF THE END OF APRIL 2019: (WQ.250/2019)**

**Question**

Will the Minister provide, for each department, their expenditure as of the end of April 2019, alongside the budget allocation and expenditure forecast for each department for the full year; and will the Minister explain what approach she plans to take in respect of anticipated overspends and underspends at the end of the year?

**Answer**

The newly debated Public Finances Law provides for a half yearly report on certain aspects of the Government Finances to be made public. The Minister has asked that this be extended to include the information requested by this question. This will be a significant step forward improving financial transparency, as currently only the full year figures are reported publically. Although the law is not yet in place, the Minister has asked Officers to honour the intent of this commitment to publish the results of departments for the first half of this year.

This will provide States Members and Members of the public with high level details of Net Revenue expenditure of Departments and the forecast for the remainder of the year and explanations of material variances, as well as forecasts for general revenues income.

**2.6 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE EMPLOYMENT OF PEOPLE IN THE PUBLIC SECTOR ON AN INTERIM BASIS: (WQ.251/2019)**

**Question**

Will the Chairman advise –

- (a) how many people employed on an interim basis in the public sector, if any, are still so employed;
- (b) what the pay scales are of any such people;
- (c) how long any such people have been employed and when it is anticipated they will cease to be so employed;
- (d) how many Directors General and Directors, if any, have been employed on a permanent basis having initially been employed on an interim basis; and
- (e) whether he plans for there to be any further such interim appointments at lower levels of the public sector?

## Answer

- a) 10, compared to 33 at the start of 2019. Interim numbers fluctuate based on need but it is of note that the current interim no's are less than in earlier years for example 2012 and 2017 which were 26 and 37 respectively. Interims are defined as those employed on salaries worth in excess of £100,000 (or equivalent pro-rata) per annum.
- b) Each role has an individually negotiated day rate which is not part of a standard pay scale. The rates range from £550 per day to £1100 per day
- c) The length of service range of the interim employees is from one month to sixteen months
- d) One individual moved from interim to Director General after full participation in the recruitment process overseen by the Jersey Appointments Commission – Director General Children, Young People, Education and Skills.
- e) Interim roles may be used at any level in the organisation if business and /or skill need merit the hiring of short term resource. Interims, as well as other individuals, are key to delivering some of the savings outcomes that we are using to inform the efficiency programme, which is seeking to meet the projected deficit at the beginning of 2020 of £30 million. The use of some of those individuals is contributing to the overall savings target of £30 million to £40 million and that will more than dwarf the investment in their services.

*NOTE: A response highlighting the total expenditure on each contracted or interim appointee used by the Government over the past 18 months is being prepared for release as part of the response to WQ.233/2019. This is being developed with a view to being made publically available by the close of the States sitting commencing on the 16th July.*

## **2.7 THE CONNÉTABLE OF ST. MARTIN OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE PARTNERSHIP WITH ZTE IN RELATION TO JERSEY'S MOBILE NETWORK: (WQ.252/2019)**

### Question

In light of the warning from the National Cyber Security Centre to U.K. telecoms operators against using ZTE hardware (citing potential risks to the U.K.'s national security), the current debate in the U.K. regarding the prospective access by Huawei to the mobile network, and the recommendations of the U.S. House of Representatives Permanent Select Committee in Intelligence regarding ZTE, will the Minister advise –

- (a) whether it is his assessment that it is appropriate for the partnership with ZTE to remain in place and, if so, why; and
- (b) whether measures and mitigations are in place to secure against Jersey's network being compromised?

### Answer

The security and resilience of the Island's infrastructure including the digital infrastructure is a matter of the highest priority for government.

On matters related to telecoms security the Government of Jersey liaises closely with the relevant authorities in the UK. The Department of Digital, Culture, Media and Sport (DCMS) is currently conducting a review of the supply chain of the UK's telecoms infrastructure operators, which will include an assessment of economic and technical matters, sector intelligence and international

engagement. The review is to include a focus on security and resilience matters, as well as the quality, availability and long-term cost of telecoms equipment for fixed and mobile operators. The findings of this review are expected to be published in due course.

Until such time as this review is complete and the results comprehensively assessed, it would be entirely wrong to speculate on the potential outcome of the DCMS review or its impact on Jersey and specifically the use of ZTE equipment or the use of equipment from other Chinese suppliers.

In the meantime, my department is in regular contact with the National Cyber Security Centre (NCSC) and the DCMS and regularly provides updates on network security, network structure and the network supply chain. Telecoms operators in Jersey are also in regular contact with the NCSC to ensure they are aware of the latest guidance.

The advice that I have received from my officers, in particular in relation to 5G services is that while Jersey should continue to plan for the delivery of 5G services, it is important that the Government of Jersey understands the positions and intent of our closest and most important allies. Ensuring appropriate levels of security and resilience will be critical to any future rollout of 5G in Jersey.

Both ZTE and Huawei are suppliers to telecom operators in Jersey and it is the responsibility of those operators to ensure they are satisfied in terms of the supply and security of that equipment. That being the case, there is no reason at this point to require operators to stop using either of the suppliers in question and I am currently satisfied with the measures and mitigations in place to secure against the networks being compromised although it would be inappropriate to comment publicly on the full extent of the measures in place.

However, I am aware that this is a complex and fast moving area internationally and I will continue to monitor the matter closely.

## **2.8 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE MATERNITY VOICES PARTNERSHIP: (WQ.254/2019)**

### **Question**

Further to his response to Written Question 161/2019, will the Minister advise whether the Maternity Voices Partnership has been set up or, if not, when it will be set up; and will he explain what terms of reference are to be used by the Partnership and what outcomes it is predicted will arise from the Partnership's work?

### **Answer**

The interim Head of Midwifery plans to introduce a Maternity Voices Partnership Group in the next few months once the Women Children and Family Care Group within Health and Community Services is fully established.

The terms of reference of the Maternity Voices Partnership Group are yet to be determined. However, as the purpose of this Group will be to contribute to the development of the island's maternity services, the terms of reference are likely to reflect those of the previous very successful Maternity Services Liaison Committee (MSLC).

The MSLC's membership was made up of midwifery staff, a representative of the National Childbirth Trust, a member of the public and an Obstetric Consultant. Issues discussed at these meetings included breast feeding (which contributed towards the Breast Feeding Initiative), the topic of 'do not disturb' within the Special Baby Care Unit (which is now an established part of the handover in that area) and the need for women and partners after a birth to have 'debriefs' (which has resulted in successful 'listening clinics' being set up).

It is envisaged that the new Group's membership will be similar to that of the previous committee, but including more service users. The Group will be more involved in implementing the developments in maternity care in general and in major projects such as the planned refurbishment of the maternity unit.

## **2.9 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE REGISTRATION OF STATES-OWNED SITES AS OUTDOOR WEDDING LOCATIONS: (WQ.255/2019)**

### **Question**

Will the Minister advise –

- (a) which areas of States-owned land have either been registered, or are planned to be registered, as outdoor wedding locations;
- (b) what factors are being taken into account as part of the process of determining which locations to register;
- (c) what the timescale is for this work, including the expected completion date; and
- (d) what level of fees it is expected will be charged for each location?

### **Answer**

- (a) The Superintendent Registrar's office, in conjunction with GHE, is currently looking at the Island's beaches and parks to identify a number of outdoor locations which could, subject to approval from the relevant Constable and the Economic Development Minister, be registered by Superintendent Registrar for the solemnization of marriage.
- (b) The following factors are being taken into consideration:
  - outlook
  - tidal considerations
  - distance from established commercial activity (beach concessions etc.) in order not to interfere with trade
  - distance for popular beach areas which have high levels of usage, so as not to interfere with other beach users
  - distance from areas which may create potential bottlenecks, such as slips, stairways etc. whilst also ensuring people attending weddings can access the wedding location
  - distance from beach side residential property
- (c) It is anticipated that a list of beach locations will be ready for consideration by the relevant Constable and the Minister by the end of July 2019. Proposals for park location will ready by mid-September 2019.
- (d) Fees associated with the approval of location: Under the Marriage and Civil Status (Jersey) Order 2018, the Constable may charge £400 for each location approved in their Parish for solemnization of all weddings. It will be a decision of the Constable as to whether they waive that fee.

Fees associated with use of those locations: Fees have yet to be determined, although it is anticipated that fees will be levied to cover costs by the Superintendent Registrar in the administration of approved GoJ owned outdoor locations. This is in accordance with a decision of the States Assembly (2017 – 2019 Medium Term Financial Plan) that Office of the Superintendent Registrar is to be self-



funding. Furthermore the Economic Development Minister may also determine that fees should be levied for the use of public beaches for marriage ceremonies.

**2.10 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROVISION OF CONTINUOUS GLUCOSE MONITORS TO PATIENTS WITH TYPE 1 DIABETES: (WQ.256/2019)**

**Question**

Will the Minister make funding available in order for patients with Type 1 diabetes to have access to Continuous Glucose Monitors (CGMs) such as Freestyle Libre or Dexcom, as requested by those who signed the e-petition entitled 'Provide CGM devices and insulin pumps on prescription to all Type 1 diabetics'; and will he ensure that children with Type 1 diabetes are offered insulin pumps, as is currently the case for adults?

**Answer**

FGM and Continuous Glucose Monitoring (CGM) [also known as Dexcom] are not the same.

The Diabetes Service offers access to FreeStyle Libre® FlashGlucose monitoring (FGM) to those persons with Type 1 diabetes. Eligibility for FGM is based on set criteria (in line with published guidelines by NHS England). In adults, the cost of consumables is paid for by the user. In children, funding is through Diabetes Jersey.

FGM differs in that it has greater good quality evidence for reducing duration of low glucose, does not routinely require calibration finger prick glucose testing and is also considerably less expensive. Using a device such as FGM can be cost neutral when compared to the cost of finger prick testing strips. The cost of FGM is approximately £1,200 per year per person.

Compared with FGM, CGM provides alarms to the patient when their glucose is low or is falling quickly. For this reason, CGM is recommended over FGM in select clinical scenarios only. The current cost per year per child for CGM is £2,650. Diabetes Jersey is providing funding for those children on CGM.

The Diabetes Centre does not offer insulin pumps to adults for free; individuals have to pay a reduced yearly charge. Presently we have no children on insulin pump therapy.

Health and Community Services is currently developing an island-wide strategy for the diabetes service in Jersey. This strategy aims to set out a business case for investment in the service that improves the lives for all those with diabetes, including better access to relevant devices/consumables. Officers are working with Diabetes Jersey and local primary care practitioners to understand patient needs and to improve the service offered to people with diabetes. If new technologies are to be made available at public expense, it is important that criteria are developed so that funding can be directed at those for whom investment will have most clinical benefit.

**2.11 DEPUTY R.J. WARD OF ST. HELIER OF THE CHIEF MINISTER REGARDING GOVERNMENT EXPENDITURE ON WEBSITES, CLOUD-BASED WEB SERVICES AND ONLINE SERVICES: (WQ.257/2019)**

**Question**

Will the Chief Minister advise –

- (a) how much has been spent across government (with a breakdown by department) on websites, cloud-based web services and putting services online in each of the past five years; and

- (b) what the return on this investment has been so far, and what the projected costs and benefits are over the next five years?

**Answer**

We are unable to accurately answer this question within the timeframe available, but will follow up with the fullest possible answer in due course.

The Modernisation and Digital team would be happy to work with Deputy Ward to share information on this matter.

**2.12 DEPUTY R.J. WARD OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE COSTS OF THE YOTI DIGITAL IDENTIFICATION PROJECT AND THE INCOME COLLECTION AND RECONCILIATION SYSTEM: (WQ.258/2019)**

**Question**

In relation to customers' interaction with government services, will the Chief Minister advise –

- (a) what the total cost of the digital ID project and implementing Yoti has been to date and what the ongoing cost will be;
- (b) how many government services are currently using Yoti;
- (c) how many people have accessed government services using Yoti;
- (d) whether the implementation of the Income Collection and Reconciliation (ICAR) system has been completed and rolled out across all departments;
- (e) what the total cost of the ICAR project and implementing the ICAR system has been; and

what the benefits of the ICAR system have been to date and what the anticipated expenditure and benefits of the ICAR system over the next five years are?

**Answer**

- (a) The spend to end 2018 was £940,868 and spend in 2019 to end May was £54,125, representing a total of £994,993. The remaining budget for 2019 is £295,875

The budget for ongoing costs will be set through the Government Plan process.

- (b) Yoti can be used to register an account with the government portal (one.gov.je). This was launched to beta in February 2019. This will be promoted when services are available through the portal.

It is planned that online services, using Yoti, will be made available this summer including application for a registration card, change of contact details and a Driver and Vehicle Standards (DVS) data record update.

Further services are planned for launch during 2019 and Yoti remains the strategic partner for digital identity. We also continue to work with Yoti and the private sector to develop services that support the uptake of digital identification in Jersey.

- (c) There are a little over 500 customers who have accessed the one.gov.je beta site using Yoti (since February). They will have access to the 125 online services already available with additional functionality (forms are prepopulated with customer details and a transaction history is available).

- (d) The Income Collection and Reconciliation System (ICAR) was implemented in November 2018 and is being used for the collection of tax, social security and invoiced income across all Departments.

In May 2019, the ICAR system was used to:-

- process over £60 million of governmental income;
- collect payments at 2,800 customer visits to Customer & Local Services;
- enable over 1,200 customers to pay for government services via EForms on gov.je
- process 5,000 payments made by our customers directly into Government of Jersey bank accounts.

(e) The total cost of the ICAR project and system to date has been £340,000, of which £200,000 was funded by EGov.

(f) The ICAR project has delivered a corporate platform for the collection of governmental income whether received via digital channels, directly into the bank account or in-person at Customer & Local Services One Front Door. It has delivered efficiencies in the back-office administration of digital payments, reductions in card transaction costs, supported channel shift away from cash and cheques to cheaper digital channels and enabled Eforms for the payment of government services to be set up more quickly. We will provide an update on the monetary benefits in due course, which it has not been possible to quantify in the time-frame available. The project is an enabler for the delivery of the Government's vision for digital services over the next 5 years and beyond.

The annual costs of the ICAR system which is used across Government for the collection of income are expected to be around £100,000 per annum

### **2.13 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE FUNDING PROVIDED TO LOCATE JERSEY AND JERSEY FINANCE LIMITED: (WQ.259/2019)**

#### **Question**

What is the total amount of States funding (including any form of grant or award of moneys) over the last 4 years provided to –

- (a) Locate Jersey; and
- (b) Jersey Finance Limited?

#### **Answer**

The total cost of running Locate Jersey between 2015 and 2018 was £3,124,831. Locate Jersey is a dedicated team integral to Economic and Partnerships within GHE (previously within the Economic Development, Tourism, Sport and Culture Department). As it is not an external or Arm's Length Body the costs are not actually grant payments but staff and non-staff costs within the Government of Jersey.

The Locate team are tasked with encouraging and assisting appropriate high value/low footprint businesses and High Net Worth individuals to establish and relocate to the Island. The team focus on three areas:

1. the promotion of Jersey as a place to live and do business;
2. facilitation of the application process for relocating businesses and individuals; and
3. Aftercare services.

Locate Jersey supports the Government of Jersey's "Future Jersey" vision for economic growth and investment into Jersey and in 2018 attributed to 18 business being established and 29 High Value Residency relocations contributing to £4.5m of Stamp Duty paid on £83.5m of high value property

sales. Locate take the lead role for inward investment activity and work in partnership with the main delivery partners, Jersey Finance and Digital Jersey, to meet Government's strategic objectives in those sectors, ensuring best value in use of Government resources and providing a seamless process from lead-generation through to establishment.

The total of grant payments made to Jersey Finance Limited ("JFL") between 2015 and 2018 was £20,570,600. It has been a long-standing Government priority to develop and grow a vibrant financial services sector amidst a competitive, global environment. This sector provides attractive and rewarding employment opportunities and contributes substantially to Government tax receipts and island prosperity. Government pays a targeted and well-supervised grant to JFL who, in turn, execute a work programme designed to market the sector internationally, promote understanding and ensure that Jersey captures a growing share of this internationally mobile services sector. The finance sector contributed 40% of Jersey's Gross Value Added (GVA) in 2017, a sum of £1.7bn, record employment level of 13,760 staff, 23% of the Jersey labour market, at 31st December 2018 with average weekly earnings almost 1/3 higher than the average of all sectors.

## **2.14 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE ANTICIPATED YIELD FROM INCREASES TO PARKING CHARGES: (WQ.260/2019)**

### **Question**

What is the projected yearly income of increasing parking charges by the following rates per hour (p/h)?

- (a) 5p p/h increase;
- (b) 10p p/h increase;
- (c) 15p p/h increase; and
- (d) 20p p/h increase.

### **Answer**

The expected increase in income p/h

- |                           |            |
|---------------------------|------------|
| (a) 5p p/h increase;      | £ 375,000  |
| (b) 10p p/h increase;     | £ 700,000  |
| (c) 15p p/h increase; and | £1,000,000 |
| (d) 20p p/h increase.     | £1,200,000 |

We do not have good data for the price sensitivity of customers of States of Jersey Car Parks in relation to above RPI(Y) increases. It is expected that if significant price rises were introduced then demand would decrease, potentially increasing demand for alternatives such as increased bus ridership and potential for additional costs within the contract, should a step change in provision of services be required.

The above figures assumed a drop off in demand as unit prices increase, however, it is unknown whether these projections would reflect the actual position should the price increases shown be implemented at once. There could also be a change in usage patterns, as a one hour stay may be less price sensitive than an all day parking session.

**2.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE RECIPIENTS OF INCOME SUPPORT WITH NO OTHER INCOME: (WQ.261/2019)**

**Question**

Further to the answer to Written Question 244/2019 on 4th June 2019, will the Minister give the breakdown of the figure of 88% of households on Income Support with their own income to show those with pension income, Long-Term Incapacity Allowance (L.T.I.A.), maintenance and earned income?

Given that the cost of living in Jersey, as measured by RPI, has increased by 32% over the period December 2007 to December 2018, is it the Minister's assessment that the increases in most Income Support components, which have not matched that increase in RPI, have left those households with no other income aside from Income Support worse off over this period and, if not, will she explain why not?

Further, will she explain whether the increases proposed this year in P.56/2019, namely to share the increase between components and disregards, will leave those without other income further behind RPI increases; and how such a measure is consistent with the priorities of the Common Strategic Policy to reduce income inequality?

**Answer**

Written Question 244/2019 confirmed that in round figures, 5,000 out of 5,700 income support claimants had at least one income source of their own at the end of 2018.

The breakdown of these income streams as at 31/12/2018 is as follows:

<b>Household Type</b>	<b>Households with Earned income</b>	<b>Households with Pension income</b>	<b>Households with Maintenance income</b>	<b>Households with INV/LTIA income</b>	<b>Households with Other income</b>
<b>65+</b>	<b>85</b>	<b>1730</b>	<b>9</b>	<b>64</b>	<b>67</b>
<b>Adult/s without children</b>	<b>725</b>	<b>117</b>	<b>61</b>	<b>860</b>	<b>139</b>
<b>Adults with Child/ren</b>	<b>743</b>	<b>10</b>	<b>122</b>	<b>144</b>	<b>72</b>
<b>Single adult with child/ren</b>	<b>648</b>	<b>14</b>	<b>535</b>	<b>125</b>	<b>75</b>

Note that some households have more than one source of income.

As set out in the response to question 244, the income support system is based on a balance between components, the income of claimants and the disregard applied to that income. There have been significant changes in all three of these areas over the last 11 years.

The number of claimants wholly reliant on income support with no income of their own, has decreased substantially from 32% to 12%. In the system today there are far fewer households who are fully reliant on income support components.

Housing components have risen well above the increase in the RPI index over this time to reflect the extra investment in housing from 2014 onwards. In 2014 25% of tenants in States housing lived in

properties that did not meet the Decent Homes Standard. Today, 97% of homes meet the Decent Homes Standard and by 2020 there will be no Andium tenant living in housing that falls below this level.

Over the 11 year period, the government has been constrained in the amount of public spending available as the island has been affected by and recovered from a global recession. Decisions have been taken each year to allocate taxpayers money to priority areas. I acknowledge that on a component by component basis, not every individual component has been increased by RPI every year, but I am confident that the overall allocation of public money to the income support scheme over this period has been undertaken as fairly as possible and in such a way to encourage people to move towards financial independence.

The package of income support changes is wholly in line with the priorities of the Common Strategic Policy, in particular:

- We will put children first. We will do this by protecting and supporting children, by improving their educational outcomes and by involving and engaging children in decisions that affect their everyday lives.
- We will reduce income inequality and improve the standard of living. We will do this by improving the quality and affordability of housing, improving social inclusion, and by removing barriers to and at work.

My proposals for 2019 are designed to help all households receiving Income Support, but will give extra help to households with children. We are also working to improve the standard of living and reduce barriers to work by improving the financial incentives for households to increase their own income. Our continued investment in housing is driving up quality standards.

## **2.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING WAITING TIMES FOR OPHTHALMOLOGY SERVICES: (WQ.262/2019)**

### **Question**

Given the published average hospital waiting times for ophthalmology of 6 weeks, will the Minister explain whether some people have had to wait for more than 12 weeks for a simple cataract operation and, if so, why; and will he breakdown the 'average' waiting times into average waiting times for emergency procedures and routine ones?

### **Answer**

An average is a number expressing a *typical* value in a set of data. In this case the average is the mean value, which is calculated by dividing the sum of the waiting times by the number of patients seen. Some patients will have shorter waits and others will have longer waits.

Patients seen for a first outpatient appointment in ophthalmology in March 2019 had waited an average (mean) of 6 weeks from referral. This varied between a minimum of 0 weeks and a maximum of 49 weeks.

Patients waiting for an inpatient/daycare procedure are categorised as Urgent, Soon or Routine according to the clinical priority. The table below shows the average (mean) time patients waited for admission to Jersey General Hospital (JGH) for a procedure in ophthalmology in the last 13 months (May 2018 to May 2019) as well as the minimum and maximum waiting times in that time period.

### **Waiting Times for Inpatient Procedure in Ophthalmology, Patients Admitted to JGH May 2018 – May 2019**

<b>Clinician Priority</b>	<b>Average Wait (mean) (Weeks)</b>	<b>Minimum Wait (Weeks)</b>	<b>Maximum Wait (Weeks)</b>
Routine	18	2	48
Soon	8	0	31
Urgent	4	0	33

Variation in waiting times is due to a number of factors, including but not limited to:

- Clinical priority
- Number of referrals (demand)
- Number of operating slots available (supply)
- Patients cancelling or not attending their appointments.

**2.17 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE MEASURES TAKEN TO ENSURE THAT HEALTH PROFESSIONALS ARE ADEQUATELY QUALIFIED: (WQ.263/2019)**

**Question**

What measures, if any, are either currently in place or have been considered to ensure that health professionals are adequately qualified to treat patients in the private sector in areas such as counselling, acupuncture and nutrition?

**Answer**

The measures in place vary depending on the service provided.

The Piercing and Tattooing (Jersey) Law 2002 requires any person who is practising acupuncture in Jersey to be registered with the Jersey Care Commission. The Commission independently inspects and regulates both the practitioner and their premises (this also applies to other forms of skin piercing such as tattooing and ear piercing).

Counselling and nutrition services are not independently regulated in Jersey. Practitioners may choose to register with a professional body which applies membership/accreditation criteria relating to formal training, types of qualification, codes of ethical conduct etc. (for example, the British Association for Counselling & Psychotherapy or Voluntary Register of Nutritionists). Membership of these bodies is voluntary however, and only provides for a regime of self-regulation as opposed to independent regulation. This is in common with the UK.

Work has commenced on the development of a new professional registration law which will replace various existing registration laws (for example, the Medical Practitioners (Registration) Jersey Law 1960). The first phase of this work will bring forward standardised registration processes for professionals already required in law to be registered in Jersey (for example: nurses, social workers, dentists).

Work will then commence on considering whether other practitioners/service providers should also be required to register in Jersey in order to practice in Jersey, and associated registration requirements. It is envisaged that this work, which will be undertaken in partnership with Guernsey, will commence in four to five years' time once regulations have been developed under the Regulation

of Care (Jersey) Law 2014 providing the independent Jersey Care Commission with powers to regulate higher risk health and social care services.

Health and Social Care professionals currently registered in Jersey include:

Doctors
Dental Care Professionals including: <ul style="list-style-type: none"><li>• Clinical dental technician</li><li>• Dental hygienist</li><li>• Dental nurse</li><li>• Dental technician</li><li>• Dental therapist</li><li>• Orthodontic therapist</li></ul>
Dentists
Opticians
Pharmacists
Pharmacy technicians
Ambulance paramedic
Art therapist
Biomedical scientist
Chiropodist
Chiropractor
Clinical psychologist
Clinical scientist
Dietitian
Midwife
Midwife prescribing practitioner
Nurse
Nurse prescribing practitioner
Occupational therapist
Operating department practitioner
Orthoptist
Osteopath
Physiotherapist
Podiatrist



Psychotherapist
Radiographer
Social worker
Specialist community public health nurse
Specialist community public health nurse prescribing practitioner
Speech and language therapist

**2.18 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE NUMBER OF PEOPLE DIAGNOSED WITH AUTISM: (WQ.264/2019)**

**Question**

Will the Minister provide a breakdown of the number of adults and children currently diagnosed with autism, indicating their ages; the level of severity; whether they are living independently; the level of care / intervention that is currently in place; whether they are being cared for by family or carers or neither; and will the Minister explain what support services are provided for them and their carers?

**Answer**

**The provision of support to children with Autism and their families**

There are two main pathways through which a **child** in Jersey would receive a diagnosis of Autism. These are the Autism and Social Communication (ASC) Clinic for children aged 5 to 18 and the Early Years Social Communication (EYSC) pathway for pre-school children.

The total number of children that received a diagnosis of Autism via ASC (since 2009) and EYSC (since 2014) is 191.

The breakdown of this across each calendar year is as follows:

2019 to the present date = 18

2018 = 30

2017 = 32

2016 = 25

2015 = 21

2014 = 10

2013 = 11

2012 = 14

2011 = 16

2010 = 7

2009 = 7

Total = 191

The age of each of these children at the time they were diagnosed can be provided if this is required and the Education Department's inclusion register may provide a further source of information. There is, however, no database held by Health and Community Services which documents the total number of autistic children in the island and their current age. There is also no available information

on the level of support all autistic children on the island are receiving. We do know the number of children with Autism who are in the Government of Jersey's care but the low number means it is not appropriate to report back on this as it could make individual children and their families identifiable. The number is less than 5.

The Government of Jersey launched the Children with Disabilities Register in 2017, which is voluntary. Families who sign up receive a Max Card which offers discounts with several local organisations and 3,000 UK organisations. A newsletter is also sent to families which contains information about activities and events. A Children with Disabilities Directory is available for families to download from gov.je in addition to the Jersey Online Directory. The following link can be copied and pasted into a search engine in order to access a leaflet for this service:

<https://soj/depts/HSS/Registered%20Documents/ID%20Children%20with%20Disabilities%20Register.pdf#search=children%20with%20disabilities%20register>

The concept of “*severity*” is difficult to define, quantify and therefore to report upon. As an example of this, an autistic child may be very academically able but may have their quality of life much more significantly impaired (possibly by higher levels of social anxiety) than an academically less able peer. Different ways of defining the term could therefore see either child as being more *severely* affected by their diagnosis of Autism. In terms of the most recent diagnostic criteria, it should be highlighted that the single diagnostic term of Autism is now used. Other previously used terms such as Aspergers are no longer recommended as distinct criteria of Autism when establishing a diagnosis.

Modern services such as those provided on-island involve individualised care packages that look to assess and meet the needs of a particular child and their family. This is often built around Team Around the Child (TAC) principles that involve deciding which key professionals are needed to work alongside parents/carers as the members of an individual child's TAC. Support for pre-school children is co-ordinated through the Child Development and Therapy Centre's Early Years Pathway. For school age children, support may be co-ordinated by school, an Early Help assessment and plan or a Social Work assessment and plan according to the complexity of need. In addition to the aforementioned short breaks (respite), this could include (but wouldn't be limited to) support with a child's communication, feeding, behaviour, sensory needs, education or social inclusion. Provision in these important areas could be through working with a child and whoever is supporting them in whichever settings they access (i.e. home, nursery/school or the community). Evidence-based training programs are also provided for some parents.

### **Adults with autism**

The number of adults currently with a diagnosis of Autism is 88. We have not at this point got details on age, although individuals are between 18 and 60 years. When the question is asked about severity it is irrelevant as the diagnostic assessment focuses on whether the person has Autism or not.

While our diagnostic process concentrates on one question only – do they or don't they have Autism – it would, however, be quite common in our recommendations to signpost people onto social work for an assessment of need. This assessment would then source information relevant to their living arrangements family input etc.

Support that we offer for individuals that receive a diagnosis is as follows:

1. A six-week course for anyone that receives a diagnosis (there is a focus on what the diagnosis means for them, exploring the disorder further, and meeting others with the diagnosis etc.)
2. A drop-in advice service every Tuesday afternoon. This consists of an organised schedule of groups targeted at common challenges for individuals with Autism. There is also a service for parents and carers who can pop in for advice regarding personal situations.
3. As a consultative service, we offer advice to parents and carers in relation to Autism.

**2.19 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE LABELLING OF PRODUCTS CONTAINING PALM OIL: (WQ.265/2019)**

**Question**

Further to the recent States' agreement that there exists a climate change emergency and the Assembly's decision to work to reduce carbon emissions, and in light of the impact of the palm oil industry on deforestation, will the Minister consider introducing requirements for clear labelling in Jersey of all products containing palm oil?

**Answer**

The Assistant Minister (Deputy Tadier) and I are both very supportive of (i) Unsustainably sourced palm oil consumption and usage being phased out and (ii) consumers continuing to be able to make informed choices, generally, including when it comes to products that contain palm oil. We would be happy to meet with Deputy Alves to discuss this matter further. In the meantime, the current position is as follows:

The majority of goods in the Island are imported from within the European Union (EU). Within the EU, pre-packaged food has to contain lists of ingredients. Palm oil is a very productive crop meaning anything replacing it would have to use more land. Instead of banning it, the EU want to ensure sources are ethical and sustainable. Following the introduction of EU legislation on food information to consumers, 'palm oil' should now be indicated and not described under more generic titles such as 'vegetable oil'.

Responsibility for food labelling rests with Environmental Health and the Minister for the Environment. An update to the Food Safety (Jersey) Law 1966 is currently being drafted. It is envisaged that any subordinate legislation would reflect the EU position. There is currently no intention to introduce Jersey legislation that goes beyond any EU position as it would severely restrict imports and therefore significantly reduce consumer choice.

**2.20 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE INFORMATION COLLECTED BY THE GOVERNMENT OF JERSEY IN RESPECT OF ANIMAL VACCINATIONS: (WQ.266/2019)**

**Question**

Further to the response to Written Question 225/2019, in which the Minister stated that "*there is no requirement for authorised vets to notify the Government of Jersey of the blood tests carried out or the results of any tests*", will the Minister state what records or information, if any, are currently collected by the Government from authorised vets regarding animal vaccinations, vaccine reactions and diseases?

**Answer**

The Government of Jersey (Government) collects the following data on animal vaccinations from authorised vets:

**1. Notifiable Diseases** (e.g.: Bluetongue, Foot and Mouth, Avian Influenza)

Notifiable diseases have economic consequences and need to be controlled. These must be reported to the States of Jersey. In the last 10 years there have been 2 incidents of currently notifiable disease on the island, Koi Herpes virus in carp and American Foulbrood in honey bees. Most animal diseases are not notifiable and are dealt with by private vets, consequently no central records are required for these other diseases.

Government holds vaccination data where the States of Jersey has decided that in order to protect the local herd or flock that vaccination is required in the face of a notifiable disease.

There have been no recent such Government vaccination programmes. The last was from 2008- 2010 for Bluetongue and the vaccines were supplied with full cost recovery from the end users.

## 2. Vaccine Reactions

Vets should report any adverse veterinary medicine reaction the UK Veterinary Medicines Directorate ([VMD](#)). The VMD process would produce an annual report to States of Jersey for any report relevant to Jersey. There are no cases on file for the last 5 years.

### 2.21 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING REPORTS OF HATE CRIME OVER THE LAST 3 YEARS: (WQ.267/2019)

#### Question

Will the Minister provide an overview of the number of reports of hate crime over the last 3 years, indicating the basis on which each report was made (i.e. in respect of race, religion, sexual orientation, disability, nationality etc.); how many related to the workplace, to private households or to public spaces; the ages of those against whom complaints were brought; and how many reports resulted in prosecution?

#### Answer

Victim-based hate crimes	Racial	Homophobic	Transgender	Disability	Faith	Total
2016	19 (5)	6 (1)	1	2	1	29 (6)
2017	15 (4)	2	1	1	1	20 (4)
2018	22 (10)	4 (1)	4 (3)	2	2 (1)	34 (15)
2019	8 (1)	8	0	0	1	17 (1)
<b>Grand Total</b>	<b>64 (20)</b>	<b>20 (2)</b>	<b>6 (3)</b>	<b>5</b>	<b>5 (1)</b>	<b>100 (26)</b>

*Figures in brackets are the number of offences that resulted in Court or PHE appearances*

Victim-based hate crimes	Street	Workplace	Dwelling	Licensed premises	Online	Commercial premises	Community facility	Place of worship	Average age of suspect/offender
Racial	25	11	9	7	5	4	3		39
Homophobic	14	3		1	1		1		42
Faith	2							3	50
Disability	4					1			18
Transgender	2	4							37
<b>Grand Total</b>	<b>47</b>	<b>18</b>	<b>9</b>	<b>8</b>	<b>6</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>39</b>

### 2.22 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE STEPS TAKEN TO ENSURE THAT CONTAMINATED BLOOD IS NOT DONATED TO PATIENTS: (WQ.268/2019)

#### Question

What steps is the Minister's Department taking to ensure that contaminated blood is not donated to patients and, in particular, what changes to procedures in this area, if any, are being considered in light of the Infected Blood Inquiry being undertaken in the United Kingdom?

#### Answer

The matters before the UK Infected Blood Inquiry are primarily *historic* ones relating to concerns over the historic safety of the UK blood supply prior to 1992. The issues relate to an era in which neither HIV virus nor Hepatitis C virus had yet been discovered and a time when tests for these infections in donor blood had yet to be devised.

The relevant incremental changes in Jersey designed to safeguard the quality of the local Blood Supply have not waited until now for action, but have been securely in place for many years. The

Jersey Blood Service (JBS) has deployed new state-of-the-art techniques to protect the Jersey blood supply as soon as those techniques have become available, both before 1992 and since.

The JBS continues to be compliant with a very extensive list of blood safety procedures, protocols and regulations that for the sake of brevity are listed separately in the Appendix attached.

A rigorous external assessment of the JBS was undertaken in July 2018 by inspectors working for the UK Medicines and Healthcare products Regulatory Agency (MHRA). Their inspection report on the JBS was very positive. That evidence plus professional advice from the Chief Pharmacist informed a Ministerial Decision in October 2018 to re-license the JBS for a further 3 years within the framework of the Medicines (Jersey) Law 1995.

I am grateful to the Island's blood donors whose efforts and loyalty continue to allow the Island to be more than 95% self-sufficient in the provision of blood packs for Island patients. I am also grateful to the specialist scientific staff at the General Hospital who have been judged to have such high quality standards in this endeavour that they match the standards of much larger organisations including MHRA-regulated multinational pharmaceutical companies.

## **APPENDIX**

In order to manufacture blood packs for transfusion to patients, the Jersey Blood Service (JBS) is required to be licensed under the Medicines (Jersey) Law 1995. That licence is issued by the Health Minister provided that the Minister is satisfied, based on professional advice, that the procedures and quality management system (QMS) of the JBS meet EU/UK standards. These are the same standards that the MHRA as the statutory UK regulator applies to the Blood Centres of the UK National Health Service Blood and Tissue (NHSBT) service and to major pharmaceutical companies.

### **The EU, UK & Jersey Statutory Regulations**

Medicines (Jersey) Law 1995

EU Directive 2002/98/EC – Standards of Quality and Safety for the Collection, Testing, Processing, Storage and Distribution of Human Blood and Blood components.

Council of Europe Guide to the preparation, use and quality assurance of Blood Components (2004)

UK Statutory Instrument 2005/50 – The Blood Safety and Quality Regulations 2005

Guidelines for the Blood Transfusion Services in the United Kingdom 2013 8<sup>th</sup> Edition (Red Book)

Rules and Guidance for Pharmaceutical Manufacturers and Distributors 2017 (Orange Guide)

### **Quality Management system (QMS)**

The Jersey Blood Donor Service has evolved an appropriate QMS to maximise blood safety and to comply with the relevant regulations and best practices in transfusion medicine, including the principles of Good Laboratory Practice (GLP) and Good Manufacturing Practice (GMP). Dedicated IT software controls donor selection and each step of the blood pack production process.

The Donor Service QMS covers:-

- i) Initial criteria for accepting, re-accepting and barring candidate Jersey blood donors
- ii) Quarantining of blood packs post-donation, pending processing and quality assurance
- iii) Rigorous testing of each blood donation
- iv) Processing of blood packs post-donation to reduce the risk of vCJD\* infection
- v) Discarding all quarantined blood packs that fail any part of the Quality specification

## **Pre-donation Jersey Blood Donor medical screening and exclusion**

Prospective blood donors are assessed against current NHSBT Medical Assessment of Blood Donors guidance. A proportion of candidate blood donors is barred from donating due to concurrent medical conditions, concurrent medication or personal circumstances associated with higher risk of transfusion-transmitted infection including intravenous drug use.

Prospective blood donors with a foreign travel history within the past year are additionally assessed against the NHSBT geographical index for blood donor travel exclusions. These exclusions apply for appropriate periods of time after foreign travel to minimise the risk of transferring to patients transfusion-related illnesses acquired abroad such as Malaria, Trypanosomiasis, and/or viruses including Chikungunya, West Nile or Zika.

## **Laboratory testing of quarantined Jersey Donor Blood Packs**

Routine Hepatitis B testing of Jersey blood donors in place since the 1970s

Routine Syphilis testing of Jersey blood donors in place since the 1970s

Routine HIV testing for Jersey blood donors in place since 1986

Routine Hepatitis C testing for Jersey blood donors in place since 1992

Routine plasma-depletion of Jersey blood packs since 1998 - as a vCJD\* risk reduction step

Routine white cell depletion of Jersey blood packs around 2003 - as a vCJD\* risk reduction step

Routine testing of donors for atypical red cell alloantibodies

Manufacturing quality assurance – residual white cell counts following leuco-depletion filtration

Manufacturing quality assurance – testing on blood pack volume and red blood cell content

(\* ) **vCJD** = Variant Creutzfeldt-Jakob Disease as the human disease linked to the infectious prion agent found in cattle as Bovine Spongiform Encephalopathy (BSE)

## **2.23 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE GOVERNMENT-WIDE RECORDS MANAGEMENT PROGRAMME: (WQ. 269/2019)**

### **Question**

Further to the presentation of ‘Public Records (Jersey) Law 2002: Annual Report 2018 on the work of Jersey Heritage and the Archivist’ (R.66/2019), will the Chief Minister advise when the ‘government-wide records management programme’ started; which departments have so far been involved in the programme and, if not all departments, when the programme will be rolled out to all departments; and what end date, if any, will be applied to the programme?

### **Answer**

The initial Records Management Programme resulted in each department appointing an identified Records Manager who is responsible for ensuring compliance with the Records Management Policy.

Detailed Policy and Guidance in relation to Records Management covering all departments is published on the government’s intranet (My States) and includes information on the following:

- Which documents to keep
- Contact Jersey Archive
- Scanning and digital records

- Keep good records
- Destroying documents
- Records management policies
- Records management forms
- Records management guides
- Relevant legislation
- Useful resources

(<https://soj/Management/Records/Pages/RecordsManagementPolicies.aspx> ).

A further review was in the process of being initiated in early 2019 to undertake a government-wide review of how well the current records management approach is operating. This has been paused due to resourcing issues but will hopefully recommence in Q4 2019. An end date will be agreed at the point of recommencement.

## **2.24 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING THE RATIONALE FOR MOVING GOVERNANCE OF THE PROBATION SERVICE TO THE DEPARTMENT OF JUSTICE AND HOME AFFAIRS: (WQ.270/2019)**

### **Question**

Will the Minister explain the purpose and rationale of moving governance of the probation service to the Department of Justice and Home Affairs, highlighting in particular what non-budgetary justification there may be for the move?

### **Answer**

As yet there has not been agreement on whether the Jersey Probation and After Care Service (JPACS) will move to my department, this is still subject to discussions. To inform these discussions I have agreed with the Probation Board to commission an independent review of how effectively the Probation and Prison Service manage offenders, to examine the opportunities of any potential move and whether greater collaboration could better manage offenders in the community, in prison and their return to the community.

I believe that there are likely to be a number of benefits to be gained by bringing the Probation Service into the department of Justice and Home Affairs. These are mainly around enabling an integrated approach to managing offenders by designing, planning and delivering a coordinated, joint programme of activity and intervention for offenders in the community, in prison and their return to the community.

Currently there are two different approaches to managing offenders including different case management IT systems and two different programmes of activity for those that end up in prison and in due course get released.

Managing offenders should not be seen as an activity by separate services in isolation. We read too much about the revolving door syndrome where offenders enter the criminal justice system, often end up in court and then prison, only to get released and start the whole journey again.

The reoffending rate when last measured in 2016 was in the region of 45% for those who commit an offence within 2 years of their release. This is high compared with some other countries and could be reduced by the Probation and Prison Service working much more closely together. There are

opportunities to bring Probation into the department and start a truly joined up strategic conversation and programme of activity that will reduce reoffending rates on Jersey.

Less reoffending means less victims of crime. Practicalities of working between two forms of governance can result in duplication of effort, lack of joined up thinking and not always all pulling in the same direction.

The current arrangements also mean there is no democratic accountability or political oversight of the Probation Service. Democratic accountability and political oversight is important in an area that affects victims, offenders and the wider community and moving Probation into the JHA department would provide that oversight and bring together the services tasked with managing offenders under one roof for the first time.

## **2.25 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE PROTECTION OF THE ISLAND'S WATER SUPPLIES: (WQ.271/2019)**

### **Question**

In the light of reports of projected major water shortages by 2045, will the Minister explain his Department's policy in respect of protecting the Island's water supplies and discouraging wastage of water on an Island-wide basis, highlighting what targets, if any, to which his Department is working?

### **Answer**

Water is a vital resource, especially for an island that has a finite supply. Everyone has a role to play to safeguard both its quality and availability, not only for our own use but also for the ecosystems that depend on it.

Environmental Protection (EP), Growth, Housing and Environment protect and regulate this important resource. This includes surface water (streams, reservoirs, ponds, etc.), groundwater and coastal waters. As part of this, EP undertake a comprehensive monitoring program of these water resources. This includes both water quality and quantity (groundwater levels). The water quality data is supplemented by that collected by Jersey Water.

This data set informs a 'Water Challenges' document that presents the current status of the island's water resource (either quality and/or quantity) and identifies the key pressures acting on it. The solutions to these evidence-based challenges are detailed in the [Water Management Plan](#). The current plan (2017-2021) was agreed by the States in December 2016 and is available on the GoJ website. The next plan will continue this process, ensuring that changing environmental standards, pressures and emerging contaminants etc., continue to be considered and addressed.

The overarching legislation covering the protection of water quality is the Water Pollution (Jersey) Law 2000, which is administered by EP. The law provides powers to EP officers to attend, investigate and address water pollution incidents. This is done according to Enforcement Policies that have been agreed by the Attorney General. The regulatory approach is reinforced by pro-active public campaigns and working with stakeholders to change behaviour. EP's work with stakeholders is increasing, especially given diffuse sources of pollution such as nitrates and pesticides (as evidenced by the work of the joint Action for Cleaner Water Group).

The legislation covering water quantity is the Water Resources (Jersey) Law 2007. This requires that all abstractors of surface or groundwater must be registered or licensed if they use more than 15m<sup>3</sup> in a 24 hour period. This allows EP officers to better protect such sources, including boreholes and wells, and to regulate abstractions to safeguard the island's water supplies, especially during droughts, through the drought plan.



Targets for water quality are set out in the current Water Management Plan. Medium term targets include lowering nitrate levels and reducing pesticide detections. Longer term targets include all streams and groundwater achieving nitrate levels below 50 mg/l (the EU limit) and achieving ‘good status’ (an EU Water Framework Directive indicator) for nitrates and phosphates.

The use and wastage of the public water supply is largely covered by Jersey Water, although the Government Eco-Active team also run campaigns (e.g.: Get Water Smart campaign). Water use and wastage from surface or groundwater abstractions is addressed by EP through licencing conditions, with each licensee being assessed for a defined volume. All abstractor’s might also face restrictions on water use during droughts.

## **2.26 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RESPITE NEEDS OF FAMILIES WITH AUTISTIC CHILDREN: (WQ.272/2019)**

### **Question**

Will the Minister explain what his Department is doing to assist the respite needs of families / single parents with autistic children; and will he further explain what the overall policy is for providing services and support for young people with autism?

### **Answer**

Children with Autism and their families who meet the eligibility criteria can benefit from the provision of short break (respite) support.

Following a public consultation with parents and practitioners, a new model of short break provision has been developed.

Short breaks are now provided at three tiers:

**Tier 1 - Universal:** *mainstream community services that are accessible without an assessment, such as youth clubs, uniformed groups (i.e. cubs, brownies), leisure centres, nurseries, childminders and activity-based groups*

**Tier 2 - Targeted:** *daytime group activities designed specifically for disabled children that can be accessed without a social care assessment. Services are available through a mix of commissioned and non-commissioned providers.*

**Tier 3 - Specialist:** *Specialist short break services can be provided to meet a specific need following a social care assessment of the child’s and carer’s needs. Depending on the outcome of the assessment, needs can be met through a range of services, including:*

- *1:1 support to access community activities*
- *day time support at a Short Break Centre*
- *overnight short breaks*
- *short break foster care*

A crisis management process was put in place once officers became aware that two prominent providers were going to cease providing short breaks for children. All except one family affected by the withdrawal of the two providers have been offered alternative provision and it is anticipated that all assessed need will be fully met by the end of August.

The development of weekend targeted group activities as a result of commissioning to deliver the new model is reducing the demand for 1:1 support and freeing capacity for those children whose needs cannot be met at a targeted level.

In-house provision of specialist support from the Eden and Oakwell teams is being increased to supplement the current limited capacity of external providers. Eden House and Oakwell are Government of Jersey-run specialist residential short break providers. Eden House tends to be for children who have autism and complex communication and behavioural needs. Oakwell supports children with a range of physical and/or sensory needs where children may also have autism. They are both Tier 3 services and so are accessed via a social work assessment of the child's and their family's needs.

We continue to monitor demand but currently we anticipate that there is enough capacity to meet specialist short break needs

The current number of children waiting for targeted short breaks has reduced from 40 in March to 16 at the end of May. This is expected to reduce further once 10 children who have been earmarked for newly commissioned groups (which are due to commence in the summer) have started. Of the remaining 6 children, all have been offered a service and are considering whether they feel this will meet their needs.

Whilst not all the children accessing short breaks have Autism, the total number of children accessing the various tiers of short breaks has increased from 89 in March 2019 to 104 in May. Again this is hoped to increase further through the summer for the reasons outlined above.

Commissioners continue to support and encourage providers to join the approved provider framework for short breaks to increase the capacity and choice of short breaks available.

The withdrawal of two providers at the time that a new model of short breaks is being implemented has resulted in an understandable level of anxiety for the families affected. Officers have worked with families and providers to respond to the challenges and have ensured that families have been kept informed. They will continue to monitor new arrangements to ensure they satisfactorily meet the needs of children and their families.

Officers have met with the Parent Carer Forum to inform them of the challenges and the work being undertaken.

A media release regarding the new short break model will be made this month.

Modern services such as those provided on-island involve individualised care packages that look to assess and meet the needs of a particular child and their family. This is often built around Team Around the Child (TAC) principles that involve deciding which key professionals are needed to work alongside parents/carers as the members of an individual child's TAC. In addition to the aforementioned short breaks (respite), this could include (but wouldn't be limited to) support with a child's communication, feeding, behaviour, sensory needs, education or social inclusion. Provision in these important areas could be through working with a child and whoever is supporting them in whichever settings they access (i.e. home, nursery/school or the community). Evidence-based training programs are also provided for some parents.

The Government of Jersey launched the Children with Disabilities Register in 2017, which is voluntary. Families who sign up receive a Max Card which offers discounts with several local organisations and 3,000 UK organisations. A newsletter is also sent to families which contains information about activities and events. A Children with Disabilities Directory is available for families to download from gov.je in addition to the Jersey Online Directory. The following link can be copied and pasted into a search engine in order to access a leaflet for this service:

<https://soj/depts/HSS/Registered%20Documents/ID%20Children%20with%20Disabilities%20Register.pdf#search=children%20with%20disabilities%20register>

**2.27 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING CONTRACTS FOR HOSPITAL CONSULTANTS: (WQ.273/2019)**

**Question**

Will the Minister explain whether contracts for hospital consultants in Jersey are based upon similar contracts used by the National Health Service (NHS) in the U.K.; and, if so, will he further explain what differences, if any, there are in the provisions made in Jersey and in the U.K., particularly in respect of the division of publicly and privately paid time and any flexibility to use the former for the latter?

**Answer**

The Jersey (Health and Community Services) Consultant contract broadly mirrors the NHS Consultant Contract (2003).

However, there are some key differences:

1. The pay scales for a Consultant in Jersey are different to the UK.

Year	Current UK	Jersey (2019)	
1	77,913	87,624	
2	80,352	91,659	
3	82,792	95,695	
4	85,232	99,730	
5	87,665	103,757	
6		104,790	
7		105,824	
8		106,856	
9		107,889	
10	93,459	115,438	
11		116,816	
12		118,192	
13		119,569	
14		120,947	
15	99,254	128,842	
16		130,219	
17		132,285	Jersey Consultant Max
18		139,171	Jersey Discretionary Award
19		146,059	
20	105,042	159,455	
Plus CEA	Local award up to £36,142		

Jersey previously retained an historical link to the UK Doctors and Dentists Remuneration Board (DDRB) and consequent link to the pay deals imposed by the Department of Health. However, a decision was taken to delink from the UK and a 3-year pay deal (2017-2019) was negotiated and agreed through SEB, and approved by Treasury. It is anticipated that future pay awards will be dealt with in a similar way.

In the UK there is a Clinical Excellence Award Scheme (CEA) in place to reward Consultants who perform “over and above” the standard expected of their role. Awards can be made for both local and national contributions to the NHS. In Jersey we operate a discretionary points process. Those Consultants paid at point 17 or higher are eligible to apply.

2. Consultants in Jersey who participate in on-call rotas outside of normal working hours are recompensed through lieu time “time off” based on the frequency of their on call. eg a 1 in 4 rota is allocated 2 PAs\*. For UK Consultants there is a paid supplement and PA allocation for on-call work.

\*Consultants work their contracted time on a *Programmed Activity* basis (PA). Each PA is worth 4 hours. So most Consultants are on a 10 PA contract ie work 40 hours per week.

3. Consultants working in Jersey undertake additional programmed activities on an exceptional basis (to cover a specific role i.e. governance lead, Associate Medical Director etc.)
4. Consultants have a 10 PA contract for public work which may be worked flexibly to allow private practice on- and off-site during the normal working week. However, Health and Community Services (HCS) commitments take precedence over private work and Consultants ensure that, except in emergencies, private commitments do not conflict with HCS activities included in their HCS job plan.
5. HCS has a specific “Code of Conduct for Private Practice” with recommended standards for all Consultants.
6. The Jersey context is different to the UK as Jersey General Hospital is the sole hospital in Jersey. All Consultants in Jersey have admitting rights to the Private wing to treat private patients. Within reasonably acceptable limits, HCS may allow private practice to be undertaken alongside a Consultant’s scheduled HCS duties, provided there is no disruption to HCS services. All Consultant operating sessions have the potential for private patient case mix. Private outpatients are seen in private rooms off-site.

## **2.28 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING MEASURES TO REDUCE THE COST OF PRIMARY CARE: (WQ.274/2019)**

### **Question**

What measures, if any, does the Minister have under consideration to reduce the cost of primary care, including the cost of G.P. consultations and costs for those with high medical, social or economic needs; and when does the Minister expect to bring any such proposals to the Assembly?

### **Answer**

The Council of Ministers has committed to improving access for vulnerable people as part of the Common Strategic Policy. This included a commitment to actively engage with GPs to develop and test new models of health care delivery.

I, my assistant Ministers and the Ministerial team from Health and Social Services have already taken part in a series of meetings with GPs to consider the scope of the work which must be undertaken. A stakeholder group of primary care practitioners and subject matter experts has been convened and will consider further the work that must be completed over the next couple of years. This group will explore options to support financially vulnerable islanders with primary care costs.

Additional funding will be required to widen the financial support available for primary care services. This must be weighed against recent Assembly decisions to increase allocations in other areas such as arts funding and climate measures in advance of the publication of the Government Plan. The overall level of future government income and expenditure will be set out in detail in the Government Plan, which is due to be published in July for debate by the Assembly in November.

**2.29 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE GOODS PRODUCED BY PRISONERS AT H.M.P. LA MOYE: (WQ.275/2019)**

**Question**

Will the Minister outline what goods, including agricultural goods, are produced by prisoners in H.M.P. La Moye and in what quantities they are produced; and will he further explain to whom such goods are sold, the value of any such goods used internally within the prison, and the amount and nature of any such goods which are destroyed?

**Answer**

The Horticulture Department at The States of Jersey Prison Service fulfils several functions. It provides employment for prisoners, it generates revenue through sales via the cultivation of ornamental plants which are sold to the wider community by various outlets on the Island, it produces food for the prison's production kitchen and it delivers horticultural educational courses. The department also provides plants for the planters in the prison grounds.

In the period of 1st January to 31st May 2019, £18, 551.13 of income was generated by the department by the sale of said ornamental plants which were purchased by staff, private individuals and local businesses such as landscape gardening companies, garden centres and parishes.

In terms of the supply of goods within the prison, the Horticulture department produces salad items and root vegetables for the production kitchen, which is staffed by prisoners, to use in the preparation of prisoner and staff meals. The Catering and Horticulture teams work together in terms of what produce is required on a weekly basis. Should there be an excess of produce, then this is delivered to The Beresford Street Kitchen at no cost.

Food waste from the production kitchen is recycled in a Rocket composter to create compost that is then in turn used in the horticulture compound. Prisoners only work in the compound from Monday to Friday with a small number of prisoners watering the area for a short period over the weekend which is in line with the prison regime. On limited occasions of extremely hot summer weekend weather, some salad items may wilt and can no longer be used in food preparation; consequently these items are then recycled into the rocket composter. The Horticulture department prides itself on being eco-conscious and is fully committed to absolute minimal wastage strategy. As with all agriculture and horticulture some plants as not useable, saleable and will be recycled.

The SoJPS extends again its invite to show Deputy Higgins the work we do in the prison to rehabilitate and reintegrate prisoners back into the community, and for him to see first-hand the work of the Horticulture and Catering teams.

## **2.30 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE DESTRUCTION OF ORIGINAL DOCUMENTS RELATING TO HISTORIC BUILDINGS: (WQ.276/2019)**

### **Question**

Will the Minister advise members of the circumstances that lead to the destruction of some 4,000 original documents relating to historic buildings, as indicated in ‘Public Records (Jersey) Law 2002: Annual Report 2018 on the work of Jersey Heritage and the Archivist’ (R.66/2019), and will he further explain –

- (a) at what level the decision to destroy the records was taken;
- (b) what action, if any, was taken against the individuals concerned; and
- (c) what steps, if any, have been taken to prevent a re-occurrence;

and will the Minister assure members that no other such documents have since been destroyed, especially any that could be relevant to the ongoing investigation into alleged corruption in his Department?

### **Answer**

While it is regrettable that a number of paper records were destroyed without being offered to Jersey Archive as required, and this is a breach of the Public Records (Jersey) 2002 Law, I think it is helpful to put this matter in context.

The documents destroyed were not important historic artefacts. These were States of Jersey officer created paper records relating to the listing of buildings in the 1980s and 1990s. These documents were scanned into the Historic Buildings electronic management system between 2004 and 2011 and are still held and available digitally. This aligns with current States of Jersey practices, to process and hold records digitally, whenever possible and appropriate.

The paper versions of these records were securely disposed of as part of the States of Jersey wide Freedom of Information (FOI) implementation programme, which commenced in 2013, after it was assessed that the data was held and available in an digital format. As part of the FOI implementation plan, retention schedules were put in place in 2015 and approved by the States Archivist. The Historic Environment retention schedule requires that all records held must be offered to Jersey Archive after 10 years if they are no longer in use. Prior to 2015 no retention schedules existed.

The destruction of these paper records was reported to Jersey Archive in normal correspondence between the department and the Archive, and as a result the Records Advisory Panel wrote to the Department Chief Officer to raise this matter and advise us of a breach. The Archive requested that copies of the data held digitally be provided to them as a matter of urgency. This data exchange has been completed.

It is worth noting that copies of some of the paper documents are held on planning application files, where a planning application has been submitted. These files are in the process of being scanned and the original documents are being offered to Jersey Archive in accordance with retention schedules.

Answers to specific parts of the question:

*(a) at what level the decision to destroy the records was taken;*

Decisions made in relation to the management of records and adherence to retention schedules were made by officers on behalf of the Chief Officer of the Department of the Environment.

*(b) what action, if any, was taken against the individuals concerned; and*

No specific action was taken against individuals. The destruction of these files was in no way malicious and is regrettable. The department has been proactive in taking steps to improve records

management, most importantly the development and approval of retention schedules. The actions taken by the department were acknowledged by the Records Advisory Panel and this matter is now closed.

*(c) what steps, if any, have been taken to prevent a re-occurrence;*

Department retention schedules were developed and approved by the Archivist. These were reviewed with Jersey Archive in 2018, and as part of this review agreement was sought to better define what information is held digitally and in paper format. The process to transfer information from the department to Jersey Archive was also reviewed. The department discussed the ‘destruction of records’ process with the States of Jersey Corporate Records Manager, the Chief Executive and the Corporate Management Board at that time. It was made clear during these discussions that departments should avoid being in breach technically when undertaking digitisation processes.

In relation to the last part of the question, as far as I am aware, there is no ongoing investigation into alleged corruption within the planning service. Therefore, I am unable to comment upon the Deputy’s assertion.

I can confirm that the former Department of the Environment in its new constituent parts, are managing records in accordance with agreed retention schedules, the Public Records (Jersey) Law 2002, Freedom of Information (Jersey) Law 2011 and Data Protection (Jersey) Law 2018

**2.31 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE DETERMINATION OF DEPARTMENTAL BUDGETS: (WQ.277/2019)**

**Question**

Will the Minister explain the process whereby future departmental budgets have been determined, including the extent of direct Ministerial involvement in that process?

**Answer**

All Ministers are currently involved in an extensive series of workshops to develop the Government Plan. This Plan will set departmental budgets for 2020.

**2.32 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE PRESIDENT OF THE CHAIRMEN’S COMMITTEE REGARDING PROSPECTIVE CHANGES TO THE SCRUTINY PROCESS: (WQ.278/2019)**

**Question**

Will the President explain to members what changes, if any, her Committee proposes to make to the Scrutiny process to make it more effective, following the changes to the way in which the Government is organised and managed?

**Answer**

The Chairmen’s Committee regularly considers this important matter. Broadly we continue to agree that given the flexibility of Scrutiny work provided by the topic based structure of Panel remits, the Target Operating Models and other changes to the operations of the Government do not directly impact the effectiveness of the Scrutiny process.

As a Committee we do, nevertheless, continue to have reservations about political accountability and marginalisation within the revised structure. One serious potential impact of this on Panels could be on our ability to access information either at all, in part or within timeframes and formats prescribed by the Code of Engagement between Scrutiny/PAC and the Government. We therefore continue to

maintain a watching brief and are provided with updates and presentations about various aspects of the plans from Government officials. Furthermore, a Review Panel has been established to examine the One Government project in detail.

Irrespective of the impact or otherwise of Government re-organisation, the Committee will continue to work to constantly improve the effectiveness of the Scrutiny function. We monitor Panel remits and workloads and have shown our ability to quickly adapt to changing Ministerial portfolios where beneficial to do so. For example, the remits of the Corporate Services Panel and re-named Economic and International Affairs Panel were recently updated to improve scrutiny of financial services and international development matters. Similar consideration is being given to enhancing the structure for (non-education) matters relating to children and young people.

The Committee has also focused on developing a genuinely collaborative approach amongst its membership and that of the wider Panels, which has helped us to share ideas and innovations, avoid duplication and promote consistent good practice. The establishment of cross-cutting Review Panels has also increased, helping effective scrutiny of large issues and making efficient use of limited Member and staff/budget resources. We have also embraced technological innovations, for example the webcasting of scrutiny hearings, to promote engagement with and the transparency of scrutiny work.

It is worthy of note that the States Greffe, as a non-Government department supporting the work of the States Assembly (including its Panels and Committees), is not directly within the scope of Government re-organisation. However, it is undertaking its own project to modernise its structure and services to better reflect its current and future obligations and objectives. This should lead to significant enhancement of the support provided to Scrutiny Panels, in addition to individual members and the wider Assembly.

### **2.33 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE TRANSFER OF POWERS TO THE MINISTER FOR CHILDREN AND HOUSING: (WQ.279/2019)**

#### **Question**

Will the Chief Minister explain to members when, if at all, he proposes to transfer legal powers to the Minister for Children and Housing that are currently held by other Ministers, so that one Minister is responsible for the wellbeing of children and to help to prevent further abuse of children in the Island; if he does not propose to do this, will he explain what his rationale is for not doing so; and further explain what action he intends to take instead (and by when)?

#### **Answer**

The relevant Order is being drafted, and will be tabled before the summer recess.

Obviously, it is critical that the correct legal powers be transferred in all the relevant legislation, and that the discharging of these powers within the front line services reflects this.

In the meantime, the Minister for Children and Housing is also the Assistant Minister to the Minister for Health and Social Services, where the majority of the legal powers currently reside, and so is able to discharge the responsibilities in person in this capacity.

### **3. Oral Questions**

#### **3.1 Deputy S.M. Ahier of St. Helier of the Minister for Health and Social Services regarding the integration of Artificial Intelligence into healthcare at the General Hospital: (OQ.161/2019)**



Will the Minister advise the Assembly what measures, if any, he is taking to integrate the use of artificial intelligence into healthcare at the General Hospital?

**Deputy R.J. Renouf of St. Ouen (The Minister for Health and Social Services):**

I thank Deputy Ahier for this question and welcome the opportunity to expand on this topic. Although integrating artificial intelligence represents a huge challenge, it also has the potential to bring huge benefits to not only the health service, but the Island as a whole. A.I. (artificial intelligence) cannot replace humanity, healthcare's most valuable commodity, but it can afford the opportunity to offer an augmented intelligence to the delivery of care. A check and a balance unfettered by human bias and frailties and also provide an avenue to offload tasks which currently reduce the time healthcare professionals spend on human contact. An immersive technology research lab has recently been established in the General Hospital. This has been funded with legacy donations and tasked to research innovative digital health technologies and conduct local clinical trials. The team is currently in the process of setting up a clinical research trial of an A.I. solution to caring for our frail residents in their homes. Hospitalisation itself can have detrimental effects on health and well-being, particularly among our frail elderly. A cost-effective internet of things and A.I. monitoring solution could allow enhanced delivery of care in the home. Care in the community, utilising modern health technologies will be a fundamental part of our future health strategy.

**3.1.1 Deputy S.M. Ahier:**

The healthcare industry is ready for change. With the advancement of electronic medical records there is a wealth of data. This data can be used to predict key outcomes in operations and clinical care. When will Jersey have its own electronic health record system?

**The Deputy of St. Ouen:**

That is a large piece of work in progress. It will build up in time, but it will take some years, I am advised, but progress is being made and I acknowledge the support given by Digital Jersey in that and the innovative means and measures being taken to assist the hospital and the whole health service in progressing that project.

**3.1.2 Deputy K.F. Morel of St. Lawrence:**

While I am aware that Jersey has the legal data protection framework in place, I was wondering whether the Minister could give assurances that no work with regard to artificial intelligence, or any other digital technologies, will go ahead until the States of Jersey can prove that it understands and takes data protection seriously and properly. I say this, being aware of several data protection breaches which have not been reported publicly, but which have occurred in the States of Jersey.

**The Deputy of St. Ouen:**

I am sure this Assembly will take data protection seriously. It will ensure that any measures taken within the public service are entirely within the law. We must realise that with any innovation comes challenges and it is the solutions to those challenges that define whether that innovation brings benefits. We have the opportunity to engage in developing artificial intelligence and we must be involved in solutions to the challenges it poses.

**3.1.3 Deputy K.F. Morel:**

Given the importance of people's medical records, the intimate detail that is noted down on there, would the Minister not agree that it is appropriate to adopt a precautionary principle with regard to the adoption of artificial intelligence and other additional technologies when it comes to the use of our medical records and the sharing of those records?

**The Deputy of St. Ouen:**

Absolutely. Confidentiality must be preserved. I am not entirely sure myself what is involved in a precautionary principle except, I imagine, it must mean that the law must be complied with and people's rights must be protected, which they must be, as artificial intelligence moves forward.

**3.1.4 Deputy J.H. Perchard of St. Saviour:**

Would the Minister be able to confirm whether the technological group at the hospital are programming their newer networks from scratch, or whether they are buying A.I. templates from developers outside of the Island and adapting them for use in hospital?

**The Deputy of St. Ouen:**

I do not have sufficient depth of knowledge to confirm that at the moment, I apologise to you, but I will seek out that answer and provide the Deputy with it.

**3.1.5 Deputy R. Labey of St. Helier:**

I just wonder if the Minister knows how many millions have thus far been spent in vain on computerising the health service and how many more will be required for a successful outcome.

**The Deputy of St. Ouen:**

Where does one start when one talks about the first initial steps to computerise? I do not know, as a single figure, what has been done perhaps a decade or more past. As to expenditure moving forward, there are proposals being put into the Government Plan about the digital programme. That will all be revealed in due course. It is being worked on and I trust Members will support that proposal when it comes forward in the Government Plan.

**3.1.6 Senator S.C. Ferguson:**

For the benefit of the public, who are listening, would the Minister like to give a brief explanation of what he understands A.I. to be?

**The Deputy of St. Ouen:**

I am not a technological whizz kid, but perhaps I can give a practical example, which caught my eye. Let me see the benefits of what it might be. I am thinking of the residents that we house in St. Ouen's Homes for the Elderly; I am thinking of them, but it equally applies to anybody living, who might have healthcare needs. Through simple technology, installed in people's homes, people's heart rates can be monitored, pulse rates, a general state of health, without them having to leave their home and attend appointments. I know that there are particular issues around people falling at home and those falls often occur in the middle of the night when people have slept, they need to get up in the middle of the night, they are unsteady on their feet, they fall. There is a mattress, which monitors pressure and it can be seen if somebody has left their bed, because they are not on the mattress. If they have not returned within a certain time, have they fallen? All that can be monitored centrally. If a kettle is not switched on early in the morning for a morning cup of tea, but that mattress no longer has the pressure on it where is that frail elderly resident? Have they fallen in the house somewhere? It is not to say there is not an innocent explanation for that sort of thing, but that sort of technology can be used well, I think, to keep people living independently in their own homes.

**Senator S.C. Ferguson:**

Supplementary, Sir?

**The Bailiff:**

No, Senator, thank you. Final supplementary, Deputy Ahier.

**3.1.7 Deputy S.M. Ahier:**

Artificial intelligence, driven by data science, can have a huge benefit to the health industry leading to more accurate diagnosis and decision processes. Will the people of Jersey have to wait for a new hospital to be built before any progress is made in this field?

**The Deputy of St. Ouen:**

I sincerely hope not. I believe we are making progress and will continue to do so.

**3.2 Deputy I. Gardiner of St. Helier of the Minister for Health and Social Services regarding people who were known to have been infected in the Island via elements of donor blood used to treat Haemophilia: (OQ.156/2019)**

Following his answer to my Written Question 241/2019, will the Minister inform Members whether all people, who are known to have been infected in the Island via elements of donor blood used to treat haemophilia, have been informed?

**The Deputy of St. Ouen (The Minister for Health and Social Services):**

As far as I understand from advice received from within Health and Community Services, there are no known examples of a named individual being tested for blood borne virus infection and a positive result never being fed back by the relevant medical staff. It would be illogical to test, find a positive and not to share that information, given that there are increasingly effective treatments available for blood borne virus infection, plus the potential risk of transmission to a third party. If the Deputy has specific examples, where she has concerns then, of course, I and my department would obviously wish to investigate.

**3.2.1 Deputy I. Gardiner:**

After the subject has been highlighted in the *J.E.P. (Jersey Evening Post)* following your Minister's answer, approximately 10 days ago, one of the examples that was shared personally with me was a person watching *Panorama* programme in 2009 and thought: "It could be me", contacted the department and after 25 years found out that he has got Hepatitis C, because he received a blood products. We know that Hepatitis C and H.I.V. (Human Immunodeficiency Virus) are life changing and, like the Minister mentioned, can be transferred to a partner. Would the Minister see that not notifying and not contacting patients, when the link between blood products and infection has been established, might fall well below the duty of care to the individual and to the wider community?

**The Deputy of St. Ouen:**

The information the Deputy appears to have from a specific individual is contrary to the information that I have received. So, I would be very anxious to speak to the Deputy and, if she wishes, the constituent, who has spoken to her and we can try and work out what has happened and answer the concerns of her constituent.

**3.2.2 Deputy M. Tadier of St. Brelade:**

Can I just push the Minister and ask, I may have missed it initially, did he categorically say that all those, who are likely to have been infected, were contacted? Does he have that information?

**The Deputy of St. Ouen:**

These tests have been going on for many years, so the understanding is, within the department, that there are no known examples of a named individual not having been told.

**3.2.3 Deputy M. Tadier:**

Could he reiterate no examples of named individuals not being informed; could he just give a more categorical answer whether everybody, who had received infected blood, or potentially received it, has been contacted?

**The Deputy of St. Ouen:**

That is my understanding from the information held by the department.

**3.2.4 Deputy I. Gardiner:**

As we do not know how many people were exposed and we do have probably in the hospital records who potentially could receive these blood products, would the Minister consider to find and to contact people who potentially could receive blood products and to check and to offer them to test their blood to really understand if they have been contaminated, or their blood been contaminated, or not?

**The Deputy of St. Ouen:**

There are a very low number of people involved in this blood testing and my understanding is that there is not a cohort of people who we have not been in contact with over time while they have been receiving these services. But, yes, I will go back to the consultants concerned and double check whether there are any means by which we could have treated patients and not have gone back to them in the event of a positive result. But the information, I do stress, so far - and I do not want to cause any alarm to the population - is that all positive results have been informed to those patients affected. But they are very few in Jersey.

**3.3 Deputy J.H. Perchard of the Chairman of the States Employment Board regarding the identification of public sector reforms and sustainable efficiencies required to fund an additional 0.8% increase in consolidated pay: (OQ.154/2019)**

Further to the statement in a press release on 10th June 2019, that “the additional 0.8 per cent increase to consolidated pay that [public sector] unions sought” in pay negotiations is to be “funded through identified reforms” and “sustainable efficiencies”, will the Chairman advise what reforms and efficiencies, if any, have been identified to date?

[10:00]

**Senator J.A.N. Le Fondré (Chairman, States Employment Board):**

In a series of meetings with N.A.S.U.W.T. (National Association of Schoolmasters Union of Women Teachers) and the N.E.U. (National Education Union), a number of proposals were discussed and refined and included in the final offers made to both unions. One example was the introduction of a new role of senior teaching assistant, which will provide a range of benefits, including support for teachers and taking their P.P.A. (planning, preparation and assessment) time alongside tangible benefits, including reduction in supply teacher costs and further reductions of the costs of lunchtime cover. I think the key thing to stress is that the pay offers included the establishment of a joint working group to look at that and other potential savings and efficiencies, including from non-payroll costs. An overarching requirement was that changes brought about through this work will lead to quantifiable improvement to educational outcomes, which provide assurances that changes support the Common Strategic Policy of putting children first. Before I conclude, I just want to emphasise the key factors that there is a working group with representatives of the unions and the employer on it and it requires the agreement of both sides before those efficiencies are crystallised. Bearing in mind we are a little over a week and a bit from that initial press release, it is probably a little early to say those have been crystallised.

**3.3.1 Deputy J.H. Perchard:**

Could the Minister please list what he deems to be a non-payroll cost within Education?

**Senator J.A.N. Le Fondré:**

I am going to be cautious, because we have made it very, very clear that terms and conditions are the responsibility of the States Employment Board, but anything that goes outside the terms and conditions is very much within the remit of the Minister for Education, if it goes into policy territory. So, the example I will use is not educational related, but I will say there has been an example very much in the past of when I was in my time of what was then T.T.S. (Transport and Technical Services) or D.f.I. (Department for Infrastructure) when an individual identified a different route of procuring the U.V. (ultraviolet) bulbs that they use for the U.V. treatment and that saved the department annually a substantial sum of money. That would be a non-payroll cost, as I hope is clearly understandable and in this instance that would then count into as if it were recurring, one could then contribute it to the 0.8 per cent that one is trying to achieve for the teachers.

### **3.3.2 Deputy L.M.C. Doublet of St. Saviour:**

The Chairman mentioned reducing the cost of supply teaching. Can he give some more detail on this please and specifically will supply teachers' pay be maintained at current levels and will they be receiving the pay award?

#### **Senator J.A.N. Le Fondré:**

I am not entirely clear on the situation on supply teachers in terms of receiving a pay award. I assume that supply teachers are paid the going rate and the going rate goes up according to the pay awards, but I will come back and just clarify that. What it is, is at the end of the day supply teachers are brought in, as I have always understood matters, to cover full-time teachers who, for whatever reason, cannot be available. I have understood that in certain circumstances they are used to cover costs, which do not necessarily require a teacher to provide that particular service. So, it is not about reducing the pay levels of supply teachers when they are used, it is whether one can be more careful in how they are used. Again, I really do emphasise the point that efficiencies in that type of utilisation of things, all these types of variables, have to be agreed by the various and by the working group, if that is further identified.

### **3.3.3 Deputy L.M.C. Doublet:**

Is there an intention that C.P.D. (continuing professional development) courses will be restricted, because that is where frequently supply teachers are used, when the class teacher is on a course?

#### **Senator J.A.N. Le Fondré:**

One of the conditions on the agreement with unions is around promoting professional development and also health and well-being, so I would say we have no intention to reduce C.P.D.

### **3.3.4 Deputy R.J. Ward of St. Helier:**

I welcome the consultation across unions. Does this mean the end of a single union partnership agreement signed by the last Chief Minister that had been so divisive in finding agreement in these situations?

#### **Senator J.A.N. Le Fondré:**

I do not think that is a matter for the States Employment Board and I am not commenting on that, because that would definitely be into the territory of the Minister for Education.

### **3.3.5 Deputy R.J. Ward:**

It was signed by the Chair of the States Employment Board, the agreements, as I say I welcome consultation across unions, because it is much more constructive. Will that continue, or will that now be ended?

#### **Senator J.A.N. Le Fondré:**

Yes, I will clarify. I believe it was signed in the capacity of Chief Minister, rather than the capacity as Chairman of the States Employment Board. I know it is a question of hats, but I think it is an important question of hats. I would not have said initially and I am very happy to be corrected, that a partnership arrangement on education matters is directly a matter for the States Employment Board and it is very much, in my view, a matter for the Minister for Education.

### **3.3.6 Deputy G.P. Southern of St. Helier:**

Just for clarity, is the Chief Minister saying he will replace qualified teachers in charge of classrooms with assistant teachers and when he refers to the going rate for supply teachers, does he not recognise that if he uses assistants that going rate will go down, instead of teachers, who are on the supply list?

### **Senator J.A.N. Le Fondré:**

The point is there are certain points where a fully qualified teacher is not required, let us say it is for lunchtime cover, but in certain instances they are utilised for lunchtime cover. As I understand it, that might be an area where one can generate some efficiency. That is because this is one of the arguments around what roles do, as I understand matters, that teachers raise - I am hesitant, bearing in mind I am looking at a lot of teachers across the room, or former teachers - and my understanding is that one of the issues that teachers keep raising is the expansion of their responsibilities outside of direct teaching. So, without getting into the detail - and I said the detail is very much for the working group, including the unions, to identify - but there are areas where teachers are used where it may be possible to use someone, who is a more efficient use of the resources we have. But that is around with agreement of all the parties looking at this matter.

### **Deputy G.P. Southern:**

Supplementary, if I may.

### **The Bailiff:**

You will have your opportunity during Chief Minister's questions time later on, Deputy.

### **Deputy M.R. Le Hegarat of St. Helier:**

My question has already been asked by Deputy Southern.

### **The Bailiff:**

Very well, then Deputy Southern you can have your supplementary. Then we will have a final supplementary after that from Deputy Perchard.

### **3.3.7 Deputy G.P. Southern:**

The question was: why, then, has the Chief Minister started with the issue of cover for absent teachers in classrooms and saying that they can reduce costs by using teaching assistants? Is he clear that people not qualified to teach will be taking specialist classrooms?

### **Senator J.A.N. Le Fondré:**

First, I do not think I started with that. Secondly, it was an example and, thirdly, and we have been very clear, that when I say an example, an example that is out there in the discussion territory of what this working group is going to look at. I really emphasise that, that it is very much a collaborative approach to achieve the outcome that everybody is trying to achieve. What I really do want to stress though, because it has been raised, it has been raised on a number of occasions, this is not about, for the sake of argument, taking a language teacher out of a school for a year and replacing them with a teaching assistant for a year. It is not. Be very clear about it. It is that, in certain circumstances, it is appropriate where a senior teaching assistant can provide short term, and I mean short term cover, which achieves exactly the same outcomes. But that is very much a matter for the working group, the employer and obviously schools as and when affected.

### **3.3.8 Deputy J.H. Perchard:**

I do not think there has been any clarity given on what kind of efficiencies are going to be identified give that schools' budgets ... over 80 per cent of the budgets, typically, are spent on staff, so therefore payroll, and apart from changing a few lightbulbs I am no clearer on what S.E.B. (States Employment Board) considers to be an appropriate efficiency saving in schools. So, could the Chief Minister please provide us with a list of the possible efficiencies that are going to be saved, that are not going to impact staff and, therefore, the education of children?

### **Senator J.A.N. Le Fondré:**

I think the principle is that, as the Deputy referred to in her question, the press release was on 10th June; it is not that long ago. The point is that the working group gets established and they come forward with the details that they want to promote. We have given possible suggestions. I do not want to get prescriptive, because that is not my role in this. It is very much a working group come together and they do believe that there are some areas that jointly and I will say there have been some areas, raised by the unions themselves, which they believe will generate the objectives that they are trying to achieve. As we see, as soon as one raises one potential example, other people will either agree or disagree. It is a matter, as far as I am concerned, for the union representatives, as well as the employer representative and, where appropriate, the Minister as well, to make sure there is agreement around all parties. That is the line.

### **Deputy J.H. Perchard:**

Point of clarification, Sir?

### **The Bailiff:**

You have had your answer, Deputy. You can come back in Chief Minister's question time.

### **3.4 Deputy K.G. Pamplin of St. Saviour of the Minister for Education regarding the provision of funding to the charity Music in Action for its event, Jersey Sings 2019: (OQ.162/2019)**

Will the Minister update the Assembly on the situation regarding the provision of funding to the charity Music in Action for its event, Jersey Sings 2019?

### **Senator T.A. Vallois (The Minister for Education):**

I am pleased to advise the Deputy that the Jersey Sings 2019 event will be going ahead, as planned, this Wednesday and Thursday. Generous individuals and organisations have donated and pledged funds to support the event. This has significantly reduced the original deficit predicted by the organisers of the event, Music in Action. I have also agreed with Government of Jersey officers to underwrite any remaining deficit to a maximum of £6,000. This is subject to receiving full accounts that meet the requirements of Financial Direction 5.5 on the management of grants.

### **3.4.1 Deputy K.G. Pamplin:**

I thank the Minister for her answer. Could also the Minister provide us with some clarity following the announcement of the news that the organisation was claiming they only heard about the lack of funding a few days before the event, which then the Minister responded with a statement saying this was incorrect; that notice was given 9 months ago. Will the Minister be able to provide some clarity of the detail of what happened here?

### **Senator T.A. Vallois:**

In actual fact, the organisers were advised in a meeting in April 2018 that funding was not going to be available to them in 2019. I have been advised that Music in Action were hopeful of funding if the overall budget position of the Jersey Music Service changed to allow it, but that did not happen.

When questioned by them in April 2019, we confirmed again that funding would not be provided this year.

**3.4.2 Deputy K.G. Pamplin:**

Does the Minister have any concerns, or share my concerns, of the grant application process here and what has broken down in an unnecessary incident very close to when the performance that young children were taking place happened?

**Senator T.A. Vallois:**

I have generally had concerns before being a Minister and currently as a Minister with regards to the grants process in the public sector. We need to ensure that we have got proper compliance around grants and ensuring that we are spending money in the appropriate way and that we are holding the very relevant organisations to account, if we are providing public money. I have to stress though, of course, that it is not just money that the Education Department have provided previously, but they have provided a lot of support in terms of benefit in kind. The Music Service provides a lot of their staff to support the event in such a case. That would amount to a great deal of quantifiable, in terms of money, to assist them in putting on this event. I am hoping in the next month, or so, to be able to have a conversation with Music in Action about how we progress things further and the future of Jersey Sings.

**3.5 Deputy M.R. Le Hegarat of the Minister for Home Affairs regarding the appointment of Police Constables in the States of Jersey Police: (OQ.152/2019)**

Will the Minister advise whether identified vacancies in police constable ranks within the States of Jersey Police will be advertised and recruited from within the Island; and if not, why not?

**Connétable L. Norman of St. Clement (The Minister for Home Affairs):**

I can confirm that identified vacancies for police constables will be advertised locally. If prospective candidates meet the required standard, there is no reason to think they will not be appointed.

[10:15]

**3.5.1 Deputy M.R. Le Hegarat:**

When he says 'a required standard', how many recruits are they looking to take?

**The Connétable of St. Clement:**

Well, that depends on what time period the Deputy is talking about. In the short term, we would be looking at something between 6 and 8 officers. In the longer term we have made a bid in the Government Plan for increased funding for the States of Jersey Police to enable them to be able to recruit greater numbers, but certainly, in the short term, something like between 6 and 8 officers.

**3.6 The Deputy of St. Mary of the Minister for Health and Social Services regarding the introduction of measures to restrict smoking in homes where children were in residence: (OQ.167/2019)**

Having particular regard to the Government's strategic priorities of putting children first and improving Islanders' well-being and mental and physical health, will the Minister advise what consideration, if any, has been given to the introduction of measures to restrict smoking in homes where children are in residence? Will he agree to liaise with Andium Homes as to the possibility of introducing restrictions in such cases within their accommodation?

**The Deputy of St. Ouen (The Minister for Health and Social Services):**



I thank the Deputy for his question and recognise the fact that smoking is harmful, not only for the smoker, but also for non-smokers and children around cigarette smoke. Exposure to the smoke given out from the lit end of a cigarette, second-hand smoke, is linked to asthma and other breathing problems and middle ear infections in children. It is also harmful to the health of pregnant women and babies. However, banning people from smoking in their own homes has ethical and moral considerations, as it would restrict an individual's right to privacy to engage in a legal activity inside their own home. Introducing legislation for restrictions on smoking solely for social housing tenants, including Andium Homes, would seem discriminatory. There are, of course, restrictions to smoking within communal spaces and lifts that are part of existing legislation for all communal and workspaces in Jersey.

### **3.6.1 The Deputy of St. Mary:**

I should, perhaps, clarify I am not in favour of introducing any discrimination to any part of society. What I am suggesting, though, is that as recently as 2016 this Assembly - and I think it was the first one to do so - introduced restrictions in relation to smoking in cars where children are present. Does it not seem to the Minister illogical that we are prepared to recognise the damage to children by passive smoking in cars, but not inside their homes? Again, would he please give consideration to introducing laws that will combat the use of smoking where children are in residence?

### **The Deputy of St. Ouen:**

I do recall the legislation banning smoking in cars. That is, of course, a smaller space and children have no means of moving away from the smoke created in a car and perhaps that is the rationale behind that piece of legislation. I am informed that since that has been in place, the number of children exposed to smoke in cars has been reduced from 10 per cent to 5 per cent in 2018 and we would hope to see that downward trend continuing, but to extend that sort of legislation into private homes I would consider a step too far, because it remains a legal activity, although harmful. I would not support and I am not seeking to carry out any further work on legislation to ban smoking in homes.

### **3.6.2 Deputy M. Tadier:**

Does the Minister accept that he is not putting forward a coherent view? If he uses the argument that private property and what people do inside their private property is a valid concern, that also should be extended to the private property of the motor vehicle. But he also said that one of the reasons he thought that it was introduced in cars and not in homes is because the children could move, but would he explain how, perhaps, a 9-month old baby, who has not yet learned how to walk and is in a cot in a bedsit, perhaps a privately-owned bedsit, who is subject to passive smoking can then remove themselves from that situation?

### **The Deputy of St. Ouen:**

In that respect, I must concede that the Deputy makes a very valid point about the 9-month-old baby, but that family is being visited by healthcare professionals and I understand health visitors are provided with carbon monoxide meters that monitor the levels of particulate matter in the air in the homes they visit. They are trained then to talk to people and address their smoking habits with the intention of reducing harmful smoke to children and the family. One would wish always to avoid harm, but there is a place where politicians and policy cannot venture and that is into the private world in family homes, I think. I am mindful that with regard to another substance that the Deputy talks greatly of, he tells us that outlawing it, banning it and criminalising it has not worked and the better way to address problems arising from it is in education. I believe that is the case also with tobacco. The better way and what we have seen over time is that the more people understand the harm caused by tobacco, the less use is made of it and, therefore, the less exposure to children and non-smokers.

### **3.6.3 Deputy M. Tadier:**

The Minister did go on at length there. His position would be consistent if he had not supported the introduction of restricting smoking in vehicles, where babies and children might be, for a maximum of 10 minutes, or 20 minutes with the windows open, during any one drive and yet they could be sitting at home for hours on end, suffering smoke. I think the Minister may have misled the Assembly by suggesting that everybody with a 9-month-old baby will get a visit from healthcare professionals. I do not think that is true at all, or the fact that they can remove batteries from their smoke detectors if they have them. Does the Minister not agree with me that it would be very simple to do something similar to the wording in the Restriction on Smoking (Motor Vehicles) (Jersey) Regulations 2015, Article 2, where it says: “A person is prohibited from smoking tobacco in an enclosed vehicle in which another person is present, such as a person being under the age of 18”? Could we not simply replicate that article and change the words “enclosed motor vehicle” for “an enclosed unit of accommodation”?

### **The Deputy of St. Ouen:**

Subject to any human rights challenges perhaps, it is quite possible that we could replicate that provision, so I would be interested to hear from other Members if there is a political will to ban what is a legal activity being conducted in private in people’s homes. If Members do feel there is that necessity, then I would certainly consult and take the matter forward, but my present view is that it would be an imposition on people’s freedom and liberties to ban a legal activity in the privacy of their own homes.

### **3.6.4 Deputy L.M.C. Doublet:**

Is the Minister aware of the increasing amount of research into third-hand smoke, which is smoke that settles on surfaces and that babies and children are most vulnerable to this, because they are more likely to be carried by somebody with third-hand smoke on their clothes, or they are more likely to put things in their mouths, or be on carpets and furnishings that have third-hand smoke on them? Even if the Minister is not minded to change this law, or if he is in the process of changing the law at any time, would he in the meantime explore the advice that is given to parents about this and ensure that this research is shared to parents, so they are fully informed about the risks?

### **The Deputy of St. Ouen:**

Yes, I will make enquiries of health visitors and the like as to how these risks are outlined to parents and I will revert to the Deputy on that.

### **3.6.5 The Deputy of St. Mary:**

I thank the Minister for his replies to my question and those raised by other Members. I also thank him for agreeing to look into the matter further, should that be the will of the Assembly. In the meantime, can I revert to my original question, which does refer specifically to the strategic priorities of putting children first and improving the Island’s well-being? Does he not consider that the Assembly, or the Council of Ministers, are almost negligent in not pursuing that course, when we have similar restrictions not only in relation to motor vehicles, but in the workplace as well? All I am suggesting is that to protect our children, similar provisions to those that apply elsewhere to adults, who are better capable of looking after themselves, are brought into the domestic arena. Pending legislation, would he at least take up Deputy Doublet’s suggestion about further educating members of the public through the use of other departments?

### **The Deputy of St. Ouen:**

In answer to the latter part of that question, yes, continuing education will always be part of the tobacco strategy. Again, I just say that if the Deputy feels that this is an imperative for legislation ... I know of no other place in the world that has outlawed smoking in people’s own homes, but if he

knows of an example I would ask him to bring that forward and he and other Members to engage with me if there is this feeling that it is imperative to do so and impose that political diktat on people in the privacy of their own homes.

### **3.7 Deputy M.R. Higgins of the Minister for Home Affairs regarding the actions taken by the States of Jersey Police to encourage the victims of sexual abuse to come forward: (OQ.166/2019)**

Will the Minister explain to Members what actions, if any, the States of Jersey Police are taking to encourage the victims of sexual abuse to come forward and place their trust in the police? Will he provide his assessment of how effective any such measures have been in ensuring the public are convinced that the police investigate all allegations without fear or favour?

#### **The Connétable of St. Clement (The Minister for Home Affairs):**

We support victims of sexual assault through Dewberry House, that excellent facility that houses the Sexual Assault Referral Centre, known as S.A.R.C. for short. The police undertake a number of precaution actions to encourage victims to come forward, including awareness raising campaigns. I think we all noticed the rape campaign a few months ago, which was linked to the new Sexual Offences (Jersey) Law. Currently, we have the Pantosaurus campaign being run jointly with the Safeguarding Partnership Board and the N.S.P.C.C. (National Society for the Prevention of Cruelty to Children). We also have an annual campaign, linked to the National Child Sexual Exploitation Awareness Day. During the past 5 years, the police have seen a 62.5 per cent increase in reported sexual offences, up from 112 in 2014 to 182 in 2018. That does not mean that there has been a significant increase in that type of offence, because it is the type of offence that remains unreported. The increase should be welcomed, because I believe it demonstrates that the public and victims, in particular, have increasing confidence in the police to investigate these allegations fairly, impartially and robustly.

#### **3.7.1 Deputy M.R. Higgins:**

While I commend the work that has taken place, all that good work is now being unravelled in the sense that there are allegations on U.K. (United Kingdom) media of a reasonably prominent person, who has been accused of grooming young children and that the police have failed to do their duty and investigate properly and, indeed, that the person was known to the police and had a relationship with some of them. Will the Chief Minister ... sorry, will the Minister - I know you are not Chief Minister yet - order an independent investigation into these allegations, not including the Police Complaints Authority, which, unfortunately, is not very good at doing these things, or the Police Standards Department?

#### **The Connétable of St. Clement:**

It is shocking, in my view, that Deputy Higgins should base these sort of allegations on some comments made on social media.

[10:30]

We all know that Deputy Higgins, when it comes to being a conspiracy theorist, is right up there at the very top. I invite him once again to get his facts from the people, who know what is going on, not on Facebook, Twitter, Instagram or Snapchat. Come and see me, I say to Deputy Higgins. Come and see the police officers responsible for dealing with sexual offences and get his facts right, before he makes these sort of wide allegations, which are offensive to the States of Jersey Police suggesting that they do not investigate things properly, because I know they do. If he would take up my invitation ... because I have made invitations to the Deputy before to come and see things that go on at the prison, for example, but so far he does not want to do that, because he might find out what is

going on. Come and find out what is going on in the truth and stop making these allegations in public before you know your facts. [Approbation]

### **3.7.2 Deputy M.R. Higgins:**

First of all, with regard to the prison, I am going to take up the invitation and take the Minister for Home Affairs to meet the police and ask the question. I will bring with me copies of the text messages that were posted, which *prima facie* show that an offence has been committed in trying to groom. I think for the Minister to attack me for raising these things is to forget that, in the past, evidence was given to the Independent Jersey Care Inquiry that police officers did not investigate sexual abuses and indeed certain officers covered up what had gone on. What I am trying to do, is prevent history repeating itself. I will take up the invitation.

#### **The Bailiff:**

That was not a question, though, Deputy.

### **Deputy M.R. Higgins:**

Does the Minister for Home Affairs agree that, in the past, the police have not always done their job and did cover up child abuse, as the evidence to the Care Inquiry revealed?

#### **The Connétable of St. Clement:**

I have absolutely no reason to think that, certainly not on my watch, nor in modern history. But I do not criticise and I will not criticise the Deputy for raising concerns. What I do criticise the Deputy for is for raising concerns in the wrong place and in the wrong manner.

### **3.7.3 Deputy K.G. Pamplin:**

My question on this matter is in regard to what policy is in place - if the Minister can define it for me now or send it to Members - when members of the police force, or anybody in that service, are criticised in the public in terms of social media, how that is dealt with and what the policy is in responding, just for help and clarification.

#### **The Connétable of St. Clement:**

That is very much an operational matter and I cannot go into the detail of how it is dealt with, because I do not know the detail of how it is dealt with. What I can tell you is that the States of Jersey Police have very strong welfare support and officers, who are accused of the sort of actions that have appeared on social media and require support, will have that made available to them.

### **3.7.4 Deputy M. Tadier:**

Does the Minister agree with me that the Deputy, who asked this question, is a longstanding Member of the Assembly, as is the Minister and that when it comes to putting children first and seeking to represent the survivors of child abuse, the questioner stands head and shoulders with anyone else in this Assembly in terms of that representation and that it is slightly beneath the Minister to suggest that the Deputy is a conspiracy theorist when all he is trying to do ... and he has heard lots of stories from individuals, I am sure, not just on Facebook and social media, but face to face and he sat through a committee of inquiry that has recommended that we all do our part to restore faith in all of our authorities in the Island. Would the Minister congratulate the Deputy in putting forward these questions and work constructively with him in future?

#### **The Connétable of St. Clement:**

I agree that the Deputy is a longstanding Member of this Assembly.

### **3.7.5 Deputy M.R. Higgins:**

Does the Minister for Home Affairs feel that his answer is reassuring to all those who have suffered sexual abuse in the Island, that they are going to get a sympathetic hearing from Ministers and from the police?

**The Connétable of St. Clement:**

Absolutely. I think the figures speak for themselves. As I said in my answer, we are seeing more sexual assault crime being reported and we are seeing more sexual crime being dealt with in the courts. I think that shows an increasing confidence in the way the States Police deal with these issues and how the courts deal with these issues. The confidence in the Island, in these issues is being greatly appreciated, it is growing and improving. As I said before, I do not criticise the Deputy for raising these questions. I do criticise him for the manner in which they are being raised.

**3.8 Deputy G.P. Southern of the Minister for Social Security regarding the Draft Income Support (Amendment No. 19) (Jersey) Regulations 201- (P.56/2019) (OQ.164/2019)**

Further to her response to Written Question 261/2019, will the Minister explain to Members how the proposals in the Draft Income Support (Amendment No. 19) (Jersey) Regulations 201- (P.56/2019) serve to meet Strategic Priority 4 of the Common Strategic Policy, namely ‘to reduce income inequality’ in households in receipt of income support?

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

The Deputy will know that each C.S.P. (Common Strategic Policy) priority cannot be dealt with by just one Minister, which is why it is overseen by a ministerial team. We have pledged that we will put children first and we will reduce income inequality and improve the standard of living. We will do this by improving the quality of affordable housing, improving social inclusion and by removing barriers to and at work. My proposals in P.56/2019 double a new component that was introduced in January this year for the first child. It was introduced at £5.04. When these proposals go through, it will be £10.08 and basically a full year is an extra £500 for the first child in each family. To reduce inequality in work, I am proposing that everyone who is working, which is the majority of people now who are receiving income support, will keep more of their hard-earned income.

**3.8.1 Deputy G.P. Southern:**

Does the Minister accept that as the result of her actions in spreading the increase between components and disregards, she has benefited those in work, who are better off than those out of work, more than those who are out of work?

**Deputy J.A. Martin:**

The Deputy was in the room when we had this discussion. We have 5,700 income support claimants and 5,000 of those are in work. We have reduced those who did not have an extra income from 32 per cent to 12 per cent. It is where do I put the money? The money was discussed. We had £2.3 million to divide up in benefits, disregard and this new component. I am not being mean and I am not not spending that money. I am not spending it the way the Deputy thinks I should. I absolutely agree I am spending it to make people’s lives better, who are in work and in increasing the basic component. [Approbation]

**3.8.2 Deputy G.P. Southern:**

Does the Minister nonetheless accept that over the past 11 years R.P.I. (retail price index) has increased by 32 per cent and, for example, the adult component on its own has only increased over that period by 11 per cent? These people, who are solely reliant on income support for income, are falling further and further behind, year in, year out, behind the standard that might be accepted, that

was accepted when income support was introduced 10 years ago. Does she not think it is time to remedy, at least partially, some of that difference?

**Deputy J.A. Martin:**

The Deputy will always quote, on every argument, the R.P.I. over the last 12 years. The Deputy does know that the components were changed. We support social housing 100 per cent of rent, whatever the rent. When some of those components were frozen in 2011 and 2012, we put up the private rental component, because the people in the private rental were falling substantially behind. The Deputy just takes one figure, wants to divide by components and introduce ... this is the cost at £2.3 million and what the Deputy is asking we do not have the money for, but the components have gone up, but they have changed. We are supporting people; we are paying the Andium rents; we have put the component up for private rent. As I say, this is good for people. Most people are working and they keep more of that hard-earned money. It will benefit everybody. **[Approbation]**

**3.8.3 Deputy G.P. Southern:**

Does the Minister accept that the rent components are not part of what people can spend, other than on rent? They go straight to the landlord and not to the individual concerned.

**Deputy J.A. Martin:**

That is exactly why we put up the rent components, because people in one set of housing were not getting enough as the other people. Rich? I hear the Deputy say 'the rich'. This is private rental struggling, even people with unqualified rents. Every component has gone up, so it keeps more money in the pockets for people to spend on their food. The Deputy's argument is completely different to mine and I do not think we will agree on this.

### **3.9 Deputy R.J. Ward of the Minister for the Environment regarding the progress made in relation to air pollution monitoring: (OQ.160/2019)**

Can I ask the Minister, further to the answer to Written Question 237/2019, what progress, if any, has been made in relation to air pollution monitoring?

**Deputy J.H. Young of St. Brelade (The Minister for the Environment):**

I thank the Deputy. The question is very timely as this Thursday is the Clean Air Day in the United Kingdom and there is a series of events supported by Defra (Department for Energy, Food and Rural Affairs), the Scottish Government and the Welsh Assembly. I am pleased to report that in Jersey very good progress has been made by our environmental health team with respect to the near real-time air quality monitoring across the Island. Of course, we have already got 2 functioning on the Island's website and in that database. It is hoped that the first 50 sensors of the projected 300 will be in place by the end of August and the selection of sites includes every school in the Island and tunnel. In relation to the lightweight monitors we plan to use on the supervised walks to school, which the Deputy's written question referred to, we could not use those on 12th June, because the weather was not suitable for air-quality monitoring and we will be rescheduling that. The data by these monitors will assist evidence-based policy decisions and inform us in our progress towards cleaner air and zero carbon emissions.

**3.9.1 Deputy R.J. Ward:**

The written question gave a date of 12th June, which is obviously now not going to happen. Can we have a date when real-time air monitoring around our schools will happen, given that every day and every week in which children encounter severe air pollution affects their health?

**Deputy J.H. Young:**

I have tried to help the Deputy and I have said they will be in place by the end of August. The work is being done by the Environmental Health team, with commercial partners that are experts in the field and obviously this gets down into operational detail; can I tell where and on what day they are going to be in? No, I cannot, but we said 12th June, because that was planned and obviously there was the weather. I am sorry that I cannot, but what I will do is I will undertake to get a programme and let the Deputy have a copy of it as soon as we can.

### **3.9.2 Deputy M. Tadier:**

Does the Minister agree that the single place in Jersey with the worst air pollution is the tunnel and will he join me for a walk through the tunnel sometime at peak time, to see if we can enjoy that little stroll and decide what could be done about improving the air quality in there, or perhaps restricting access to pedestrians at peak times?

### **Deputy J.H. Young:**

Firstly, I am sure the Deputy, of course, knows that I am not responsible for what use the tunnel is put to and what the infrastructure is. Those responsibilities sit with the Minister for Infrastructure. My task, as the Minister for the Environment, is to make sure that we monitor where pollution is known and we make that known to people and we give people advice. I suffer from chest problems and I, personally, would not wish to walk through the tunnel, unless I had to. The advice is that fitter people can do so without risk, but no doubt about it: for people with chest infections and others the advice is not to and also when you use cars to close the windows and turn off the air conditioning and so on. All of that helps, but at the end of the day we have a choice on this Island. We can either accept all this pollution, or have policy choices and try to do something about it and reduce emissions and remove vehicles.

### **3.9.3 Deputy M. Tadier:**

The Minister says that the advice is that fitter people can walk through the tunnel and that people who are not very fit should not. So, perhaps, the fitter people are fit enough to walk right around the tunnel and not need to go through it in the first place.

[10:45]

Does the Minister agree that even though he is not responsible for it, we do still labour under the hopefully not false pretence that there is this thing called 'one car', which is being peddled to everybody inside and outside the States and that it is important that Ministers do work together to find a solution to air quality, which must necessarily come under his department and that of the Minister for Infrastructure?

### **Deputy J.H. Young:**

I think the Deputy describes a utopian position. There is no question that Jersey suffers from air pollution from vehicles, the same as all over the U.K. If I look at the U.K. website, there are hundreds of sites and you can compare our pollution levels with elsewhere. Choices will be necessary. The Assembly has already directed that the Council of Ministers, the Minister for Infrastructure and I, produce a plan. When that plan comes back, I will look forward to the decisions of what you do, as to when you set the dates for carbon pollution vehicles to be removed from our environment, or phased out and introduce financial measures to make sure that happens. I look to all of you to support that, rather than just have lip service to policies and doing nothing about it.

### **3.9.4 Connétable A.S. Crowcroft of St. Helier:**

The Minister talks about utopia. He will be aware, I am sure, of the sustainable transport charity, Sustrans, in the U.K., but what he may not have seen is a tweet, just this morning, where they say - and this is not in relation to today's question - that they have worked with Lambeth Council for 3 years measuring air pollution around school gates. Is he aware that most local authorities are way

ahead of Jersey in terms of monitoring air pollution, particularly around schools? Will he undertake to work with the relevant Ministers, not only the Minister for Transport - I will not say embattled - not only with the Minister for Infrastructure, but also with the Minister for Education to bring into play some policies that remove the number of idling cars around our schools?

**Deputy J.H. Young:**

The Connétable is absolutely right. There is much more to be done. I think at the moment the Environment team has relied upon its low budget solutions. We have an excellent outreach programme that goes into the schools through Eco Active and the public awareness and awareness in schools and the commitment to these matters, to these improvements, is coming. But, of course, now is the time we need to put real action in place. I look to my colleague, the Minister for Infrastructure, to help me do that. I cannot do it on my own, but I will make sure the Connétable's suggestions are followed and particularly I would be very surprised if the Minister for Education does not support that fully.

**3.9.5 Senator S.C. Ferguson:**

Do the Minister's plans for measurement of air pollution include some form of measurement of the carbon particulates from wood-burning stoves that are a serious and growing problem?

**Deputy J.H. Young:**

It is obviously in the realm of the Senator's technical knowledge, which is far superior to mine. I rely on what the published sources tell me: that the air quality monitoring in the U.K. is done on PM10s and PM2.5s. PM2.5 seems to be the most damaging issue, because this gets into the very fine ... it penetrates your lungs. I do not know what size the particulate matters of wood-burning stoves are, but I know there are issues where they are a problem in enclosed valleys and so on. I think that is an issue that I shall speak to the Environmental Health team about.

**3.9.6 Deputy R.J. Ward:**

It is very interesting to hear the Minister talk about low budget solutions. I wonder what the cost of our children's health is to us all, financially, in this Assembly. But my question is: what advice would the Minister give to parents, given that we have absolutely no information on the level of pollution their children are facing in terms of taking care of that risk, or would he just suggest: "It is OK, we have not monitored it for so long, so why does it matter now"?

**Deputy J.H. Young:**

Well, I do not think there is absolutely no information, because we do have those 2 sites that are in town and Members can see that the levels do compare with the U.K. in urban centres. I can recall, way back in the past, there was certainly action taken, for example, in First Tower School. First School Tower is on an inner road, where there was considered to be air pollution in that playground and what did they do? They went into a scheme to put the playground at the back and to use that for car parking. I do not think it is fair to say that these issues have been not understood, but there are school sites where playgrounds are very close to roads and those are going to have to have priority. What advice can I give? The advice I will give is that I will certainly discuss it and arrange a meeting between the Minister for Education and the Medical Officer of Health, to try to see what advice we can give in the interim. But there is no question, the real advice is to let us do things about reducing vehicle emissions and let us do things about reducing vehicles. So, there we are. But I will have that meeting and I will undertake to come back with more detailed information for the Deputy on that.

**Deputy R.J. Ward:**

For clarification, I was talking about the real-time monitoring around schools. That has not happened. We know there are 2 sites, but we know there is no real-time monitoring around specific schools. That is what I was saying.



**The Bailiff:**

Thank you for that clarification.<sup>1</sup>

**3.10 Deputy M. Tadier of the Minister for Treasury and Resources regarding the prospective increase in revenue if the 20% personal tax rate were abolished and the 26% marginal rate were consequently extended: (OQ.159/2019)**

Based on current figures, what would be the net increase in revenue if the 20 per cent personal tax rate were abolished and the 26 per cent marginal rate extended to the taxpayers affected?

**Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources):**

As requested, officers have modelled the financial impact based on the most current data available while applying a number of assumptions. Outlining these assumptions is beyond the scope of an answer to an oral question, but could be provided in writing if Members would find that helpful, so perhaps the Deputy would submit a written question. The key assumption being utilised is that there would be no change in behaviour from taxpayers as a result of this tax rate rise. Before providing the figure, Members need to reflect on that statement and consider whether they think a 6 per cent increase in the headline rate would result in a change of behaviour. Based on these assumptions, the modelling indicates an increase in personal income tax revenues in the region of £23 million. However, this number should be treated with caution, for the reasons I have outlined.

**3.10.1 Deputy M. Tadier:**

I thank the Minister for providing that answer, which I know I had asked for previously via email, but I appreciate the Treasury Department will be particularly busy at the moment. That figure is very helpful. Does she not share my optimism that those people, who are currently on the 20 per cent tax rate of personal income in Jersey, are not so unpatriotic that they would leave the Island, our beautiful Island, which provides them and us with so much, for the sake of £23 million a year, that they would stay and see the public services that the £23 million could fund, rather than necessarily just a continuation of political austerity, which would make the Island better for everybody?

**Deputy S.J. Pinel:**

As the Deputy will be aware, we are conducting a personal tax review at the present time, so we await the recommendations arising from that. Again, as the Deputy will be aware, about 80 per cent of the population are paying marginal tax, so it only affects a few people and this does not incorporate the high value revenue.

**3.10.2 Deputy G.P. Southern:**

Does the Minister have, or can she calculate, how this £23 million extra revenue would split across the income quintiles or, better still, income deciles to see who would be paying this extra sum?

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<sup>1</sup> Deputy J.H. Young has since indicated that on 25th June 2019 he met with the Minister for Education, the Medical Officer of Health and Environmental Health Officers in order to discuss the advice given to parents in relation to air quality around schools and is able to clarify the following: As part of the implementation of the real time air quality sensors at every school in the Island, officers will work with head teachers to agree how parents and students can be better informed of air quality matters. Officers from the Environmental Health and eco active teams are already working on an educational package for schools. This is being piloted now and will allow those schools which choose to take part to monitor air quality around their school to better understand air quality, pollution issues and to take part in a citizen science project.

**Deputy S.J. Pinel:**

As I said in my opening remarks, this is far too detailed information to give in an oral question and if either Deputies were to submit a written question we can then provide that sort of detailed information.

**3.10.3 Deputy M.R. Higgins:**

The Minister has just mentioned the review of personal taxation. Would she advise Members whether it will be ready before details of the Government Plan are published? Surely Members are being told there is a deficit and that many of the things that they would like to see in that Government Plan may not be there. Will the evidence be produced for Members before that, so we can debate it with full knowledge?

**Deputy S.J. Pinel:**

The personal tax review will be contained in a separate report and proposition from the Government Plan and will be lodged so that the recommendations can be debated alongside the Government Plan. The lodged recommendations will be this summer and the States debate recommendations will be autumn 2019.

**3.10.4 Deputy M. Tadier:**

I am just checking my emails and I did send an email to the Treasurer on 23rd May asking 3 questions, including this one on income tax, so I am grateful that the Minister has been able to prepare that answer today. We are often chastised, as Assistant Ministers, for putting in written questions when we could just email and when we do email we are told to put in written questions, so it is a difficult one, but I appreciate everyone is busy. Will the Minister explain how long we have to wait for the outcome of this tax review? It seems to me it will have yet another Government Financial Plan put in, which is predicated on austerity, saying that we have got limited money and we will have to essentially cut things, without looking at ways that we can introduce a whole panoply of revenue-raising measures that may be, if not progressive, at least proportionate?

**Deputy S.J. Pinel:**

The legislation will be drafted to implement the decision of the States in spring 2020 and the new tax system will start from 1st January 2021 for personal tax, which I think is what the Deputy asked.

**3.11 Deputy J.H. Perchard of the Minister for the Environment regarding the inclusion of underground car parks in States developments: (OQ.155/2019)**

In light of the Assembly's agreement that there exists a climate emergency, is it the Minister's assessment that States developments should continue to include the building of underground car parks, given they are predominantly used by carbon-emitting vehicles?

**Deputy J.H. Young (The Minister for the Environment):**

Another excellent question. I thank the Deputy. The planning system currently requires a development of land to comply with Island Plan policies and various guidelines, including the one on provision of parking spaces and, of course, that applies to whether, or not, those spaces are above, or below, ground. What it seeks to do is to direct development to the most sustainable places and reducing travel needs. Unfortunately, those guidelines are well out of date; they are 1988. They were not intended to be inflexible and in reality the Planning Committee and officers have had to make individual judgments, bearing in mind our sustainable transport policies. There is no question that this Assembly will be asked to approve new policies to influence behavioural changes that greatly accelerate a move to a more creative sustainable transport. I have had a draft of the new parking guidelines. It is 57 pages long, one of the most complex documents I have seen and,

therefore, I have not approved it, because we have a summer of consultation with the Island Plan, south-west Helier, climate change, *et cetera*. So, I think what we are trying to do is produce some strategic options documents that will help us to make the choices, starting next month. This is a difficult task, so I am encouraging everybody to get involved in this consultation process and we have choices. We can either eliminate parking altogether and provide difficulties for our urban areas to function properly, or we can recognise that, for certain uses, we need to have those parking provisions and try to set some greater clarity in the rules. But always, I think, we have to move towards reducing commuter parking.

**3.11.1 Deputy J.H. Perchard:**

Does the Minister agree that we should not be allowing commuters to park carbon-emitting vehicles in town in the future?

**Deputy J.H. Young:**

Some of the guidelines I refer to, because it is a bit complex, at the moment do not allow, for example, the provision of private parking for commuters.

[11:00]

So, private, non-residential, car parking would not be permitted and that has been the case for some time. Obviously, we are dependent on public car parks. Public car parks support commercial activity in the town, so again we have to find out where to draw those lines, but should we be discouraging commuting? Absolutely. Should we be doing things about car parking? Absolutely, to reduce the commuting car parking and shift towards the use of bus and alternative transport. Yes, we should.

**3.11.2 The Connétable of St. Helier:**

I welcome the question and the response by the Minister, but would he not agree with me that the problem is not car ownership, but car use? There is a danger that the new policies he talks about and, in fact, the existing policies, discriminate against people who live in urban areas by removing parking from developments, whereas people living in St. Helier have as much right to car ownership as people living in St. Mary and any policies that he introduces should be fair right across the Island.

**Deputy J.H. Young:**

I think the Constable's question illustrates the difficulty. What we do know is by restricting, which we have done, developments providing onsite car parking in town areas, what happens is that displaces the private vehicles into surrounding streets and makes it more difficult for residents in those communities. I think that is something we have to take into account, in setting our new policies. I think it is a question of looking carefully at the uses and there will be certain uses where it is essential that we provide car parking, to enable that function to take place, including accommodating visitors, to a degree, but where we cannot we should not have it. I think this does mean a wholesale new set of urban policies and that is the challenge for the Island Plan. Unless we do so, I fear for the future of St. Helier, I really do.

**3.11.3 Deputy J.M. Maçon of St. Saviour:**

The Constable of St. Helier asked my question, but I have another one. Does the Minister agree that, in the amendment brought by the Constable of St. Mary to the Sustainable Transport Policy and the amendment that I brought to the previous Island Plan copying that wording, that it was not right to penalise those through parking provisions, who do not have a reasonable alternative and, therefore, there was an impetus on the States to provide better sustainable transport, rather than plan out parking provisions to protect those people who do not have reasonable alternatives? Does the Minister still agree with that principle?

**Deputy J.H. Young:**

Yes.

**3.11.4 Deputy M. Tadier:**

Does the Minister agree that owning a private vehicle will inevitably be replaced with accessing a vehicle of some kind? Will he, as Minister for the Environment, look at planning requirements that look towards carpooling and developments that have some kind of collective car space, where a smaller number of cars can be loaned to the residents and used communally?

**Deputy J.H. Young:**

Well, the Deputy makes some interesting suggestions. I think we should look at all possibilities in developing our new Island Plan policies. I think we will be limited by the scope of the law. I am not quite sure that the planning law allows us to make rules for the use of people's vehicles. It probably does not, nor do I have the power in the law to say that we should set a date when carbon-producing vehicles should be removed. But I think we have to use the tools we have got; the planning law. I am hopeful that I will be able to bring forward enhancements to the planning law as part of the Island Plan process. My aspiration is that it will enable us to make sure that those policies are as fit for purpose as they can be, so I am trying to do that at the same time as the Island Plan, to make sure we have got the legal powers to deal with these matters. Good suggestions.

**3.11.5 Deputy J.H. Perchard:**

Does the Minister agree that there is, in fact, a contradiction between the States building office blocks such as the I.F.C. (International Finance Centre) buildings and providing underground car parks for each one and the policy to reduce commuters driving carbon-emitting cars to work? In fact, in some ways, it could be argued that the States building such car parks encourages people to drive to work from outside of town.

**Deputy J.H. Young:**

Absolutely, there is no question. I was never a fan of the States developments, S.o.J.D.C. (States of Jersey Development Company), but I have accepted as reality that we need to provide modern office space. But what I did notice and protested about, I think I probably objected in the planning applications, that it was always intended that there would be public car parking, that those buildings would not have private parking spaces in the way that was done. But, nonetheless, they have happened and I would certainly not be keen on seeing any more of that, because it has exactly the effect that the Deputy says.

**3.12 Deputy K.G. Pamplin of the Minister for Treasury and Resources regarding the procedures which applied to the determination of grants provided by the States to external bodies such as charities or event organisers: (OQ.163/2019)**

What financial directions, or other procedures, are applied to the determination of grants provided by the States of Jersey to external bodies such as charities, or event organisers; and, when notice is given that such funding is either to end or continue, what timescale for the notice, if any, do these directions, or procedures, state must be followed?

**Deputy L.B.E. Ash of St. Clement (Assistant Minister for Treasury and Resources - rapporteur):**

Grants are provided on the basis of financial need, or to help deliver Government objectives. By their definition, grants for events are rarely provided on a long-term basis, as the intention is for events to become sustainable, without the need for Government financial support, although, obviously, that is not always possible. Rules relating to grants are currently contained in Financial Direction 5.5 and I can provide a copy to any States Member who would like one. This will be

replaced, within the next couple of months, by the publicly-available Public Finances Manual and, again, I can provide the draft section on grants, should anyone request it. Neither currently includes the timescale for notice of continuation, or withdrawal, but I would expect - and indeed I am sure the Assembly would expect - departments and Ministers to act in a courteous manner and have regard to the activity the grant-receiving body may have planned, as long as it is based on a reasonable expectation that funding would continue, if no indication has been given to the contrary.

**3.12.1 Deputy K.G. Pamplin:**

I thank the Assistant Minister for the answer. The grants 5.5 that he noted is very interesting reading. It is not easy to find. I did find it on the F.O.I. (Freedom of Information) website and, having worked for charities and applied for grants previously, having that information of what is expected, before you lodge the grant, should be made readily available. Does he agree, therefore, with the change coming in a couple of months that more information is put out and is easy for anybody who wants to apply for grants of what is required, what checks and balances will be needed when applying for grants in the future?

**Deputy L.B.E. Ash:**

I think that is a very good point the Deputy makes. I think, in the Public Finances Manual, which as I say I am quite happy to provide him with a draft, he will find that it is a lot more clear cut.

**3.12.2 Deputy G.P. Southern:**

Does the Assistant Minister, as his predecessors did, accept that when it comes to funding services particularly performed by charities with the intention of providing business of the Government, that grants should be awarded for a 3-year, or 5-year, period so that some stability is given to those charities delivering services, rather than a scramble every November for the next year's funding?

**Deputy L.B.E. Ash:**

In an ideal world, yes, I would concur with the Deputy; it would be fantastic. However, we do not work over a 3-year, or a 5-year, term. For instance, very recently, we passed extra funding for arts, so we have to be flexible within that one-year framework as to what money we have available to go out, even if it is for charities.

**3.12.3 Deputy G.P. Southern:**

Do we, or do we not, work to a 4-year title in terms of budgeting? Is it not as simple as that?

**Deputy L.B.E. Ash:**

We now work on a one-year rolling contract, if you like. I believe that is the modern terminology for it.

**3.12.4 Deputy M. Tadier:**

Does the Assistant Minister for Treasury and Resources believe that there is merit in pursuing an idea of some kind of arts council in Jersey, that could have money allocated to it in part from Government, but also from other areas, which could take out some of the politicisation of decisions to give grants to whichever organisations, which could include, for example, Jersey Sings?

**The Bailiff:**

Deputy, the convention is that Assistant Ministers do not ask questions in relation to their own areas of responsibility, because that is something you should be able to take up privately in Government.

**Deputy M. Tadier:**

I am still learning the rules, Sir, and sometimes when we try and ask questions privately they do not get answered. I am asking the Minister, who has responsibility for Treasury, whether this might help, but I will take the ruling from the Chair if that is considered out of order.

**The Bailiff:**

Otherwise I have no idea where we will end up, but I do not think it will be a good place. Are there any further questions for the Assistant Minister?

**3.12.5 Deputy K.G. Pamplin:**

I raised this issue, as the previous speaker spoke about my previous question and also to the Minister for Education about Jersey Sings. The grant assurance statement of the grants as it is at the moment at 2.2.6 is: 'Where an individual organisation is applying for a repeat grant, departments must obtain assurance over the use of the current year's grant at the time of the application.' With this new process going forward, will there be better checks and balances, so that we do not arrive in the very public situation that we saw very recently?

**Deputy L.B.E. Ash:**

Possibly we do need better checks and balances. In the case of Jersey Sings, that is a lot more complicated than it first appeared and I think the Minister for Education explained that earlier. I am sure that, should you wish to later, we can talk you through the whole process that went on with Jersey Sings, but it is not as perhaps the media place it.

**3.13 Deputy M.R. Le Hegarat of the Minister for Home Affairs regarding the interview panel for the appointment of the new Chief Officer of the States of Jersey Police: (OQ.153/2019)**

Will the Minister advise who will form the interview panel for appointing the new Chief Officer of the States of Jersey Police and what consideration, if any, has been given to the independence of the Chief Officer's role when determining the composition of the panel?

**The Connétable of St. Clement (The Minister for Home Affairs):**

Like all senior roles, the process for recruitment of the Chief of Police will be overseen by the Jersey Appointments Commission and it is they who will agree the panel members. But I can tell the Deputy that, as part of the recruitment process, there will be independent technical advice provided to the panel by a suitably qualified and experienced person with a relevant policing background from the United Kingdom.

**3.14 Deputy I. Gardiner of the Chief Minister regarding the establishment of an Independent Health Commissioner for Jersey: (OQ.157/2019)**

Will the Chief Minister consider establishing an independent health commissioner for Jersey to investigate and help resolve complaints relating to the health system in Jersey and to oversee and audit healthcare processes and procedures?

**Senator J.A.N. Le Fondré (The Chief Minister):**

On 1st January of this year, the Independent Jersey Care Commission came into force and that provides for a regime of independent regulation and inspection of health and social care services. At this point in time, the Care Commission only regulates care homes, home care and adults day care services, but over the next 5 years its reach is to be extended to social work services, community health services and hospital services. In the coming weeks, which might also address the other part of the Deputy's question, a public consultation is to commence on a proposed Public Services Ombudsman. Pending decisions to be taken by this Assembly, it is envisaged that the Ombudsman

will be provided the powers to investigate complaints about services delivered by the Minister for Health and Social Services, but it has yet to be determined at what point those powers will be enacted.

**3.14.1 Deputy I. Gardiner:**

Thank you for an extended answer. Yes, it has partially answered my supplementary question. I would like to extend. In the U.K., the Care Commissioner has the power to inspect and introduce special measures on the hospitals and G.P. (general practitioner) practices, if they do not meet specific standards. Would our Care Commission have the same powers and would it be a robust mechanism to protect and safeguard the people of Jersey?

**Senator J.A.N. Le Fondré:**

At a high level, I think my understanding would be yes. I might have to just go back and check the detail that the Deputy has raised, but the point is that the Care Commission is being introduced on a phased basis and on the discussions I have had with them in the past month they are very acutely aware that they are very slowly rolling things out. My understanding, at a high level, is that the Deputy is correct, but I will go back and check the detail.

**3.14.2 Deputy I. Gardiner:**

In an executive response to the Comptroller and Auditor General's report on Government's arrangements for health and social care from 2018, it has been stated that the independent regulator will publish a timetable for the extension of independent regulation and inspections to all elements of health and social care, including services directly provided by the States, by early 2019.

[11:15]

Would the Chief Minister circulate, or tell to the Members, what timescales, timetable ... if this timetable exists and, if yes, can we have information about it for the planned inspection for this year?

**Senator J.A.N. Le Fondré:**

The short answer is I will go back and check. I am sure if the Care Commissioner said they would be publishing a timetable it is out there, but I will go back and check and see if it exists and when it was circulated to Members. If it has not been circulated to Members, I will ensure it does so.

**3.15 Deputy M.R. Higgins of the Chairman, States Employment Board regarding the appointment of interim consultants in the Department of Health and Community Services: (OQ.168/2019)**

Will the Chairman advise Members whether any failures to adhere to correct procedure have been identified in the recent appointment of interim consultants in the Department of Health and Community Services and, if so, will he state what actions have been taken and what lessons have been learnt as a result?

**Senator J.A.N. Le Fondré (Chairman, States Employment Board):**

I understand that the Deputy is referring to 2 appointments relatively recently. The States Employment Board fully discussed the appointment of a risk and governance consultant, as proposed by H.C.S. (Health and Community Services), via the P.59 process. The Board was fully satisfied that the appointment was both proportionate and in accordance with the procedure. That is a 13-week contract spread over about 6 months to work on governance and risk issues within health and that is following the C. and A.G. (Comptroller and Auditor General) report. On the second employment, the Board is not involved in the appointment of a second consultant under a contract for service, because they were appointed under the delegated recruitment authority of the Director General, as the post did not meet the criteria requiring a P.59 approval. I can just say, if it helps and hope will

be of assurance to the Deputy, the Vice-Chairman of the States Employment Board has looked into the matter and does consider it fully met the delegated procedure. On that basis, the Board remains satisfied that the P.59 process continues to work as intended and that the delegations of a wide variety of human resources tasks to the Director Generals, including recruitment, are appropriate.

**3.15.1 Deputy M.R. Higgins:**

Will the Chief Minister tell us exactly what the process is; the very first appointment he mentioned, where the consultant was employed for 6 months at £45,000? Because I think many people are confused. What does the appointment process involve?

**Senator J.A.N. Le Fondré:**

I can give a high-level summary, so P.59 is relevant to ... I cannot remember which year, but it was proposition P.59, which was specifically around the area of the appointment of consultants and that kind of territory. It generated a reporting process, which is now reported annually to the States, but means that politicians, particularly and directly members of the States Employment Board, do oversee appointment of contracts for more than £100,000 a year and which obviously means annualised contracts for. The process is that there is a bidding process, a better professional approval process that goes up through departmental level and officer level and the experience I have, it comes to the Minister for approval if it refers into their department and then it goes to the States Employment Board for final approval.

**3.15.2 Deputy M.R. Higgins:**

Will the Chief Minister tell us whether the person, who is appointed to that post, first of all was interviewed, secondly, whether anyone else was interviewed and, thirdly, whether it was being advertised? If the answer to all those questions are, as I suspect they will be, does he still think it is a sound procedure?

**Senator J.A.N. Le Fondré:**

Which process?

**Deputy M.R. Higgins:**

The recruitment process of that individual.

**Senator J.A.N. Le Fondré:**

The point was that we have 2 individuals, I believe ... the P.59 process. In terms of the advertising side, I am not sighted on that. I think there are 2, or 3, comments we need to make around this. Number one, it is for a short period of work; it is literally 13 weeks over 6 months. It is also to deal with, essentially, patient care and safety, as a result of the governance issues that were identified by the C. and A.G. Therefore, it was a bespoke specialist, brought in to address patient safety and issues and they are brought in at relatively short notice, to address patient safety concerns and issues identified by the C. and A.G. in her report. I think the second point, which is addressing the kind of overall theme of some of the focus that goes on around appointment of interims, and the underlying context of, why are we doing it? Why can we not do it internally? People may want to ask me this on questions without notice, because otherwise we will run out of time. My view is that many interims that are coming in are being brought in for their specialist skills; is it relevant to this particular circumstance, as well? When they are being brought in to cover things like ... we are dealing with a change in an organisation, in a large organisation, relatively, of over 7,000 staff, therefore we have to bring in ... sorry, we have a choice, we can either do it internally, which requires people who are being subject to change to change themselves, or we bring in ... I think the classic example where we would not want to do that is in things like Children's Services, where I think we have got clear evidence of why and where the system went wrong, or where it could be improved. I am being diplomatic in all those areas and why we needed to bring in outside arrangements. In terms



of the health side, things have moved on and, therefore, we bring in the best specialism we can bring in.

**Deputy M.R. Higgins:**

Sir, can I interrupt? The Minister was asked specifically: was the person interviewed, or was anyone else interviewed? In fact, I will throw in another one, did the person who employed that person, was that known to her, did she solely make the decision? We need to know what the process was on that.

**Senator J.A.N. Le Fondré:**

The P.59 process, I have answered; the P.59 goes up to the States Employment Board.

**The Bailiff:**

Chief Minister, just a moment, please. You were asked 3 specific questions: was the post advertised and the other 2; I have forgotten?

**Senator J.A.N. Le Fondré:**

I was answering the last point, which was that was it approved. The point was it went up to the approval process, which is the States Employment Board. Was it advertised? I do not know, I will come back and find out. The point I am making; it was for a very short-term post at short notice. Therefore, why would you not use the knowledge and experience of the Director General to find someone in a specialist area to bring it in? We, I think, are very well served by the Director General. I think we need to get off a little bit of the populist bandwagon of for ever inferring ill-doing in terms of all of the Director Generals and people we have. They are being brought in to achieve major change to improve the services we offer. I think we need to make that point.

**Deputy M.R. Higgins:**

Point of clarification, Sir, was she interviewed for the job?

**Senator J.A.N. Le Fondré:**

I just said I do not know and I will go and find out.

**3.16 Deputy G.P. Southern of the Minister for Health and Social Services regarding the publication of waiting lists for healthcare services: (OQ.165/2019)**

Further to his response to Written Question 262/2019, will the Minister commit to publishing waiting lists for healthcare services, breaking them down by speciality and distinguishing between routine and acute, or emergency, procedures when doing so?

**The Deputy of St. Ouen (The Minister for Health and Social Services):**

In Health and Community Services, we are undertaking significant work on our data around waiting lists. Currently, we publish average waiting times on gov.je by specialty for, firstly, patients seen in an outpatient clinic at the hospital, or at Overdale for their first appointment; and, secondly, patients being admitted to the hospital for an inpatient, or day-case, procedure. The purpose of the work we are doing is to provide assurance about the management of our waiting lists and this will involve the development of a patient-tracking list and we will publish that further data as and when we have it developed and are in a position to do so. This will include a breakdown by clinical priority, that is to say whether the case is urgent, or soon, or routine, for patients referred to consultants in secondary care and patients admitted for a procedure, for example, a cataract operation, as referred to in the Deputy's written question. The question also asks about acute and emergency procedures, but these would not be reported, or added to waiting lists in the same way, because, of course, they are patients who need an operation urgently, or in the immediate future, for example, for a life-threatening situation.

### **3.16.1 Deputy G.P. Southern:**

There are 2 types of waiting, one is for a reference to the consultant and that might take some time and the second is from that consultant to delivering some procedure. Does the Minister accept that a range, for example, of minimum wait 2 weeks to a maximum wait of 48 weeks, with an average of 18 weeks, is fairly meaningless? Would he agree to publishing not the median waiting times, but the mode waiting time, i.e. the most frequent, which would give a better idea of how efficiently the hospital is working in this area?

#### **The Deputy of St. Ouen:**

When I came into office, waiting lists were not published and I made a commitment to publish the data as it was collected at the time. There has been significant work carried on to try and improve that data and it continues. Yes, at the moment it is the case that we publish a mean wait and sometimes outliers do look astonishing, because there can be all sorts of reasons why there is a maximum wait. It could be that the clinical priority is not great, or it could relate to the demand, or could relate to the number of operating slots available. But they can also relate to patients who cancel their appointments, or do not attend, or can carry on with what they are dealing with and choose not to have it at a certain time, which pushes their wait further. Yes, in some respects a mean wait does not reflect the usual experience of patients and we are undertaking significant work to provide far greater information in the future.

#### **Deputy G.P. Southern:**

I thank the Minister for his reply.

## **4. Questions to Ministers without notice - The Minister for External Relations**

### **The Bailiff:**

We come to questions to Ministers without notice. The first question period is the Minister for External Relations.

#### **4.1 Deputy K.G. Pamplin:**

Further to the response to my oral question last year from the Chief Minister and my follow-up question in a written format to the Minister in February, asking when the Appointed Day Act for Article 20 of the Dormant Bank Accounts (Jersey) Law 2017 would be brought to the Assembly for approval, in that answer was stated: 'Officers are expected to be in a position to brief the Scrutiny Panel by the end of March.' Can the Minister provide an update?

#### **Senator I.J. Gorst (The Minister for External Relations):**

Yes, there has been a slight delay in that regard. The Deputy will know that when we created the office of Charity Commissioner in that proposal and as we were developing it there was an allowance within the law to use the dormant bank accounts to fund the operation in the short term of the Charity Commissioner. We had hoped, more recently, that that would not be necessary, but it will not be a surprise probably to the Deputy to know that trying to balance the Government Plan for 2020 through to 2023 is challenging, as it always is. Therefore, we are looking again at the need to use the dormant bank accounts, rather than put it into baseline budgets. It is for that reason, I think, that is what we will ultimately now propose, if other Ministers agree. We had a municipal discussion about that earlier this week; that should then mean that we can get on and brief Scrutiny about the particular issue of bringing forward that.

#### **4.1.1 Deputy K.G. Pamplin:**

Does he agree with me, though, that it is slightly more urgent than that? Because, at the moment, there is a sum of nearly just shy of £5 million in that account. Part of the law in the Article, as far as I understand it, was also to support charities, as well as the Charity Commissioner. In a slightly separate issue, the A.J.C. (Association of Jersey Charities) are now using their reserves to pass on funding, which would have been covered by lottery money, yet to be agreed where that comes from and who administrates it. One charity had to take out a £500,000 loan of late and we have seen the recent situation with Jersey Sings. If this money was released and available charities would have the ability to apply for emergency funding, that would not affect Government funding and the grants process, which, as we know, is going through a process of change. Does he agree?

[11:30]

**Senator I.J. Gorst:**

As ever and I think it is quite straightforward, hopefully the Deputy is going to be pleasantly surprised when we do finally brief Scrutiny that there is now considerably more money in the dormant bank accounts than the number that the Deputy quoted. I spoke at the end of last week to Treasury officials and to my official that is dealing with this matter and they had some questions for me about the investment and the distribution strategy. They are going to provide further detail on that, so that this money can give benefit to the charitable sector into the medium and longer term, rather than just simply spending a capital amount. I do know that under Senator Farnham's remit there is a piece of work being undertaken about the distribution of the lottery funds into the future, but I also understand that there is more money in that lottery fund than there has been previously. I am disappointed to hear that particular charities might be struggling with funding. I am sure if he brought that to our attention we would provide help and advise him if possible.

**4.2 Deputy S.M. Ahier:**

Will the Minister advise the Assembly which of the candidates for Prime Minister he believes would be most preferential for Jersey? **[Laughter]**

**Senator I.J. Gorst:**

No, I will not. It is not a matter for me, nor for this Assembly, but for members of the Conservative Party.

**4.3 Connétable K. Shenton-Stone of St. Martin:**

Does the Minister for External Relations intend to meet with any of the new party leaders over the coming months to discuss the future of the Island's relationship with the U.K.? What contact has he had with the new intake of M.E.P.s (Members of the European Parliament) to promote the Island within the E.U. (European Union)?

**The Bailiff:**

Those are 2 very different questions, but would you like to choose which one of them you would like to answer, Chief Minister;

**Senator I.J. Gorst:**

Happy to answer both, Sir, in the allotted time if I can.

**The Bailiff:**

You have got 90 seconds then.

**Senator I.J. Gorst:**

That is disappointing, Sir. Of course, not only myself but fellow Ministers meet with Members of Parliament in the United Kingdom on a very frequent and regular basis. Myself and the Deputy Chief Minister have met, only recently, with a number of candidates in the Tory leadership race and we

will continue to meet and represent Jersey's interests. When it comes to the newly elected M.E.P.s, I have, of course, met with M.E.P.s who were previously M.E.P.s, but have not yet made a visit to Brussels, nor have we yet had the party conference round where we would expect to meet new M.E.P.s as they are settling into their job.

#### **4.4 Deputy G.J. Truscott of St. Brelade:**

We could well have a new Prime Minister at Westminster within weeks and it would seem that it would be quite likely come 31st October that we will be facing a hard breakfast **[Laughter]** - not breakfast, yes, I have got breakfast on the mind; I missed mine this morning - Brexit and is the Island prepared for a hard Brexit and on that basis also, where are we in relation to the World Trade Organization membership. Could you update the Assembly, please?

#### **Senator I.J. Gorst:**

It is tempting sometimes to think of Brexit as a dog's breakfast, but it is something that the U.K. electorate have decided upon. It has been a challenge for the British Parliament to deliver Brexit in whatever form. The Deputy knows that we have been preparing for a potential no-deal Brexit since before the referendum debate and that continues to be the case. I am receiving weekly and fortnightly briefings around the work to ensure that we remain prepared. That will, after the summer recess, move on to what in the trade they think of as a battle rhythm, as we were prior to the potential March leaving date. We are prepared and I pay tribute to all officials who are involved in that preparation; it is a first-class piece of work. With regard to the extension of W.T.O. (World Trade Organization), should there be a no-deal Brexit on 31st October and, let us be honest, at least in this place there is still a lot of water to go under the bridge, as it were, before that is a reality. When it comes to W.T.O. extension, officials in my ministry, together with U.K. officials, I think finally have a breakthrough and we should look forward to some public announcement on progress in short order in that regard.

#### **4.5 Deputy K.F. Morel:**

A bit of a slightly left-field question: the global market strategy, which creates a framework for Jersey's kind of interaction with the rest of the world, does not include any elements of South America in there and there are plenty of countries in South America, which are moving up in the economic terms. I was just wondering whether the Minister has any intention to develop links between Jersey and South American countries.

#### **Senator I.J. Gorst:**

It is a very good question, because we know with regard to Brexit from time to time the economic growth in some South American countries has been stellar, as it were. We know that some Island businesses do gather good business from those countries. It is fair to say from a political and Government perspective, historically, we have always found it quite difficult to build relations. But the global strategy, I have just been talking with officials in my ministry and they have done an excellent piece of work, revisiting that in line with some of the considerations that the Scrutiny Panel have raised as well. We will be able to share that with Scrutiny in due course. It might look attractive, but I think the resource that we would have to put in at this time and the benefits that we might receive as an Island, there is not a great correlation there.

#### **4.6 Deputy G.P. Southern:**

Could the Minister explain further what he sees as this potential breakthrough about to be announced, particularly as that applies to our third-country status in respect to the E.U., or how W.T.O. regulations might apply to services, provision of services, rather than goods?

#### **Senator I.J. Gorst:**

I am not in the business of preannouncing; a memorandum of understanding is in the process of being finalised with the United Kingdom, to enable them to seek the extension of the U.K.'s membership

with W.T.O. to Jersey. This has long been a policy objective. It has hit a number of bumps along the road and, therefore, I do not want to say at this point exactly what that will be, until I come to the point of announcement.

## **5. Questions to Ministers without notice - The Chief Minister**

### **The Bailiff:**

Are there any further questions for the Minister for External Relations? If not, then we move on to questions for the Chief Minister. Are there any questions for the Chief Minister?

### **5.1 Senator S.C. Ferguson:**

There had been questions this morning about interims and there is a lot of public disquiet about the number of interims being employed within the States operations. Would the Chief Minister like to bring us up to date with how many interims we now have working for the States?

### **Senator J.A.N. Le Fondré (The Chief Minister):**

In terms of data and I refer to contracts above £100,000; in 2017 we had 37, as of 31st December 2017, applications. At the end of 2018, we had 33 applications, all of which were interims and to date we have 10 interims remaining. The point is the shift is to bring in permanent staff and where the interim work has been concluded, they are no longer with us.

### **5.2 Deputy R.E. Huelin of St. Peter:**

In support of the Minister for Health and Social Services and his question on artificial intelligence, there seems to be quite a lot of confusion between A.I., internet of things, patient record systems and the interconnectivity of all of them. As we are moving towards building a clinically-led hospital, I think it is important that the Assembly, who are going to be part of this process obviously, get an understanding of the technological activities going forward, the merits of them and the delivery of them. It is a very simple question: will the Chief Minister arrange a briefing soonest, so the Assembly can be brought up to date with these technological developments?

### **Senator J.A.N. Le Fondré:**

I will be happy to discuss this with the Minister for Health and Social Services and I am sure both of us will be delighted to arrange that for Members.

### **5.3 The Connétable of St. Martin:**

Does the Chief Minister agree that the Island requires up-to-date legislation to combat hate speech and sexual harassment in Jersey?

### **Senator J.A.N. Le Fondré:**

I will say I am not sighted precisely on the present state of legislation, but if there is a gap I will be supportive of ensuring that gap is closed. To be very clear, I would hope we all condemn what is sometimes referred to as hate speech, intolerance and abuse, particularly in the social media territory.

### **5.4 Deputy L.M.C. Doublet:**

Given that the breastfeeding rights contained within the family friendly legislation were not contentious in any way, does the Chief Minister agree that we should not wait for the legislation for States employees, but lead by example and change the policy, so that States employees can have the breastfeeding rights, before the change in legislature?

### **Senator J.A.N. Le Fondré:**

In principle, I do not have any problems with what the Deputy is proposing, but I would sit down and discuss it with the Minister for Social Security and the other Ministers beforehand.

**5.5 Deputy M.R. Le Hegarat:**

Did the Chief Minister tell the Council of Ministers that they would be sacked from their ministerial roles if they voted in favour of the vote of no confidence, brought by Deputy Southern?

**Senator J.A.N. Le Fondré:**

Yes.

**5.6 Deputy K.G. Pamplin:**

Further to his answer to my Written Question 269 today on the Public Records (Jersey) Law, where it is stated that a review into the process which started early this year and how it was operating across departments, but was paused, hopefully, to restart later this year. But given the troubling news that a Government department destroyed 4,000 historical documents and nearly destroyed a further 3,000, rather than send them to the Island's Archive, does he agree that this review needs to restart as a matter of urgency? Secondly, following Jersey Archive needing further funding, saying and I quote: "A shortage of people means by the year 2025 they estimate their backlog of work to catalogue will be 100 years", that their funding is also prioritised?

**Senator J.A.N. Le Fondré:**

In terms of the programme, my understanding is the ... I cannot recall the exact reason, I am going to say retirement, but I might be wrong, but the person that was originally tasked to do the work left the organisation. Therefore, that was the problem, there was a delay and that is why there is a delay in just recruiting someone to do that work. In terms of priority, the difficulty we all have is the level of priorities that we are facing, given the systemic issues that the organisation has been struggling with for a number of years and that is what we are trying to address. Within the context of that, I have no objection to it, but I do need to point out that we still face the funding pressures that we face and we do need to make sure that, bluntly, if it is a choice between somebody who is going to improve mental health and somebody who is going to help improve the archiving process, where should the priority lay for this year? The Government Plan is a rolling plan for 4 years, I would have no objections to bringing that in at a later date to then speed up the process. But we are facing some significant challenges for 2020.

**5.7 Deputy S.M. Ahier:**

Will the Chief Minister advise the Assembly what plans he has to make the States Chamber more accessible to people with disabilities?

**Senator J.A.N. Le Fondré:**

I would suggest that should be rightly referred to the Minister for Infrastructure, which he will no doubt thank me for, because he is responsible for the building. I will say that I do believe that there will be some issues, for example, of members of the public with disabilities, for example, accessing the public gallery. Whether there are alternatives to providing that access, I do not know, but I can see some challenges ahead on that front.

**5.8 Deputy J.H. Perchard:**

In a press release of 10th June it states: 'The additional 0.8 per cent increase to consolidated pay is to be funded through identified reforms and sustainable efficiencies.' But the Chief Minister, earlier today, said that a working party has been established to identify these reforms; why were not possible efficiencies and reforms identified, before the offer was made?

**Senator J.A.N. Le Fondré:**

Because they did not know what they were. In terms of the negotiations, the principles arrived at that in order to achieve the extra 0.8 per cent; that it could be funded, or should be funded, from efficiencies were identified.

[11:45]

Therefore, the principle that was reached with the discussions that took place with the unions - and, obviously, the union has agreed to those principles - were that we put a working group together with the employer and employee representatives and education representatives on there to come together, working collaboratively, to identify those efficiencies. In the actual union agreement, there are some suggestions of items that can be included in the review, but they are suggestions, those are in the public domain. For future reference, I refer the Deputy to page 2 of those suggestions; they are not exclusive, none of them may potentially happen, there may be some alternatives. But the point is they are suggestions and it is for the working party to come together and identify those within the time limit specified in the agreement. What I do not want to do, firstly, is try and second guess the work of that working party. Secondly, is that we have, obviously, one union that has agreed to the offer, the other union is out still in discussions. Those are active discussions going on, so I do not want to prejudice too much those discussions concluding.

**5.9 Deputy M. Tadier:**

Does the Minister agree that when we have 3 rates of personal income tax to do with people's disposable income, when we tax the most wealthy in our society, 2(1)(e)s, at 1 per cent of their disposable income, the relatively wealthy in our society at 20 per cent of their disposable income and everybody else at 26 per cent; that is not conducive with the Government's aspiration to reduce income inequality and what will he do about it?

**Senator J.A.N. Le Fondré:**

I think the first thing I would do would be educate people on the difference between the headline rate and the effective rate. The effective rate is what people are charged for taxation purposes and obviously they do not match up with what the Deputy is suggesting. In terms of the future work on the income tax system, I refer Members to the work being done by the Minister for Treasury and Resources on the review of personal tax and I will await those outcomes in due course.

**Deputy M. Tadier:**

In reality, if somebody on any of those 3 rates wants to go out and make some more money, say, earn £1,000 ...

**The Bailiff:**

Deputy, please sit down, thank you.

**Deputy M. Tadier:**

Sorry.

**The Bailiff:**

I am sorry, but I have got still numbers of Members wanting to ask further questions. I am not allowing supplementaries at the moment; I will put you to the bottom of the list.

**5.10 Deputy R.J. Ward:**

This is a very quick question: can I ask the Chief Minister when the last time he used LibertyBus was and how frequently he uses our public transport system?

**Senator J.A.N. Le Fondré:**

I think about 8 weeks ago or so, somewhere in that sort of territory. It is used on an *ad hoc* basis, I will admit. I do tend to drive in; often it is doing the school runs, or because I am coming in early, or because I am going to be finishing excessively late. But, no, I do try and use LibertyBus when I can.

#### **5.11 Senator K.L. Moore:**

When answering a question in relation to the employment of interims, the Chief Minister earlier told the questioner to get off the populist bandwagon. Would the Chief Minister please give some evidence as to why he believes there is a populist bandwagon in relation to this topic? As the report that I have read described the staff in the States of Jersey as good, committed and capable people.

#### **Senator J.A.N. Le Fondré:**

I do not think I have ever said I do not regard the members of the States workforce as good, capable people and I think to insinuate any otherwise is disrespectful to them. What I have said is that when we are going through a change of organisation of the magnitudes that we are doing, is that if Members support change and I, as an elected Member of 13 to 14 years, have always been in favour of change because, being very clear, that systemically we have problems all the way through many parts of the system that need addressing. We either bring people in to do it and that achieves the change in a short timeframe - and hopefully does achieve the change - or we are relying on people who are doing their day jobs and then to try and achieve change off the side of a desk. We have tried that in the past; it does not work. What I will just be very clear on is that in terms of the cost that sometimes get publicised in the media around - and that is the headlines one will see - about day rates and all that type of stuff, which is the populist bandwagon I referred to. These people are coming in with their expertise to achieve change. From what I am seeing at the moment and as of today I am absolutely clear that the efficiencies and benefits that those people will introduce will far outweigh the salary costs that are achieving those headlines. That is what I mean by the populist bandwagon; if we have been calling for change for years this is change, we are in the middle of it, let us get behind it and let us support it. We have some very good people coming in and they will bring the organisational structure into the 21st century. If people do not think that is necessary, I go right back to the point around Children's Services and, if it was not necessary, we would not have spent £24 million on an inquiry.

#### **5.12 Deputy G.J. Truscott:**

The United Kingdom Government has declared 2050 to become carbon neutral by, at an estimated cost of £1 trillion; that is £1 trillion to become carbon neutral. Plainly, we have declared our date as 2030; have we any up-to-date estimates, or any idea of what this is going to cost Jersey to go carbon neutral by 2030?

#### **Senator J.A.N. Le Fondré:**

I think you will recall that the proposition was brought by Deputy Ward and the financial costs are still being evaluated; they are likely to be reasonably sizeable. Obviously, by doing it ahead of the 2050 period, there may be some additional proportionate costs. Pretty obviously we are not talking £1 trillion, because as I last looked the United Kingdom is somewhat larger than us.

#### **5.13 Deputy G.P. Southern:**

I now refer to part (c) of the Chief Minister's written question 258, where he says: 'Further services are planned for launch during 2019 and Yoti remains the strategic partner for digital identity. We also continue to work with Yoti and the private sector to develop services.' Do those services include the development of digital voting in the next few years?

#### **Senator J.A.N. Le Fondré:**



I need to go back and just clarify something, but my recollection is that where the focus is, is on electronic registration but not electronic voting. Because I believe there are security issues around that, but it might be a few months out of date, because I know there were some discussions happening, I think, at P.P.C. (Privileges and Procedures Committee) on the matter. But, as I understand it, the emphasis is about getting people registered and making that easy to do online, but not necessarily the voting process in terms of the States election.

**5.14 Deputy M.R. Higgins:**

Can the Chief Minister tell us whether the agreement he has made with the teaching union, to look for these savings, is conditional on specific savings, or whether it is conditional on entering into talks to look at potential savings?

**Senator J.A.N. Le Fondré:**

The agreement establishes a working group to achieve savings and that, provided the savings are achieved, or according to what magnitude the savings are achieved, will determine the amount of the increase that the teachers will get over and above the 1.3 per cent above cost of living, which they have already been offered for 2020. That, by the way, is what the N.E.U. have signed up to and that is what we are in discussions with N.A.S.U.W.T. about as to where we go.

**5.15 Connétable M.K. Jackson of St. Brelade:**

Going back to interim staff, would the Chief Minister confirm that interim staff pay Jersey income tax while they are employees of Jersey?

**Senator J.A.N. Le Fondré:**

I am obviously not privy to individual tax arrangements, but I can see no reason why not, so to the best of my knowledge and belief, yes.

**5.16 Deputy M. Tadier:**

Given that the only union currently in dispute now with the States Employment Board is the only union which S.E.B. had a partnership agreement with, what does this tell the Chief Minister about the success of the partnership agreement programme?

**Senator J.A.N. Le Fondré:**

As far as I am aware, I think the union in question has tried to adhere to as much as possible to its partnership agreement. I think that is very much a matter for the Minister for Education.

**5.17 Deputy K.F. Morel:**

I was wondering, would the Chief Minister please update the Assembly into progress, whether the Government of Jersey has implemented the recommendations of the Comptroller and Auditor General's October 2016 report into the use of consultants? How many of those recommendations have been implemented?

**Senator J.A.N. Le Fondré:**

On the basis of that report, it was 3 years ago, I would have to go back and check and see what recommendations have been done. I would assume a number of them have been. I did say that was assume. I would point out and I believe the Deputy has just lodged a proposition, which although is more detailed, is not dissimilar to the P.59 process that is in place and was also a proposition that came to the States some years ago.

**5.18 Senator K.L. Moore:**

Following up on the answer given to my previous question, when the Chief Minister talked about efficiencies and the need to achieve them, would the Chief Minister expand upon that and tell the

Assembly what he is doing to ensure that those efficiencies are achieved, now that the transition team is over 18 months into its work programme?

**Senator J.A.N. Le Fondré:**

I am not going to go into the details of the efficiencies in this domain but they will be obviously identifiable to Members when the Government Plan is published, which will be during the course of next month. The briefings that I am receiving and other Ministers are receiving are indicating that they are genuine efficiencies. They are looking at things like proper utilisation of assets, they are looking at, basically, how we do things and around productivity and all the type of things that one would expect comes under the definition of efficiencies and not, for example, just cutting the maintenance budget.

**5.19 Deputy G.P. Southern:**

Is it the Chief Minister's intention to try and put the possibility of digital voting, to progress that in a safe and secure manner by the time of the next elections?

**Senator J.A.N. Le Fondré:**

Can I point out, as Chief Minister, I am definitely not responsible for the voting system and that is definitely a matter for P.P.C. and I do not think it would be right for Government to get involved in the system? But the point I was making is, I believe, the focus is on registration initially. The Deputy is absolutely correct that we have got to properly understand the security and how you validate that the person hitting the vote on the keyboard has no one in their presence, or no one trying to influence that vote when that button is pressed. That has got to be the overriding and security issue, the fundamental roots of our democracy, even if it is slightly inconvenient. But we must make sure that we make it as easy as possible in terms of the voting and that, as I said, the focus, as I understand matters, happy to be corrected, or happy to update Members later, is that it is on getting the electronic registration simplified and improved.

**The Bailiff:**

Thank you, Chief Minister. That brings question time to the Chief Minister to an end. In the course of those questions Deputy Ash has volunteered that his machine made a particularly unruly noise and he has made a contribution. Earlier in question time there was a rather more sophisticated noise that came over from the right-hand side of the Chamber. I am not sure if any Member wishes to own up to that. OK, would that the Chair had power to impose the penalty across the board, well there you are. We come next to an urgent oral question, which has been approved. Deputy Morel has the question to ask of the Minister for Social Security.

**6. Urgent Oral Question**

**6.1 Deputy K.F. Morel of the Minister for Social Security regarding the withdrawal of P.17/2019:**

Will the Minister provide an explanation of the reasons for withdrawing P.17/2019, that is the family friendly legislation and confirm why she has chosen to withdraw the whole law, rather than solely Article 4, as recommended by the Economic and International Affairs Scrutiny Panel?

**Deputy J.A. Martin (The Minister for Social Security):**

The reason is that I fundamentally disagree with the removal of Article 4 on the draft law, because I want to bring all the new family-friendly rights in together. These rights will be providing equality in parental leave for different types of parents, the legislation is intended to encourage gender balance in childcare roles, reducing discrimination against women, by encouraging a change in workplace attitudes and practices towards involvement of the father, or the partner, in childcare. Obviously, I

am very disappointed at this stage that I have to withdraw, but I emphasise that it is temporary and this law will return in the next session.

**6.1.1 Deputy K.F. Morel:**

Supplementary. I did ask, could she explain the reasons why it had been withdrawn; I do not believe that was done?

**Deputy J.A. Martin:**

Today we would have been debating either deleting Article 4, as recommended by the Scrutiny Panel, or not deleting Article 4.

[12:00]

Politically, I then found out that I could not promote Article 4, because there was a small issue about removing an absolute right for women. I decided that I would spend the summer going over the legislation and make sure that it absolutely works, it does not disadvantage anybody; that the fundamental of support in the family friendly law I still stand by every Article.

**6.1.2 Senator S.C. Ferguson:**

Will the Minister confirm that she will investigate and consult on the effects of this particular law on small businesses before she brings it back to the States? Because if you have a small business it could be incredibly damaging.

**Deputy J.A. Martin:**

Here we go into the reasons of why not, why did I withdraw? Small businesses, the whole community have been consulted and now they have had much more consultation and rights to come to Scrutiny. Another thing, I think Scrutiny were still interviewing women in politics yesterday, so there would have been another debate. They do mention I want to spend the summer with the great help of Deputy Doublet; women in politics, the breastfeeding champion at Family Nursing and all the Parishes. I want to write to them and see what breastfeeding facilities they can provide where possible and across town. I will take this opportunity to do what Scrutiny asked me. I do not think it is for Government to provide breastfeeding facilities, but I am sure there is a lot more out there that can be utilised and I look forward to doing that work over the summer.

**Deputy K.F. Morel:**

Point of clarification, Sir.

**The Bailiff:**

This is question time.

**Deputy K.F. Morel:**

No, just a point of clarification is just ...

**The Bailiff:**

No, it is still question time, we do not clarify at this stage ...

**Deputy K.F. Morel:**

We do not clarify, Sir.

**The Bailiff:**

Can I just say to Members that the question is about why the Minister withdrew the law and in the supplementary questions they are not going to be allowed questions about what the law should, or should not, contain; it is a question of why she has withdrawn the law?

### **6.1.3 Senator K.L. Moore:**

It is heartening to hear the Minister refer to breastfeeding rights, because the law, as it would have been debated today, included the right for breastfeeding breaks and antenatal appointments to be taken, as Deputy Doublet acknowledged in an earlier question, which would be beneficial for all employees. Could the Minister please explain why she did not leave those Articles for the Assembly to bring forward today, in order for progress to be made and to ensure equality that the Minister referred to in her earlier statement?

### **Deputy J.A. Martin:**

The recommendation is for 52 weeks' leave. If I brought the recommendations just for breastfeeding, is the magic number 26 weeks? Will women, because an employee has put some facility in, be urged to return to work before they are ready, before baby is ready? The Senator does not know that answer. The Forum says 52 weeks, then to provide breastfeeding rights and facilities and that is what I intend to do.

### **6.1.4 Deputy M. Tadier:**

The Minister spoke about 52 weeks of breastfeeding, but her department is only proposing 6 weeks of paid social leave. What are women supposed to do, who cannot afford to take time off work for the rest of those 46 weeks?

### **Deputy J.A. Martin:**

This is mentioned in the Scrutiny Panel report. Again, it is about where do you start? The Deputy wants probably and so do Scrutiny, to pay more money. I cannot emphasise enough there is no central government money. I could go out and ask people if they are prepared to pay 30 per cent, 40 per cent in tax, so we can be Sweden.

### **6.1.5 Deputy K.G. Pamplin:**

Just drilling down into this, looking at the statement put out on the States of Jersey website in February of this year, it was noted that: 'The proposed changes to the law followed consultation with employers and employees undertaken by the Employment Forum in 2017.' That is obviously a little bit longer previously before you were Minister, so is there any concerns that that consultation was not as thorough and that you want to look back at that, just as part of your thinking of pulling today's debate?

### **The Bailiff:**

Through the Chair, please.

### **Deputy J.A. Martin:**

No. I had full confidence and because it did come as a package it was to introduce either in one lot or, if not, in 2 parts. We were in the political cycle just before the election, we introduced the first part. The short answer is no. There was good consultation, which was supported earlier this year, even by Chamber. It is on video, if you would like to look at Scrutiny. It was in the gender pay gap video; they were quite happy.

### **The Bailiff:**

Through the Chair too, Minister, thank you.

### **6.1.6 Senator K.L. Moore:**

To follow up on the last answer, the Employment Forum's recommendation was for paid leave to be provided to ensure equality, not just between the sexes, but also between those who can and cannot afford to take unpaid leave. So, could the Minister assure the Assembly that work has been done to

ensure that the recommendations of the Employment Forum to offer paid parental leave has been done?

**The Bailiff:**

I do not think that arises out of the question as to why the Minister has withdrawn the whole Law, does it?

**Senator K.L. Moore:**

I would suggest that perhaps it does, because this is one of the critical parts that has caused the Minister to withdraw the law.

**Deputy J.A. Martin:**

There was a minor legal issue pointed out in an Article under 4 that, if I had have brought, which I absolutely stand by implementing Article 4, I could not have proposed. It has nothing to do ... the Senator is on Scrutiny and in Scrutiny they do not agree with the Forum. You cannot have it both ways; I like this bit, but I do not like that bit. We are getting very political now. This is the debate I would have loved to have been having today and we are where we are.

**The Bailiff:**

The question, if I may remind Members, is why the Minister has withdrawn. She has given the information to Members as to why she has withdrawn, if there are further supplementary questions on that point alone then that is fine.

**6.1.7 Deputy M. Tadier:**

Is one of the reasons for the Minister withdrawing this law because she wants to look at a mechanism whereby employers can pay a higher rate of social security contributions to avoid taxes going up and to avoid all of the smaller businesses having to fork out the cost, or any costs, to do with this law, which she is proposing?

**Deputy J.A. Martin:**

No.

**6.1.8 Deputy L.M.C. Doublet:**

The Minister mentioned she would be consulting again with small businesses to ascertain the impacts on them to a further extent. Will she ensure that she also consults with organisations and campaign groups that represent women, children and families, to make sure that we do have a view on the evidence on the negative impacts of not introducing this legislation?

**Deputy J.A. Martin:**

I thank the Deputy. I did not say I would be consulting; this was put to me by members of the Scrutiny Panel. I think the consultation and I have written to all the small businesses who had concerns, wrong concerns, but the Deputy is absolutely right, I want to speak to everybody, I want to work with her. The Deputy has been fantastic in supporting, working with the Town Centre manager, working with the lady from Family Nursing, who is a breastfeeding champion. I want to get this in; I want to get it in for 52 weeks and I want to get it in to improve gender neutrality. Fathers should be included in child care and that is what we want to do.

**6.1.9 The Connétable of St. Brelade:**

Would the Minister confirm that one of her reasons for her withdrawing the proposition is in fact that it has been highlighted that consultation with small business has been inadequate and that she has not, perhaps, conducted that consultation in the way in which she might have done/

**Deputy J.A. Martin:**

I cannot be clear enough; I am so disappointed I am not standing here today to fight against removing Article 4. It has got nothing to do with anything else than a small legal thing that was pointed out to me, when I asked for some extra legal advice. Nothing else. I want to have this debate; I want to have it sooner, rather than later. We are all putting children first. Most children I know come in some sort of family and I want them to be equal families.

**6.1.10 Deputy J.H. Perchard:**

Is it not the case that the minor technical legal point, referred to by the Minister, does not in fact impinge upon the other aspects of the law that we could have debated today, such as the breastfeeding elements and the rights of surrogacy and adoptive parents?

**Deputy J.A. Martin:**

The circle has gone all the way around. I fundamentally disagree with removing the extra rights, so why would I propose something that is fundamental ... I have pointed out that this will give legal law draftsmen time to look at the whole law and make sure this has not been missed, while I do the extra consultation on the breastfeeding out in the parishes and the town.

**6.1.11 Deputy K.F. Morel:**

Before I ask the supplementary, I just wanted to clarify that the Minister was not correct in saying that the panel interviewed Women in Politics yesterday. The panel had a meeting, a friendly meeting, with Women in Politics yesterday purely to explain where we are coming from in our report and I think that is really important; there was no element of scrutiny going on yesterday, it was just a meeting. My final question is, when did the Minister and the department receive this advice that highlighted the small minor legal inconsistency and, given that the panel's report highlights several inconsistencies and problems with the way the law legally technically operates, could the Minister explain why this was not picked up in the previous 3 years of development of this piece of legislation?

**Deputy J.A. Martin:**

I can only go by what I saw on the Scrutiny website, it said the Scrutiny Panel were meeting with Politics in Jersey on P.17. I do not know what they are meeting about; that is as much as I knew. I was informed, I was called in to Legal Advice, the Attorney General met us at 8.30 a.m. on Wednesday morning, when I was going to Council to say: "Can we do this? Have I still got all their support?" Then the whole story changed, so that is where we are. Again, the Deputy talks about fundamental issues, there were a couple of issues that will now, can be, and will be, incorporated in the law, as drafted by the officers. Again, some of it, the fundamentals, are what you believe in politically and so that is always what you do when you have pieces of legislation scrutinised, there are always concerns raised. Again, at the end of the day, I will be bringing back the rights that I think are right for families in Jersey and then we will have the debate that is long overdue.

**The Bailiff:**

That brings question time to an end. There is nothing under J or K, so we come to Public Business.

**PUBLIC BUSINESS**

**7. Draft Public Employees (Contributory Retirement Scheme) (Compensatory Added Years) (Amendments) (Jersey) Regulations 201- (P.37/2019)**

**The Bailiff:**

The first item is the Draft Public Employees (Contributory Retirement Scheme) (Compensatory Added Years) (Amendments) (Jersey) Regulations, P.37/2019, lodged by the States Employment Board. I ask the Greffier to read the citation of the draft.

**The Greffier of the States:**

Draft Public Employees (Contributory Retirement Scheme) (Compensatory Added Years) (Amendments) (Jersey) Regulations 201-. The States make the following Regulations under Article 2 of the Public Employees (Retirement)(Jersey) Law 1967.

**Senator J.A.N. Le Fondré (Chairman, States Employment Board):**

The Connétable of St. Ouen, as Vice-Chairman of the S.E.B. (States Employment Board) will be taking P.37. Can I also just note he will be taking P.38/2019 and because I may be slipping out of the Assembly and in respect of that he will also be taking P.51/2019.

**The Bailiff:**

Connétable, do you propose the principles?

**7.1 Connétable R.A. Buchanan of St. Ouen (Vice-Chairman, States Employment Board - rapporteur):**

Yes. The amendments before the Assembly today will, if agreed by Members, amend 4 sets of Regulations, which govern the P.E.C.R.S. (Public Employees Contributory Retirement Scheme), which is a final salary scheme with the Public Employees Pension Fund. These amendments are relevant only to members who opted to remain a member of the Final Salary Scheme from 1st January 2019. The amendments would enable additional pensionable service to be given to a member where they have experienced a reduction in their salary as a result of workforce, or other organisational restructure, or re-evaluation of their role by their employer. Any additional service given to the member will be calculated by the pension fund's independent actuary. As the fund's actuarial valuation already allows for pensions to be paid at the level of the member's salary before any reduction occurs, this creates assurance that there will be no cost to the employer, or the fund, in giving the member additional service. While the amendments proposed have no financial cost to the fund, or the employer, they present the ability to offer valuable reassurance to scheme members. In giving the member additional service, it ensures their final accrued salary pension will not be impacted by a reduction to their salary, as a result of any organisational changes. I move the principle.

**The Bailiff:**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

**7.1.1 Deputy R.J. Ward:**

Just to clarify, when you say 'value reassurance', can you just give a brief explanation of what you mean by that? Also, does this point to a number of salaries being reduced?

**The Bailiff:**

Does any other Member wish to speak? Then I call on the Connétable to reply.

[12:15]

**7.1.2 The Connétable of St. Ouen:**

The value reassurance effectively is the member will receive the value of their contributions into the scheme back in pensionable service. I cannot tell you how many salaries, or otherwise, will be reduced. This is simply to implement some legislation to accommodate those people that do find themselves in that situation. It does not suggest any great numbers, or any small numbers; it simply gives the employer that protection that they need.

**The Bailiff:**

All Members in favour of adopting the principles kindly show. Those against? The principles are adopted. Senator Moore, does your panel wish to scrutinise these Regulations?

**Senator K.L. Moore (Chairman, Corporate Services Scrutiny Panel):**

No, thank you. We are grateful to the officers who gave us a briefing.

**The Bailiff:**

How do you wish to proceed, Connétable?

**7.2 The Connétable of St. Ouen:**

If the Assembly is agreed, we would like to take the amended Regulations *en bloc*.

**The Bailiff:**

Very well. Do you wish to say anything about them, or are you just going to propose them?

**The Connétable of St. Ouen:**

I think they are set out quite clearly; I do not think there is any purpose in going through them one by one, unless anyone wants me to.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on any of these Regulations? Those Members in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted. Do you propose them in Third Reading?

**7.3 The Connétable of St. Ouen:**

Yes, thank you, and while doing so I would like to thank Scrutiny for a very engaging session; it was both challenging and interesting for all parties concerned and I thank them for their interest.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? The *appel* is called for. I invite Members to return to their seats. The vote is on whether to adopt the Public Employees (Contributory Retirement Scheme) (Compensatory Added Years) (Amendments) Regulations in Third Reading. I ask the Greffier to open the voting.

<b>POUR: 43</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
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. Martin				
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.E. 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 M.R. Le Hegarat (H)				
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)				

## **8. Draft Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) (Amendment) (Jersey) Regulations 201- (P.38/2019)**

### **The Bailiff:**

We now come to the Draft Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) (Amendment) (Jersey) Regulations, P.38/2019, again lodged by the States Employment Board. I ask the Greffier to read the citation of the draft.

### **The Greffier of the States:**

Draft Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) (Amendment) (Jersey) Regulations 201-. The States make the following Regulations under Article 2 of the Public Employees (Pensions)(Jersey) Law 2014.

### **The Bailiff:**

Connétable, do you propose the principles?

### **8.1 The Connétable of St. Ouen (Vice-Chairman, States Employment Board - rapporteur):**

Yes. The amendments before the Assembly today, if agreed by Members, amend the Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) (Jersey) Regulations 2015, the Regulations. The Transitional Regulations affect members who have moved from the P.E.C.R.S. into the Public Employees Pension Scheme on 1st January 2019. The Public Employees Pension Scheme is a career average scheme for public employees in the pension scheme. Members, who have moved into this scheme on 1st January, are known as transition members and retain a link to their pension in P.E.C.R.S. through their final salary on leaving employment, or retiring. If a transition member would have their salary reduced prior to leaving, or retiring, this could have a detrimental effect on the final value of their final salary pension. To counteract this effect, the draft amendments allow a member to be given additional pensionable service, linked to their final salary pension. As with the amendment set out in P.37, any additional service given to the member will be calculated by the pension fund's independent actuary. As the

fund's actuarial valuation already allows for pensions to be paid at the level of the member's salary before any reduction occurs, there will be no additional cost to the employer, or the fund, in giving the member additional service. While the amendments proposed have no financial cost to the fund, or to the employer, they present the ability to offer valuable reassurance to scheme members. By giving the member additional service, it ensures their final pension will not be impacted by a reduction to their salary as a result of any organisational changes. I move the principle.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak on the principles?

**8.1.1 Deputy R.J. Ward:**

Just to clarify, is there, in this transitional arrangement from the P.E.C.R.S. scheme, any effect - and this is a genuine question, because I do not know the answer to it, not because it is a leading question in any way - is there any effect on the pensionable age that may have been applicable to the P.E.C.R.S. scheme to the new scheme, i.e. is there any change in pensionable age, or retirement age?

**8.1.2 Deputy G.P. Southern:**

Yes, just for my own security, I am aware that the fire fighters have a dispute ongoing I believe with their pension arrangements. Does this relate to that ongoing dispute and, if so, how?

**The Bailiff:**

Does any other Member wish to speak? I call on the Connétable to reply.

**8.1.3 The Connétable of St. Ouen:**

As far as Deputy Ward's question is concerned, the retirement age in the scheme will remain the same and in effect a member can also choose to retire early and still get this benefit, because he will simply be awarded years of service, which will be added to his existing years of service, so whether he retires early, or whether he retires at the scheme retirement date, really makes no difference to this particular benefit or to these provisions. Deputy Southern's question, this has no relationship at all with the fire fighters dispute, we are not bringing these changes in any way related to any dispute we are having with any group of employees.

**The Bailiff:**

Those Members in favour of adopting the principles, kindly show. Those against? The principles are adopted. Do you propose the Regulations *en bloc*, Connétable?

**The Connétable of St. Ouen:**

Yes please.

**The Bailiff:**

Seconded [**Seconded**] Does any Member wish to speak on any of the Regulations? Those in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted. Do you propose them in Third Reading?

**The Connétable of St. Ouen:**

Yes.

**The Bailiff:**

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

**Deputy M. Tadier:**

Can I ask for the *appel*?

**The Bailiff:**

The *appel* is called for. I invite Members to return to their seats. The vote is on whether to adopt the Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) (Amendment) (Jersey) Regulations in Third Reading. I ask the Greffier to open the voting.

<b>POUR: 41</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy G.P. Southern (H)		
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. Martin		
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.E. 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 M.R. Le Hegarat (H)		
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)		

**9. Draft Human Transplantation and Anatomy (Jersey) Law 2018 (Appointed Day) Act 201-(P.48/2019)**

**The Bailiff:**

We now come to P.48/2019, the Draft Human Transplantation and Anatomy (Jersey) Law 2018 (Appointed Day) Act lodged by the Minister for Health and Social Services. I ask the Greffier to read the draft Act.

**The Greffier of the States:**

Draft Human Transplantation and Anatomy (Jersey) Law 2018 (Appointed Day) Act 201-. The States, in pursuance of Article 23 of the Human Transplantation and Anatomy (Jersey) Law 2018, have made the following Act.

**9.1 The Deputy of St. Ouen (The Minister for Health and Social Services):**

The Human Transplantation and Anatomy (Jersey) Law 2018 was adopted by the States on 10th April 2018 and it is proposed to be brought into force by this Appointed Day Act on 1st July 2019. The law provides a legal basis for those who wish to expressly consent to, or not consent to, organ donation. The law also introduced the concept of deemed consent, where consent to transplantation and other activity can be deemed on behalf of a person, subject to certain exceptions where that person had not, in his or her lifetime, opted out of the deemed consent system, or where family members, friends, or others close to the deceased, consider that the deceased would not have given consent. I will discuss details of the registration of a decision in the next item of business, the draft Regulations to be made under the law. Members in the last Assembly were advised of the proposed commencement date of 1st July this year during the debate on the law last year, the intention being to give time for the preparation of an information campaign. Health and Community Services have been running a high-profile campaign about organ donation ahead of the intended law change on 1st July. The focus of the campaign is to encourage Islanders to have a conversation with their loved ones about their wish to be an organ donor, or not to be an organ donor, in the event of their death and then to encourage them to either register on the national N.H.S. (National Health Service) organ donor register to be a potential donor, or to use that same register to formally opt out of being an organ donor. If families can take the time to have that conversation now, then that could save heartache at a distressing time when a loved one has died. I urge Members to have that conversation, to register their choices and to encourage families and friends to do so. H.C.S. is doing lots to send out this important message to the Island. We have sent leaflets to homes via a Jersey Post mail drop, there are leaflets in Parish magazines and in media outlets, there are adverts and there is posting on social media. We have had good support thus far from media. We have also produced materials in Polish and Portuguese and within government the messages have featured on departmental newsletters and our intranet. Information in all 3 languages has been places in the Library and Parish Halls and in some hospital clinics and departments. It is our intention to continue this campaign after the law changes on 1st July, as the messages this campaign carries are perennial and important. The law received overwhelming support in the last Assembly and I hope this measure will also, so I have pleasure in proposing the adoption of the Appointed Day Act.

**The Bailiff:**

Seconded? [**Seconded**] Does any other Member wish to speak?

**9.1.1 Deputy M. Tadier:**

I just want to commend the good work that the Minister has done with his officials in this area. I know this is only the Appointed Day Act, but it is a significant proposition nonetheless, because it brings it into force and also to commend the other people who have worked on this issue, like the former Deputy Le Hérissier, who constantly asked questions and, I think, set the groundwork at a time when it was not commonly understood. I want to be slightly countercultural here and the first point is that I am really glad that there is a general recognition by this Assembly that when somebody expires that their body, which they no longer need, reverts to being property of the State, so when you die the State can then claim your body and harvest your organs as they wish and recycle them,

because that is ultimately the best reduce, reuse and recycle; it recycles the very important organs. That may sound glib, but it is true, we are simply organic matter and when we no longer need our organs they can be put to good use to give life to others. But I want to be countercultural in the sense that there is a lot of focus being given on talking to your friends and family and your loved ones about what happens to your body when you die, but one of the reasons I support this and have always supported it, is because you do not need to have that conversation now, because we know that death is a taboo, for obvious reasons and this takes the decision out of you, you only have to opt into the system if you do not want your organs to be harvested once you are dead. So, that saves me having that conversation, because everybody knows now and has clarity that when they die their organs can and will be used if they are of any use to people upon their expiration. So, I am really grateful for this, because it saves me having to have the conversation, the very difficult conversation, with people about what you can expect when you are in that situation. Because there will be a presumption that your organs will be used, unless you do not want them to be. So, I congratulate the Minister for bringing that forward. I think it is probably necessary that he produces the material and tells people to have the conversation, but the reality is on the street that it saves people having the conversation, so that they can talk about perhaps equally, or more, important issues that affect their lives, rather than their deaths.

### **9.1.2 Deputy K.F. Morel:**

I really stand to ask the Minister to offer corrections to Deputy Tadier's submission there, because it is important for you to understand this does not remove the need to have a conversation. It is still vital that people have conversations with their families about this because, if nothing else, relatives can say a last minute no, they can overrule the decision and that may, or may not, have been the deceased's wish. So, I ask the Minister to do that. Also, the contention that our bodies become property of the State; I am not sure I read the law in quite that way, but again I ask the Minister to clarify whether he does believe that our bodies suddenly all become property of the States as a result of this law. Because, if they do, then it could affect some of our voting.

### **The Bailiff:**

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

[12:30]

### **9.1.3 The Deputy of St. Ouen:**

No, our bodies are not and will not become the property of the States. The law introduces a deemed consent and that is a presumption in law, which can be easily rebutted by persons who do not wish to be part of an organ donation scheme. We must proceed with sensitivity because, though Deputy Tadier talks about the property of the States and words such as harvesting and recycling organs, we have to accept that some people have sensitivities around this issue and quite validly and properly will not want to be part of an organ donor scheme. For that reason, to be absolutely sure that their wishes are recorded, I, and I hope we all, would advise them to register on the organ donation register, to register the fact that they do not consent. The register can be used in both cases to consent and not to consent. The reason why bodies are not the property of the States is that families always have the last say in this case and that should always remain the position. So, Deputy Tadier takes a very principled view that that is fine, when he has gone he would wish the Health Department to swoop over his body and, regardless of any wishes expressed by his family, or loved ones, the Health Department will grab what it can. No hospital, no clinicians would do that. Of course, when circumstances arise, it is certainly not a laughing matter and I have the absolute assurance that this will be treated with great sensitivity and always by people who are trained in handling these matters. But it remains the case that the families will have the last say, even if a person has very firmly registered and expressed their wish to be an organ donor, if the family of that deceased do not wish organs to be used, then they will not be used and there is no other way of doing it, it seems to me,

because it is wholly inappropriate for hospitals to intrude in a time of grief and override families' wishes. So, I would say to Deputy Tadier, please sign up to the register and try to make sure that your family and loved ones know what your wishes are. In that respect I would support Deputy Morel's views. Deputy Tadier did echo the thanks that are due to previous Members of this Assembly and I do likewise and to all whom have worked on this change to our organ donation system. I propose the adoption of then Appointed Day Act.

**Deputy M. Tadier:**

Can we have the *appel*?

**The Bailiff:**

The *appel* is called for. As Members return to their seats, the vote is on whether to make the Appointed Day Act for the Human Transplantation and Anatomy (Jersey) Law 2018. I ask the Greffier to open the voting.

<b>POUR: 43</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
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. Martin		
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.E. 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 M.R. Le Hegarat (H)		
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)				

## **10. Draft Human Transplantation and Anatomy (Jersey) Regulations 201- (P.49/2019) Principles**

### **The Bailiff:**

We now come to the Draft Human Transplantation and Anatomy (Jersey) Regulations, P.49/2019, lodged by the Minister for Health and Social Services and I ask the Greffier to read the citation of the draft.

### **The Greffier of the States:**

Draft Human Transplantation and Anatomy (Jersey) Regulations 201- The States, in pursuance of Article 18 of the Human Transplantation and Anatomy (Jersey) Law 2018 have made the following Regulations.

### **The Bailiff:**

Minister, do you wish to propose the principles?

### **10.1 The Deputy of St. Ouen (The Minister for Health and Social Services):**

Yes, I do and if I can speak briefly to them. The Regulations, if adopted, will make provision for the registration of a decision to consent, or not to consent, to organ donation. An individual may make a decision to expressly consent, or not consent, in a number of ways, for example by telling a friend, or family member, or recording it in writing. However, the only way to be certain a decision will be accessible by medical practitioners involved in organ donation is for it to be recorded on the N.H.S. O.D.R. (Organ Donation Register). The O.D.R. is managed by the N.H.S. Blood and Transplant Service in the U.K. and it enables it to match donors to people who are waiting for a transplant on a nationwide basis. The O.D.R. is checked in every potential case of organ donation and the information on it will be communicated by medical practitioners to family and/or close friends of the deceased. There is no need for Jersey to have its own organ donation register, separate from the O.D.R., it is far better to work collaboratively with the N.H.S. and have a single register that covers all U.K. jurisdictions and Crown Dependencies. This means that when circumstances arise, organ donation can benefit those identified to be in the greatest need across the whole U.K. and Crown Dependencies. Accordingly, these Regulations will provide that a person wishing to register a decision to consent, or not to consent, to organ donation may do so on the O.D.R. The 2018 law also permits a person to appoint one, or more, persons to represent him, or her, after death in relation to the giving of express consent for the purpose of the law. That is called an appointed person. For example, that appointed person is authorised to make a decision at that time and on that person's behalf in relation to organ donation. So, these Regulations, if adopted, will also make provision for the registration of that appointment to be registered on the O.D.R. As with express decisions around organ donation, a decision as to the appointment of an appointed person will be visible to medical practitioners in every potential case of organ donation. I propose the principles of these Regulations.

### **The Bailiff:**

Seconded? [**Seconded**] Does any other Member wish to speak on the principles?

### **10.1.1 Deputy L.M.C. Doublet:**

I just wanted to get on the record and express gratitude from the Channel Islands Humanists, because this is one of our core campaigns and helps us to express our beliefs that we do not continue to exist after death and that we should endeavour to help our fellow human beings, even after death. So, the Channel Islands Humanists are extremely grateful to the Minister for bringing this forward.

**10.1.2 Deputy M. Tadier:**

I am sure it is entirely practicable for the time being that we opt in to the U.K.'s lists, but I would hope that, in the future, we get to a position and maybe the Minister can clarify what collaboration happens with other perhaps E.U. (European Union) states currently, because it seems to me that obviously our closest mainland neighbour is France and it would seem almost ludicrous if one of us were to die and we donated an organ to somebody in the Hebrides, which would be entirely a good thing to do, but we could not know whether somebody sitting in St. Malo, or Granville, who is desperately in need of a particular organ could also access that. So, it would seem in the future that it could develop in that way. I say slightly whimsically, even though this is not a joking matter, but it is interesting that we will know that our organs potentially remain within the British Isles and the Crown Dependencies, but there is no way for us to choose what type of person gets our organ and, for example, I would be quite happy to donate my organs to anyone if they are of any use and that is questionable at the moment, depending which organs they are and I would like to think that maybe my heart could be donated to anyone including, for example, a member of the Tory Party in the U.K., but there are others who definitely would not like to see that, which is ironic, because they are arguably the ones who would need a socialist heart the most out of anybody.

**10.1.3 The Deputy of St. Mary:**

A very brief practical comment, it is one I raised at the time when the proposition was first mooted. There does need to be a discussion between the potential deceased, if I can call him/her that for the moment, and family and the time to do that is when one is considering one's lack of perpetualness is when you consult your solicitor as to will. I ask the Minister for Health and Social Services if he is intending to raise this matter with, shall I say, the Law Society generally, to make sure that it is one of the standard questions they raise when taking instructions from testators.

**10.1.4 The Connétable of St. Brelade:**

Will the Minister kindly translate the third line of 1(2), so that we know exactly what we are voting for?

**The Bailiff:**

It is not so much a translation; you really want him to say what it says, do you not? **[Laughter]**

**10.1.5 Deputy K.C. Lewis of St. Saviour:**

As the Minister has pointed out, it is a very delicate time when a loved one is lost, but I have had a donor card for many years now, it is getting a bit dog-eared now, but hopefully it is going to get even more dog-eared; I have no plans on leaving for some time. But I have talked this over with my family regarding my wishes and they are in full agreement and I encourage other Members and indeed the public to do likewise.

**The Bailiff:**

Does any other Member wish to speak? Then I ask the Minister to reply. I am really looking forward to this too.

**10.1.6 The Deputy of St. Ouen:**

I worry, as I will disappoint. Perhaps we should have tried to get a bit of Jèrriais into the title of the N.H.S. Blood and Transplant Service, but it is not there yet, one would have to incorporate Gaelic,



Cornish, Manx, we would have a very long title. But if I might be excused, Welsh not being an official language of this august body, I do not feel I can voice myself in Welsh.

**The Bailiff:**

That is a very good response.

**The Deputy of St. Ouen:**

I am grateful to Deputy Doublet for her support. Deputy Tadier does raise an interesting point about how we might work with French, or Continental, organ donor systems, which we will look at. Obviously, this is a good first step at the very least. The Deputy of St. Mary, the question of making people aware of this provision when writing their wills, I think that is a good idea, I propose then to write to the Law Society; I believe they have a practitioner group dealing with wills and probate and that could be passed on through them. I thank Deputy Lewis also for his support and his reference to carrying a donor card and they were the very usual means of identifying your wishes some time ago but, of course, that donor card might not always be on our person in circumstances that arise when we might be in a position to donate our organs. So, even better, now to go online and to sign up to the register, or if people do not have online facilities they can phone a U.K. number and register their wishes in that way. All of that information is in the leaflets that are being circulated and that are in public places now. I thank Members for their support over the Appointed Day Act and I hope they will similarly support these Regulations and I propose them at this stage.

**The Bailiff:**

All those in favour of adopting the principles kindly show. Those against? The principles are adopted. Deputy Le Hegarat, does your panel wish to scrutinise these Regulations?

**Deputy M.R. Le Hegarat (Chairman, Health and Social Security Scrutiny Panel):**

No.

**The Bailiff:**

Then you propose the Regulations *en bloc*, Minister?

**The Deputy of St. Ouen:**

Yes I do.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak? Those in favour of adopting them kindly show. Those against? The Regulations are adopted.

**The Bailiff:**

Do you propose them in Third Reading, Minister?

**The Deputy of St. Ouen:**

Yes. May I call for the *appel*.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak in Third Reading? The *appel* is called for. I invite Members to return to their seats, the vote is on the adoption of the Human Transplantation and Anatomy (Jersey) Regulations in Third Reading. I ask the Greffier to open the voting.

<b>POUR: 43</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				

Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
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. Martin				
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.E. 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 M.R. Le Hegarat (H)				
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)				

## LUNCHEON ADJOURNMENT PROPOSED

### The Bailiff:

The adjournment is proposed on a very timely basis. Even though there is no clock I can say that it is 12.45 p.m. on the nod and so the States will now stand adjourned until 2.15 p.m. this afternoon.

[12:44]

## LUNCHEON ADJOURNMENT

[14:17]

## **11. Draft International Co-operation (Protection from Liability) (Jersey) Law 2018 (Appointed Day) Act 201- (P.51/2019)**

### **The Bailiff:**

The States now resumes with consideration of P.51/2019, the Draft International Co-operation (Protection from Liability) (Jersey) Law 2018 (Appointed Day) Act and I will ask the Greffier to read the proposed Act.

### **The Greffier of the States:**

Draft International Co-operation (Protection from Liability) (Jersey) Law 2018 (Appointed Day) Act 201-. The States, in pursuance of Article 5 of the International Co-operation (Protection from Liability) (Jersey) Law 2018 have made the following Act.

#### **11.1 The Connétable of St. Ouen (Assistant Chief Minister - rapporteur):**

The Assembly adopted the International Co-operation (Protection from Liability) (Jersey) Law on 10th July 2018. The law has now received Royal Assent and has been registered in the Royal Court and can now be brought into force. Just to remind Members, the legislation protects public authorities in Jersey against claims for costs, damages or consequential losses, when acting in good faith in matters of international assistance. Schedule 1 to the law provides a list of enactments that are covered by the law and under which public authority would be protected from liability. This legislation is key for Jersey's reputation and economy when the Island provides assistance to other jurisdictions when requested and this assistance should not be constrained by considerations of risks to public funds arising from claims for costs, damages or consequential losses. I ask the Members to approve this Act and bring it into force, which will be today, if it is approved. I move the proposal.

### **The Bailiff:**

Is the proposition seconded? **[Seconded]** Does any Member wish to speak? All those in favour of adopting the proposition kindly show. Those against? The proposition is adopted.

## **12. Bus services: proposals to make free of charge (P.52/2019)**

### **The Bailiff:**

We now come to the Bus services: proposals to make free of charge, P.52/2019, lodged by Deputy Ward. I ask the Greffier to read the proposition.

### **The Greffier of the States:**

The States are asked to decide whether they are of the opinion to request the Minister for Infrastructure (a) to take the steps necessary to ensure that school bus services can be used free of charge by school students from the start of term in September 2019; (b) to bring forward a plan to enable all bus services to be free of charge for people under the age of 18 and people in full-time education from the earliest date practicable; and (c) to prepare a plan by the end of 2020 for working towards and then enabling free bus transport for everyone in Jersey.

#### **12.1 Deputy R.J. Ward:**

I start by urging everyone to look at very carefully at what I am proposing and to state that I am happy to vote on this proposal in separate parts. This is simply because each part has its own merits to be supported as such. Part (a) is about the provision of free buses for our children to go to school. I will say that again, free buses for our children to go to school. The infrastructure is in place, the route is clear and the cost is affordable now and I will talk about that more later. The argument that more buses will be needed, as more children will get the bus, seems counterintuitive. Yes, if this happens then for a relatively small investment we may make peak times so much better as congestion

is less. It is also apparent the buses are much safer compared to personal vehicles. Personal vehicle accidents are estimated to contribute to higher fatality rates than bus-related accidents. Lowering the volume of traffic around our schools and on the way to school will also encourage more children to walk, or cycle. This increase in activity is vital, given that only 19 per cent of our children reached World Health Organisation levels of recommended activity time per day, as was presented to us in a briefing recently. I detailed the daily cost of the trip to school in my report. For many families, removing this expense will have a direct impact. This will be particularly significant for those on lower incomes. Part (b) of the proposition asks for free transport for all under-18s and full-time students. This will, again, impact on those on lower incomes. Young people cannot access grants to continue into post-16 education before university, many of these young people have part-time jobs; this is a positive step, to cut their costs and improve their incomes by removing a significant expense. Both parts (a) and (b) drive a cultural change in how young people think about transport and travel on this Island and we are desperately in need of a cultural change. We have to address it. Let us start with young people and use their growing awareness of environmental issues, of pollution issues; we must not ignore young people's views. Now it is clear that society has a love affair with a car, but the growing awareness of the impact of fossil fuel use on our climate and wider environment and clear understanding of the growing health crisis due to air pollution from traffic, means that the relationship with the car is becoming one that is dysfunctional. I have detailed some of the substances produced in high traffic areas in the accompanying report. They make stark reading and we do not monitor, yet. Hopefully it will be in August. If we did and air pollution was seen as dangerous daily, regularly, then this would be a very different debate, but we do not monitor and we need to. We need to look at what this Assembly values, because we have a cost for everything, but do we have a value for everything? Part (c) enables a change to happen and I am asking you, as an Assembly, to make the positive decision to provide a real and accessible alternative to the car and to promote it as such. Why am I focusing on using public transport? There are many reasons. You are contributing towards the congestion. A full double-decker bus and I should have made that clear, because I have had some questions about that, in the public transport system is equivalent to about 75 cars on the road with one occupant in them. Research has also proved that only 3 to 8 people on public transport are able to cut emissions by half, compared to an individual commuting in a personal car by himself, or herself and even worse if you have the highly-polluting larger cars that we have on this Island. Public transport is used by people from diverse backgrounds, with varied cultures, norms and ways of living. You get to learn the nature of different people, something all societies need and do not underestimate the social impact. Public transportation allows you to relax. You will be able to have your own time, take a nap, avoid the road rage and get out of the pressures of driving your own car. You can read, or enjoy the view and help boost your dopamine levels and reduce your stress levels. There is an argument that the car provides family time, as you travel to school. It is a sad reflection of our society if the only family time you are going to get is while you are travelling through huge amounts of traffic in stressful times with an interaction with your children when you should be concentrating on the road. You will save money. The regular use of your personal car will require the cost of maintenance and other additional charges, such as car parking fees, parking tickets and, dare I say, speeding fines. By using public transport you will be able to save money directed to such miscellaneous expenses in the use of personal vehicles. You also improve your personal health. The use of public transport will ensure you have to walk more often between stations and places you will be boarding the buses. It will ensure there is extra physical activity in your frequent travel routines. The pay-off includes personal health in terms of exercising your muscles, crucial organs and even reducing your stress levels. Walking, in particular, has been proven to relax the mind and improve one's mental health. We talk so much about mental health, but we do not do the small things enough. It makes you plan your trip, hence you will reduce your overall wastage. Little things add up. If you have to use public transport, you have to plan your travel in advance. It will help you become an agent of change. So many of us are aware of our role in the battle against climate change and pollution; this is one small step that we can take. The views are better with public transport. This is a simple thing. It is a

chance to appreciate our beautiful Island. It will help our Island become a better place. Environmentalists and urban planners know that public transport helps reduce traffic congestion and overall levels of pollution. That means if you use public transport, you will be reducing congestion as well as pollution. Latest research from the Noncommunicable Disease Alliance outlines the real effects of air pollution. I have emailed all Members their report and it is a concerning read. It talks about air pollution not just affecting your respiratory organs, but affecting every single organ of the body. Your liver, for example, provides a very important filtering device in your system and so modern research into air pollution shows that we are really damaging our children and we need to act on it. I quote something from the report that might get your interest: 'Reducing air pollution can have almost immediate benefits for health and quick gains are possible within a single political term.' Transport supports this and, let us be honest, the electorate of Jersey are desperate to see some quick gains within a political term. This Assembly voted 40 to one to declare a climate change emergency. Gesture politics is not good enough. We need actions. Supporting all parts of this proposition gives a clear message of action. This is the first test, if you like, of what we are going to do, what we are going to act on and not just talk about in this Assembly. Part (v) of the proposition asks the Minister to enable, in his can-do department, the change to happen. That is what I would urge you to do. I would ask you: if you think this is the wrong way to go, what is the right way and what are you going to do to enable it? Make change, not just investigate, research and consult, but do. I want to talk a little bit about the provision of the bus service itself and I have got to say the figures and the money is impenetrable for a backbencher. I have been given a million different figures in terms of the cost and the projections for use if it is every single child on the Island suddenly gets on a bus and at the same time children on the Island will not get on the bus, so Lord knows what the cost is, because the problem that we have is that becomes a smoke screen to real change and real impact for our community and it happens all the time in this Assembly. We need to start to see through it and have a much more intelligent debate over these social issues, that we need to be addressing as Members of the Assembly. I looked at the HCT public accounts for 2017 to 2018 and they used the U.K. tax law to April 2018 and they are a company, they have to do their job - I am not criticising them - I think the bus service has got better and I enjoy using the bus more than every 8 weeks, I will be honest, most days, which is significant. The company behind LibertyBus is a registered charity and pays no tax and it is a social enterprise organisation and that is great. In 2018 it retained funds from Jersey of £2,764,470. This compares to just £13,784 for its overall organisation. There was also a net surplus of £734,000 from Jersey Bus. I note this is 7 times the amount from Guernsey and there are deficit figures from other bus companies run by the same company. Perhaps we need to end the use of Jersey Bus as a subsidy for buses in Manchester, London, Bristol, Leeds and Guernsey. Indeed, Guernsey Bus returned just £210,000.

[14:30]

Fares in Guernsey are £1, or 60 pence with a pre-paid card and children in full-time education are free. It seems like Guernsey have got one over us there and the same company runs their buses. In addition, D.f.I. contributed a £125,000 grant to assist with the installation of ticket machines. Perhaps the reason we will hear fantasy economics and complex economics and clouded economics about the cost of the free bus service is partly because of the apparent subsidy of other branches of the company. Again, I do not blame the company. They are just doing what they have been told to do and this is where we come back to the political will of this Assembly in making change for our Islanders. The third part of this proposition gives the opportunity to look again at the arrangements and therefore dramatically cut the overall cost and provide a service that is accessible to everybody. The group's business plan identifies the need to grow in order to deliver increased social impact, so if buses become better used this is entirely in line with the company's business plan. I look forward to the debate around this proposition and I am pleased that I have brought it and I am pleased that we are having it. I think it is important as an Assembly we talk about these issues and we find out where people are coming from and we find out their credentials when it comes to environmental issues and

climate change. I am sure we will have the usual arguments over magic money trees and fantasy figures for costs, designed to scare Members into voting against, the need for research before we make any change, which means that nothing will change. We research and we consult and then we pay consultants and then we pay another consultant to check the work of the consultant and then we take the research and then, years later, nothing happens. We had research into a bus up to Highlands. There is a bus up to Highlands. I believe there is one bus a day at 9.00 a.m. and nobody gets on it because it is at the wrong time, so the research will say: 'Oh, we do not need that bus' and it will be gone and that is the type of research we are paying for and that is exactly what needs to change, because we have not had the political will and the courage in this Assembly to make a change. I urge you to look at the wider argument, the real cost versus the real benefit for all of the Island, the need for genuine change in our behaviour if the commitments we have made in this Assembly will be more than empty words and to look at our children's future and the cultural change in the way we all need to act if we are to stop some of the damage we are doing to our environment with over-reliance on the car. I have 2 cars in my household. One of them I try not to use anymore and I cannot now because the battery is flat, to be quite frank. I lived in London for many years and we did not have a car and I got drawn into exactly the same system when I came here and we need to break those cycles for the people of this Island and enable them to get away from the car. There is a blockage in our decision making in this Assembly, a failure to commit and a failure to act. When I read the speech at home, I came up with the phrase about having some sort of legislative laxative, but I thought I had better not put that one in. We seem obsessed with delay, more research and yet more consultants. We are ahead of the game with our climate change proposition. Other jurisdictions are following us and if we now fail to make some initial and real actions we will yet again be accused of empty words in this Assembly and that is the way we are being viewed outside of this building. There is public support for this measure and when we talk about costs, you know what, we put £300,000 for Liberation Square and now it is £1 million. £23 million wasted on the hospital. £47 million was given out in grants, great. How much for One Gov, because it is impenetrable to find out how much we spent on One Gov? Let us be honest, there is always money found when there is political will, so I urge you, as an Assembly, to genuinely consider the positive impacts of making this change to give the opportunity for people to have a genuine choice, other than their car, to have impact on low income families and people on this Island, so that they can have more expendable income, which will improve the economy and you can find your research to show whatever you want on this topic, but I think we need to be brave enough in this Assembly to vote for this proposition. I do not accept the amendments. I urge you to vote against them and to make a positive change for the people of Jersey. Thank you very much.

**The Bailiff:**

Is the proposition seconded? [**Seconded**]

**12.2 Bus services: proposals to make free of charge (P.52/2019) - second amendment (P.52/2019 Amd.(2))**

**The Bailiff:**

We come next on the Order Paper batting line-up, the running order, to the amendment of the Minister for Infrastructure and I ask the Greffier of the States to read the Amendment.

**The Greffier of the States:**

Page 2, paragraph (a) – For paragraph (a), substitute the following paragraph – “(a) to ensure that school bus services can be used free of charge by school students from the start of term in September 2019, without detriment to the general bus service, by increasing car parking charges by 10 pence per unit from July 2019, subject to annual review to provide for any investment required to accommodate inflation and anticipated passenger growth;”.

### **12.2.1 Deputy K.C. Lewis (The Minister for Infrastructure):**

I would like to start by saying that I am opposed to the proposition, but not the objectives. Of course, we all want to reduce congestion, promote healthy lifestyles and improve our environment, but will the free bus service, as set out in this proposition, achieve these objectives? My preference would be for P.52 to be rejected outright and for this Assembly to enable me to continue developing environmental measures within the Government Plan, which places our excellent bus service within the wider transport strategy. P.52 is before the Assembly. The purpose of my amendment is to show that there is a cost to providing free travel and the Assembly should decide if that is palatable. Funding is not readily available. Without extra funding a free service could be provided, but it would be a significantly reduced service, with no incentives to perform well, or improve. It would do the opposite of what is intended. My amendment to part (a) of the proposition would ensure that if Members voted for the introduction of free school buses, it would not be to the detriment of Jersey's general bus service and that we would have the means of funding it. My amendment also seeks to minimise the impact of parts (b) and (c) by making the introduction of free bus services for the under-18s and for everyone else in Jersey conditional upon full funding being provided. So, the Constable of St. Helier's amendment to my amendment provides additional flexibility in the funding arrangements. It therefore helps to minimise the impact of this proposition and for that reason I will be supporting the Constable's amendments and I will, therefore, leave any further comment until the Constable has presented it. I make my amendment.

#### **The Bailiff:**

Is the amendment seconded? [**Seconded**].

#### **Deputy J.H. Young:**

Sir, can I raise a point of order? Does that mean the Minister has accepted the Constable's amendment to his amendment?

#### **The Bailiff:**

He has said that, but whether or not the Assembly wishes to accept it is a matter for the Assembly, so I would prefer to take that as a separate issue.

#### **Deputy J.H. Young:**

Does that mean we are debating the amendment amended by the Constable at the moment?

#### **The Bailiff:**

We are about to have the amendment to the Minister for Infrastructure's amendment, which is going to be proposed by the Connétable and then decided by the Assembly.

### **12.3 Bus services: proposals to make free of charge (P.52/2019) – second amendment (P.52/2019 Amd.(2)) – amendment (P.52/2019 Amd.(2).Amd)**

#### **The Bailiff:**

So we now come to the amendment of the Connétable of St. Helier to the Minister's amendment and I will ask the Greffier to read the amendment.

#### **The Greffier of the States:**

Page 2, paragraph 1 – For the words “from the start of term in September 2019, without detriment to the general bus service, by increasing car parking charges by 10 pence per unit from July 2019, subject to annual review to provide for any investment required to accommodate inflation and anticipated passenger growth;”, substitute the words “from the start of term in May 2020, without detriment to the general bus service, by investigating, consulting upon and implementing a range of income-raising measures which provide sufficient funding for a range of sustainable transport

initiatives and incentives, with particular reference to ‘the school run’, in conjunction with the introduction of free school buses;”. Page 2, paragraph 2 – For all the text in paragraph 2, substitute the following – “For the words “from the earliest date practicable, subject to full funding being provided; and”, substitute the words “from the start of term in May 2020, without detriment to the general bus service, by investigating, consulting upon and implementing a range of income-raising measures which provide sufficient funding for a range of sustainable transport initiatives and incentives, in conjunction with the introduction of free bus travel for people under the age of 18 and people in full-time education”.”

### **12.3.1 The Connétable of St. Helier:**

It certainly does change my speech a little bit, given that the Minister has indicated he certainly agrees with my amendments, because I feel almost embarrassed at some of the words I have used about the Minister in my report. I wish I could take back what I said on the radio this morning. What a reasonable man. I suppose my frustration and this, I think, is akin to Deputy Ward’s frustration, is that certainly his predecessor did nothing to bring forward in any meaningful way to tackle congestion and we had the previous Minister admitting that the department had failed to meet its targets for reducing congestion, particularly at peak hours, but really shrugged his shoulders and said: “Well, I have put this fabulous cycle route up St. Peter’s Valley” as if that is all right then. I think we were let down. We had no debate in the last term of this Government on a sustainable transport policy and I do not think we had one in the previous time either. It has been badly neglected by Ministers in charge of the department, but maybe, as of today, we are going to see a sea-change from the department and from the Minister. It would be totally wrong, in an effort to find money to pay for free buses, to penalise uniquely the users of public car parks. Why would it be wrong? Well, apart from anything else, none of the users have been consulted and Deputy Ward was a bit dismissive about consultation, but if you are going to bring in a super tax on car parking in public car parks, only then, at the very least, you must consult the users, find out who they are, why they are using public car parks when they do, particularly single parents, who perhaps have part-time jobs. You would normally consult the Chamber of Commerce and say: “Will a fairly significant hike in parking affect your retailers and restaurants?” Let us bear in mind, a lot of people think that parking is too cheap in Jersey, but parking goes up by inflation every year. You do not notice it anymore, because we pay in units rather than in pence. It has all changed, but the fact is, it is going up by inflation and it is generating a good return to the Car Park Trading Fund. I do not have a problem, in principle, with increasing the charges in public car parks, but where I take exception to this measure being proposed is that it only targets users of public car parks. It does not target the majority of people accessing town on the commute who are parking in either rented spaces, or in spaces provided by their employers and that is simply unfair. That is penalising one group of workers and making them pay for free buses for children. That is the first thing that I have sought to do and, as the Minister alluded to just now, my amendment on page 2 substitutes the increase of 10 pence per unit from next month; let us not forget, this does not give people a chance to plan. It substitutes for that a range of income-raising measures that will provide funding for sustainable transport. I believe the Minister’s comments on my amendments said that May 2020 does not give them time to bring in a range of income-raising measures. Well, I am sorry. We have been talking about these income-raising measures for as long as I have been a States Member and I have been here, I think, the second longest. It is time we got our act together. It is time in the coming Budget that we brought in a suite of proposals that did not just hit the user of the public car parks, but also tackled, as has been done in many local authorities, the user of the private rented, non-residential, parking space. When you get some revenue from that and from the public car parking charges increase, you can then start to pay for the measures that you want to see. My first objection to the Minister’s amendment and my first reason for amending his is because I want the charging for improvements in our buses, as well as in other things, to be fair and I do not believe that what we have at the moment is fair. The second thing I have sought to achieve and here I have to talk a bit about the main proposition, inevitably, is I have



sought to achieve spending this money on more than just school buses, or free buses for young people, because the notion that has been set out to us, the argument is that increase the number of school buses and, hey presto, you will get less congestion on the roads. There is no evidence of that happening and certainly I may start to sound like an apologist for the motor car at this point - and I apologise to my environmental friends if I do – but, as I said this morning in question time, it is not car ownership that is the problem, it is car usage; particularly usage at times when the roads are busy and when the air quality is low. There is nothing sinful about having a motor car, about enjoying it, maybe having a second one, one you tinker with at weekends. Maybe it is a classic and you turn out for cavalcades and you line them up on People’s Park. That is not wrong and it is not wrong to go for a family drive.

[14:45]

What we are trying to tackle today is the commute. It is that time, when people going to work collides with, in a metaphorical way, people going to school and that is what we are trying to address. What Deputy Ward is contending is that simply laying on more school buses is going to lead to less congestion. Well, I would submit that quite a lot of people, who are not on the school bus, are doing so not because it is expensive, whether it is or not, but because they prefer to go to school with mum and dad, mum or dad, or with their guardian, or whatever. I think that is a big problem. We would look pretty silly, would we not, if we put up the cost of public car parks and we laid on lots more school buses and nobody used them? We would be accused of another white elephant. The question is how to reduce peak time traffic levels and reduce congestion. Is this the best way? I submit that it is not. What my proposition is asking for is a range of improvements to sustainable transport, initiative and incentives. I suppose I could have used the word disincentives there because, clearly, part of what the Ministers are going to have to do if my amendment is supported is they are going to have to go away, in time for the Budget and come up with not just carrots, not just free buses, but sticks, things that will make people think twice about using the car for every journey and to start to think about alternatives. Is this the best way to improve the bus service? Several people have said to me and I have had certainly more people objecting to this idea of free buses than have supported it, because several people have said to me: “Look, I do not mind paying £2 for a bus ride; that is pretty good. The timetabling is fantastic if you live on the major routes, you can even get to the early flights now and you can get to the red eye.” I do not think you can in Guernsey. It is a great service, but what I want to see is a better route to where I live out at St. Ouen. I want a better route to Trinity. I do not just want a better route. I want a more frequent service and, of course, that is not going to benefit people, who live in far-flung parts of our Island, in the lovely rural bits and coastal bits that we can only dream about, but it means that townies, if there is a good bus service, can visit those places on the same bus service that the people who live out there are enjoying for their commute into town. So, is this the best way to improve the bus service? I do not think it is and although Deputy Ward was dismissive about research, I have given a target date of May 2020. That is not a huge amount of time to do some research and find out how best to spend this extra money. Is this the best way to improve air quality? Anyone who has walked up Wellington Hill, when the schools are gathering, knows that the air quality is pretty poor. Why? Because the school buses do not win rosettes for good air quality, let us face it. Paradoxically, having more of them on Wellington Hill, particularly if they are empty, is going to make the air quality worse. I know the Minister is very keen on electrifying the buses, which always makes me think about something else, an electrifying journey, but he is quite right. Where school traffic is concerned, the more electric vehicles you have the better and would I rather see any extra money spent on an electric bus fleet and would the bus user, rather, see extra money spent on electric vehicles? Well, I think they would certainly like to be asked and at the moment we are not asking them. Is this the best way to get a healthier population? I would contend that it is not, because if a child, who is currently being driven to school and as much as he or she enjoys chatting with the parent - well, they have probably all got their iPhones on, or they are watching movies, but as much as they may enjoy the school run - there are some and Deputy

Ward is right, who have an environmental conscience. They want to help the planet and at the moment not only do they feel terrified about cycling to school, but their parents would not countenance it, because we have no safe cycling routes. We have no safe walking routes, amazingly enough, in town, so there are many parents who will not let their children walk, or cycle, to school. If we spent some money putting in those safe routes, would not those children be healthier, walking and cycling to school than sitting on a school bus, even if it is free? This is another argument that I think needs to be made and that is why I am asking Members to accept the amendments, which give the Minister and the other Ministers - because the Minister is going to need to talk to the Minister for Planning and the Minister for Education and crucially the Minister for Treasury and Resources - to make sure that we come up with a suite of measures that take money from a number of different pots to pay for a number of different improvements in our transport system. We are not just going to have the silver bullet of free buses. We are going to have a whole lot of different ways of getting people out of their cars for their commute, so not only will the son, or daughter, be able to cycle to school but magically their parents will as well, not to school, of course, but to work. Now, if you have got that then you would really be making a big difference and this, to me, is what cultural change is about. It is getting the whole family to recognise that the car that they all enjoy so much can stay in the garage in the morning and they can take it out in the evening for a drive, they can take it to France, they can turn up in a historic car race. They can enjoy using their car at a time when it is not causing a nuisance to the rest of the Island. That is what my amendments are trying to do. I will just say one other thing I have introduced is instead of the earliest date practicable, which is the date that the original proposition gives for making buses for the under-18s free, I suggest that that should be caught by the May 2020 deadline, as well. So, if my amendments are accepted, by May next year and that is going to be challenging enough. We are going to have to find ways of making the buses free for the under-18s and for school users, but we are going to have to pay for them, without targeting the users of public car parks. I maintain the amendments.

**The Bailiff:**

Is the amendment seconded? **[Seconded]**. It is open for debate.

**12.3.2 Deputy R. Labey:**

I support the Constable. I just do not believe that putting 10 pence on car parking charges in St. Helier is the right thing to do. I think it is going in the wrong direction. I am very worried about using parking charges as a revenue stream, because of the businesses in St. Helier, especially the Central Market. A senior lady known to me - it might be my mother - was a little girl in the Occupation. The motor car represented a huge liberty to her generation and she uses the car not for the commute, but at least once a week she goes to the hairdresser and the Central Market and, if she exaggerates her arrival time a little bit, she can do that with one pay card and she will do her shopping in the Central Market, get her hair done and what-have-you, because she wants to use the Central Market. She likes it and she values it and I think we should all value the Central Market and when it is gone, it is gone and it should be a priority, because it is one of the jewels in the crown of St. Helier, along with the Royal Square and it is really important. Who has talked to the market traders recently about increasing car park charges in St. Helier? I think it would be quite wrong and we need to wake up to the fact that our traders in Central Market ... it is tricky. They have got competition from all sides in terms of the supermarkets. It is very special and I just cannot vote for anything that is going to potentially harm the future of the Central Market. I think a priority for bus charges is the notion of paying once for the journey, so if I am in Georgetown and I want to take my partner to St. Aubin for dinner, I have got to pay twice, because I go through St. Helier, so that is going to be £10 nearly for me and my partner and this is a real priority, I feel and we keep bringing it up and nothing ever happens. You should be able to, even though you have to change buses, pay your £2, or whatever it is, for a single journey through to wherever, because that is an incentive to use the bus. Paying twice

is a disincentive to use the bus, so I think that is a priority, but I certainly support the Constable of St. Helier and I understand what Deputy Ward is doing.

### **12.3.3 Deputy M. Tadier:**

A strong reason to support this is because the Minister's amendment is clearly not the right thing to do and I am surprised that the Minister would bring such a regressive policy, one that you might call a stick, if you like, given the fact that he has been publicly on record, certainly on the radio in recent months and I think in this Assembly, saying that he favours the carrot rather than the stick when it comes to public transport. If we had a coherent joined-up Government, what we would be doing is saying: "OK, let us implement the incentives now for a change of behaviour" which may include - and I would suggest should include - a free bus service certainly initially for our students in the Island and then roll it out to people right across the board and we would do that for 2 reasons. The first is that we have already signed up, I think, more or less universally and unanimously to reduce our carbon emissions as a matter of urgency and secondly most people who have spoken at debates said they did not want the burden of environmental change to fall solely on those who can least afford it, or mostly, or disproportionately, on those who can least afford it, yet the Minister has brought something in here, a very blunt tool, which says: "OK, if we are going to do this" and he has not even said that if the amendment is accepted he will accept Deputy Ward's principle anyway and that is why I am quite disappointed with the Minister, because he has gone against his principle of saying we need a carrot, rather than a stick. We could have put that incentive in first, so have the carrot and once that is bedded down we can look at a whole range of ways of funding this, which might include environmental taxes. We found out this morning, from the Minister for Treasury and Resources, that if we had an equitable income tax system whereby the 2 rates of income tax were not different, whereby the rich pay a lower percentage of their disposable income, I hasten to add and the poorer pay 26 per cent after allowances of their taxable income, that would raise £23 million and that is a perfectly equitable way to do it. It is not a way that would fall on the poorest in society. It is a way that everybody could contribute according to their means and it means that we would then have a bus service that everybody could use. It is tempting to vote for the Constable's amendment initially, because it is better than the Minister's amendment. It makes the Minister's amendment less pernicious and then, presumably, after that, we could vote against the Minister's amendment, but of course we know that is not necessarily how the States works. Some people might be tempted to vote for the Constable's amendment and then vote for the Minister's amendment anyway and I think the risk of doing that and the risk of voting for the Constable's amendment anyway is that it kicks this into the long grass. I do not think that is the intention of the Constable, because I know he has been a longstanding campaigner for change when it comes to a sustainable transport model, but this is effectively what it does. We know that even when this Assembly makes a resounding request in one area for the Ministers to go away and do something - for example, fund arts in a more sustainable and significant way - that the Council of Ministers will still find a way to get out of that democratic decision that the States have made. So, when you ask the Council of Ministers to go away, do some research and come back, they will come back in May 2020 and they will say: "I am afraid we cannot do it and if we do do it, we will find a very regressive way to punish people, to make it completely unviable, so that most States Members cannot vote for it anyway" which will involve putting petrol up. These things will have to come in anyway. There will have to be an increase in parking charges. There will necessarily have to be an increase in petrol prices, anyway, but this needs to be done in a joined-up way. What really gets me is the divisiveness of the Minister's stance, which hopefully is one of the motivations for the Constable putting his amendment forward. This sets different categories of our society against each other. It says the people, who are campaigning for a more environmental approach, people who want more bus use, we are going to set those against people who may feel that they have to use their cars, or certainly do use them, on a regular basis and we get all these strange arguments saying that your quality time in the morning is when you spend it with your children. I would suggest that parents going into town with their children in the morning might

find it very difficult to communicate with each other because, certainly, if you are driving a car, you are not allowed to use your phone, so how on earth would you communicate with your children in that scenario? In reality, that is not quality time. That is the child probably sitting in the back with a tablet, or a mobile phone; the parent stuck in traffic, maybe with the windows open, if it is a hot day, breathing in the exhaust fumes of the car in front. That is not quality time. The parents could spend time on the buses with their children reading, or chatting and not having to worry about driving. There are lots of arguments that clearly can be made in this regard. The one thing that I like about what Deputy Ward is proposing here, which requires us to be bold today and accept it one way, or the other and somebody spoke about the love affair that Jersey has with its cars. Another way of saying: 'A love affair' is an addiction. We have an addiction to cars. We have an addiction to petrol and one thing that we need to do is to break that cycle of addiction and the way you do it is by introducing a radical transport policy and one of the things you can do for a radical transport policy is to say we will have a free bus service for a certain period of time, because I have no doubt that, in the future, there will be other forms of transport that will take over.

[15:00]

We do not need to go into the details now, but certainly, as we are now, the bus service is all that we have in Jersey. We do not have trams; we do not have trains. We have a bus service and for those people, who can least afford it, we will be able to say to them: "You can have a free bus service." We do it for people who have a disability. We do it for a huge section of the population, irrespective of whether they can afford it, or not. Anyone who is over 65 in Jersey gets a free bus pass. What about the hardworking middle Jersey, who do not get access to that? I would say this is a reason to vote against both of these amendments, because it is time that we took bold steps, do not kick it into the long grass. Give something back to the people, who are currently working now, who may be students, or up to the age of 65, who cannot get access to a bus. Give them something back and let us see what happens. What is the worst that can happen if this trial period does not work? We can change it after a year. There is money in the reserves both in CT Plus and within the States' coffers to try something different. As the quote goes, if we keep on doing what we have always done, then we will always get what we have always got.

**Deputy R.J. Ward:**

Can I ask a point of clarification as regards this process, because I am getting somewhat confused? Am I right in thinking that if Constable Crowcroft's amendment is accepted, then the Minister's amendment falls by the by?

**The Bailiff:**

No, we return to the Minister's amendment, as amended.

**Deputy R.J. Ward:**

We return to it? Thank you.

**12.3.4 Deputy S.G. Luce of St. Martin:**

There is an old Jersey story that goes something like this. A farmer is leaning on the gate of his field looking at his brown cows and green fields and he is approached by 2 tourists in a car and one of them gets out and says to him: "Can you direct us to a certain Island beauty spot?" and his answer is: "Well, if I was going there I would not start from here" and that is why I am so disappointed with Deputy Ward, because after successfully getting this Assembly to approve his carbon neutrality targets, he starts from here with free school buses. He is proposing with his views - and I am only going to speak once, so please do not get confused - to put more of our children on probably some of the most polluting vehicles we have on our roads and if the Deputy - and I agree with the Constable - had ever followed a school bus up Mont Millais, or up Wellington Hill, I am sure he would not have brought this proposal today. We have been talking a lot recently ...

**The Bailiff:**

Deputy, I am sorry. You are talking to the amendment?

**The Deputy of St. Martin:**

Sir, I have indicated I am only going to speak once in this debate and I would rather speak now.

**The Bailiff:**

Well, others, no doubt, will say the same thing, but will not speak more than once. Something will come out and they will be entitled to say: "I want to speak." The rules of debate are that you must speak to the amendment.

**The Deputy of St. Martin:**

OK, Sir. I will stop there, because I have references to both the Constable and the Minister, but I will have to stop at this point.

**The Bailiff:**

Those are the rules of debate.

**12.3.5 Deputy K.F. Morel:**

It is interesting and I thank Deputy Ward for clarifying what is happening in this debate. It is confusing when amendments get amended. My poor little brain cannot cope with understanding what is going on anymore, but now I do understand. I want to say that I believe in reference to this amendment to the Minister's amendment, that the Minister has fallen into what I think is the same trap as Deputy Ward in making this proposition in the first place and that is to define a particular tool that they hope solves the problem, but without looking at the whole suite of tools and the whole range of tools available to us. Just by plumping for one you are failing to know that you are dealing with the problem properly. In this case, I think the Constable's amendment is a commonsense amendment, because it enables the Minister to look at the different ways that funding could be gained, rather than just plumping for one, so I will support the Constable's amendment to the amendment. That said, I do think it is important to say that it is interesting that the cost of motoring in this Island, if we are to get to grips with the climate change proposition that we adopted a few weeks ago, has to rise. There is no way around that, because motoring is pretty much the biggest contributor to our carbon footprint. That is going to harm different groups of people as a result. It will harm traders in town. It will harm low income families, but if we are to abide by what we agreed with Deputy Ward's proposition a few weeks ago, the cost of motoring has to rise. Because of that, it is interesting to hear Deputy Labey talk about traders in the centre of town, because in the retail review that the Economic Affairs Scrutiny Panel undertook at the end of 2018, one of the things that surprised me and I said it in the climate change debate before, was how many people - and I am talking about 90 per cent of the responses we got to our review - said: "We need more parking in town and we need to make it easier for cars to get into the centre of town"? As someone who wants to see a sustainable Island going forward, while understanding what they were saying I realise that is not going to make a sustainable Island. That is not going to help us achieve our new climate change obligations. If people think in this way, that the only way to use town is to be able to go there and park in it, then we are in trouble. I wanted to respond a little to what Deputy Labey had said about the market traders and while appreciating the position they are in, our retail review also found that in order to survive into the 21st century all traders in St. Helier, including market traders in the Central Market, are going to have to innovate. They are going to have to think differently and people saying: "We need to drive into town and park in the centre of town." It was sad that the Minister also said people need to park in the centre of town, because it shows a lack of innovative thinking, it shows a 20th century mindset, which is not cut out for the 21st century, where we are facing problems of climate change. I do say to Deputy Labey, while I accept parking charges and so on will hurt those market traders to some

extent in the short term, it is beholden on them to find new ways of trading. It is beholden on them to say: "Come into the market; buy your groceries, buy your flowers, buy your cards, buy all these goods you have, we will deliver them to you at home, so that you do not have to do that drive, you can do your shopping in your lunch hour and you can get the bus home, as normal." It is really important that people think like this. We cannot just keep saying: "Yes, people must drive into the centre of town, they must be able to park in the centre of town." Because of that, I do support the Constable's proposition. The Minister needs to be able to look at all the tools available to us as to how to fund free buses of any level, if we are to fund free buses. But I also ask everybody in Jersey, when it comes to the car, I agree with Deputy Tadier, we are addicted and we need to break this addiction to the car. One of the only ways we are going to do that is by raising the cost of motoring. It is a simple fact, I believe, that free buses probably will not work, ultimately, here while the cost of motoring is so cheap over here as well and that includes the cost of parking. There has to be that price differential, that encourages people from one to the other and at the moment we do not have that. But I maintain I will support the amendment to the amendment that the Constable has suggested.

### **12.3.6 Deputy J.A. Martin:**

Again, as the Constable's words say, at first glance even his amendment sounds feasible, or doable, but let me read what it looks like after, if you accept this, on page 2: "To take steps necessary to ensure the school bus service can be used free of charge by school students and that other steps to make bus travel more attractive for the school run are investigated and consulted upon with a view to being implemented by the Council of Ministers at the start of term May 2020." So, this work the Constable is asking to be done has got to be done very quickly, but researched. In his own speech he said: "We must make it more attractive to go on the bus, but not less attractive for car usage" but he does not want 10 pence on petrol. Absolutely agree with what Deputy Morel has just said. We all signed up, 40 of us to one. We know the one and conviction to the Senator, Senator Ferguson, because she did not support the climate change, but this will take money. Even the Constable's amendment to the Minister's amendment is asking us to introduce free of charge for school students by 2020. Now, the Constable said just going up Wellington Hill behind a bus is not great. If I am one of the kids who, at this moment, has to walk up Wellington Hill, or Mont Millais, to get to school, because mum will not give me the 80 pence, what am I going to do when it is free? I am going to jump on that bus, am I not? I am going to get on that bus. Do I need that bus? Does it help me? Does it help me physically keep fit? Does it help anybody? But no, my mates are on the bus. What a great way to go. Normally, I would be run in by mum, or dad, because they are coming in anyway, they are coming to work. I am trying to stick to the amendment. This just pushes the can a little way down the line for a fundamental issue that the Deputy does not bring any ... we have got nothing here to hang money on. It has got to be free of charge, we have got to do it by May 2020. To let everybody know, it has got to be done a lot quicker than that. I am quite clear, I am not supporting the Constable's amendment. The Minister's amendment, who I think is trying to help himself, because if we find ourselves stuck with a bill of today's money of £700,000, he is trying to make the money up. The proposal says we are trying to double ridership, so that is over £1.5 million and some really old buses, or coaches, coming out of service. The whole thing has not been thought through. Trying to get where the Deputy of St. Martin was saying, if you really want to tackle climate change, you do not start with free buses with no research, trying to cobble on a 10 pence parking charge, or fuel charge. It will cost money. We heard today some very wise words from Deputy Truscott. The U.K. are not going carbon neutral until 2050, but they are saying it is going to cost trillions. Now, somebody bring me back something that is costed, that is something that works and I might vote for it. Not today, not another chip: "Is it not nice to have?" Will it do what you think it will do? Absolutely not. It will not target ... I will talk about targeting the less well-off in the main debate, but it does not even go anywhere to do that, not at all.

### **The Bailiff:**

Can I say for assistance, I hope, of Members that we are talking about the amendment of the Connétable of St. Helier to the amendment of the Minister? The amendment of the Connétable of St. Helier really is aimed at 2 things. The first of them is to change the operative date from September 2019 to May 2020; and the second is to say in relation to the Minister's proposal that it should be funded by increased car parking charges of 10 pence a unit: "Well, no, let us have a general review of where it can be funded from. It may be from 10 pence per unit on parking charges, but it is not necessarily." That is the effect of the Connétable's amendment, so really that is the narrow source of debate on this proposition. That is all.

**The Connétable of St. Helier:**

Could I just clarify that? Is it not the case that my amendment also looks at not just having free buses, but a range of sustainable transport initiatives and incentives? It is not just about free buses.

**The Bailiff:**

Yes, indeed it does.

**The Connétable of St. Helier:**

Yes. Thank you, Sir.

**Deputy J.H. Perchard:**

While we are clarifying, I had a question for the A.G. (Attorney General) perhaps I could pose to you just on the point that you have made. The wording of the Constable's amendment to the amendment, if this were to succeed, does the wording "to ensure that bus services can be used free of charge" mean that there will be a free bus service provided to students, should they wish to use it, from May?

**The Bailiff:**

I am not sure what language you are talking to. I see the language in conjunction with the introduction of free school buses.

[15:15]

**Deputy J.H. Perchard:**

Sorry, yes, and I was about to ask also with that, alongside that clause, but it is the first sentence of part (a) and the last.

**The Bailiff:**

So, if the Connétable's amendment were to be adopted, then the Assembly will have adopted the substituted words, which start: "from the start of term in May 2020 without detriment to the general bus service by investigating, consulting upon and implementing a range of income-raising measures which provide sufficient funding ... in conjunction with the introduction of free school buses."

**Deputy J.H. Perchard:**

Yes, Sir.

**The Bailiff:**

Yes. So free school buses is part of the amendment.

**12.3.7 Deputy J.H. Young:**

Thank you for your attempt to clarify in what is this increasingly messy debate. I came into this debate hoping to have a good opportunity to debate about the bus service and its role in sustainable transport. I am going to abandon it now because, frankly, we have got a dog's breakfast of safe routes to school, bus service strategies, how best to do sustainable transport planning and so on. I think what we are being asked to do here is make the best of a bad job, of basically flawed proposals and

amendments. So, focusing now, as we are asked to do, on the Connétable's, following what the President just said: "Right, concentrate on the 2 things", the bit I do not like in it is the kicking into the long grass. I really do share the concerns of Members that we are required to make urgent changes. We are required, the Minister for Infrastructure and I, to produce this plan by the end of the year. We are doing it now. That means those choices have to be made. It is going to be in the Government Plan, enough in there, and also with the notice of what is going to come. Those choices will be yours, Members, but nonetheless the proposal effectively, I think, does postpone what are really important things. I love the idea of sustainable initiatives and so on, all great stuff, but why is it chosen to postpone a timetable? I do not see that and it is a shame. Also, when it comes to the question of car parking charges, I personally ... look, every report I have ever seen says that car parking charges in Jersey are far too cheap. They do not reflect the cost to the environment. Take a surface car park, look at the land value in the Esplanade, look at the potential uses economically that could produce. What do we do? We encourage commuter car parking, clogging the roads, producing all the pollution and so on, so there is no question that is an agenda that has to be looked at. I fear the Constable's proposal, to shut the door to what the Minister for Infrastructure has proposed, I think is not the right way. We should not close the door on that. We must leave it open. I am going to give credit to the Minister for Infrastructure. I am sure he would not have wanted to bring - with all the things that he said and his policy and his commitments - an amendment to put 10 pence on public car parks. I encouraged him to do that as a way of a sensible compromise to deal with what I think is a premature and flawed proposal of Deputy Ward. I am sorry to say that, but it is the wrong debate at the wrong time, but he brought that. I think what we have got is probably it was intended to be a compromise measure, to try to get something from Deputy Ward's proposal, because I fear we will come out of this with nothing and we could set back the whole progress towards sustainability. I am sorry, I think on balance, when I first looked at the Connétable's amendment, I said to my colleague here: "Well, do you think this is better?" It does look at first sight better, but when you analyse it, it falls. It falls on the delay and it falls because it closes the door on car parking charging increases. It is great on all the things about improvements to school services and what we do there, but we need a strategy for that and we do not have any reports and evidence. We are going to have to produce this. I am hoping that later on in the debate we get another chance to have a proper debate about those issues in detail, but at the moment, if we are focusing on the amendment, I am sorry, I do not think it meets the bill.

**Deputy J.H. Perchard:**

Was this for my question for the A.G.?

**The Bailiff:**

I thought you wanted to speak.

**Deputy J.H. Perchard:**

No, I put my light on for that, but while I am up, can I just clarify what the Minister just said, as I believe you yourself, Sir, have just said to the Assembly that this would not necessarily mean that the door is closed for increasing car park charges. Indeed, it may in fact be one of the things that come back around, but the Minister has just said that the Constable's amendment would close the door on that possibility.

**The Bailiff:**

As I read the amendment, I can say from the Chair, it does not close the door on that possibility because, if adopted, the requirement would be to investigate, consult upon and implement a range of income-raising measures. Those could include 10 pence on parking.

**Deputy J.H. Young:**

I think that is a point of clarification. May I give clarification of what I said?



**The Bailiff:**

Yes, indeed.

**Deputy J.H. Young:**

I think my point was if this Assembly makes a decision not to proceed with an action to increase car parking charges, effectively, I think, that sets a precedent and will be bound to influence our thinking and make it less open in the situation where we can make the choices. I suppose I should have explained that more, but it certainly will be a negative in that debate.

**The Bailiff:**

Deputy Perchard, have you spoken?

**Deputy J.H. Perchard:**

I have not and I do not wish to right now, thank you, Sir.

**12.3.8 Senator L.J. Farnham:**

I am not wishing to complicate matters. We just happened to be looking at the Education (Jersey) Law, Article 23, which says: “The Minister may make such arrangements for the provision of transport, or otherwise, as the Minister considers appropriate for the purpose of facilitating the attendance at school of a pupil.” That goes on to say: “(2) The Minister may prescribe by Order, for the purposes of the arrangements referred to in paragraph (1) - (a) the circumstances in which a fee will be charged for the provision of transport, or other assistance; and (b) the amount of any fee.” I was just wondering what implications that had, because I think this lies, potentially, with the Minister for Education, notwithstanding the decision of the States on that, but that is something that perhaps could be addressed by the Minister, or the Constable. I do want to talk about the car park pricing, where again, notwithstanding that these ambitions are all laudable, we tend to forget about recent conversations, we tend to forget about the Strategic Plan that we have all agreed and the victory that Deputy Ward had, the good solid victory on our ambitions for a carbon neutral society. This does not slot in with that, but I will not address that now, I will address that when we return to the main proposition. As Deputy Morel said, my department has been working with Scrutiny and we are shortly to produce a retail strategy. This retail strategy will demonstrate the challenges that our retail sector faces - not just retail, but commerce in general - a lot of which is based in St. Helier and a lot of which relies on parking, not just of cars, but parking of transportation modes for the prosperity of their businesses. We do not really consider that, so we do not really consider the impact that increases on parking will have on the overall economy. The impact of the increase in car parking has an impact on the value of the land on which that parking takes place. Land values rise, land values around it rise. We do not consider those properly. If we are honest, these amendments that are coming forward are insurance. This is policy being made on the hoof, or being attempted - this Assembly is becoming good at that - without proper consideration. Amendments have come forward for insurance, so I know a number of Members are going to be voting for some of these amendments, because it is insurance, just in case the main proposition slipped through, there is a bit of insurance there. That is completely the wrong way for us to do business in this Assembly. Finally, we have an ambition and I, together with some other Members, have established an inflation group. That group is charged with creating a new policy on inflation, as encouraged by Senator Moore and that is going to be reporting shortly, but that will be saying we should all understand the impact on the Island’s Retail Price Index before we make some of these decisions. I will return to other parts when we get to the main debate, thank you.

**12.3.9 The Connétable of St. Brelade:**

First, I do not know whether the Connétable will be able to enlighten me on this, or maybe it is something for the A.G., but I am wondering ... my understanding of income to the public car parks

was that it went to the Car Park Trading Fund. My question is whether it is possible to hypothecate any money from there to, as you suggest, sustainable transport initiatives, or free bus travel. My other point was with regard to page 5 of his report, as a former Minister for Transport, I must leap to the defence of myself and perhaps my successors, in that the suggestion is that our jobs were not done properly. I can sense that Ministers - I speak for myself and certainly, I am sure, others - have done their jobs properly in terms of research. It is easy to profess to be a bus expert, without the knowledge, but the department, as it is now and I am sure then, did really have very highly qualified people looking at this. There were consultants brought over looking at the bus service in Jersey. We have had a bus service over here since well before the war, so there is a lot of experience to draw from. The question always arises in terms of bus operation: it is fine if a bus goes out full one way, but then, of course, it comes back empty and what do you do with the staff. This is particularly pertinent with regard to school buses. I just make the point that I do take objection to the Constable's allegation that perhaps Ministers were not doing their best. I would refute that.

#### **12.3.10 Deputy R.J. Ward:**

I will stick to the amendment of the amendment. I think I am clear as to what is happening now. I agree with the Constable with regard to the 10 pence charge. That was never my idea. I do not think it is necessary at all and I think it is regressive and the wrong thing to do and just punishes people and those who are least able to pay the most. That is not something that I would ever agree with. I have to say a few things and I want to voice my concerns to the Constable and perhaps he can answer the concerns. This is why I am concerned about his amendment and I will deal with each part of it separately. They are separate parts, but there is a theme that runs through. The main theme seems to be, yet again, delay, but more than this, we seem to have continued failing of this Assembly in these amendments, the failure to take action before we contemplate and consider and procrastinate and then simply do nothing. I will explain why I say that. I recognise they are strong words, to some extent. The first part says: "other steps to make bus travel more attractive for the school run are investigated and consulted with a view to being implemented by the Council of Ministers from May 2020." "Investigate and consulted", more money down the consultancy drain; "with a view to being implemented", the ultimate States get-out clause for doing absolutely nothing. I say that as a new Member, who comes to look at what we have done in this Assembly in the past and who wants to make change for the future, because we have an envelope of time where we can do something, because we are on the wave of understanding the effect on our environment and climate, young people, this Assembly itself. What a step forward that was that we made. We do not do anything and all the while the cars clog our roads during school drop-off times and families pay through the nose to send their children to school and we are not putting children first in those terms. I think that is the problem with that first part of the amendment. That theme of delay and procrastination is repeated in part (b): "Other steps to make bus travel more attractive for people under the age of 18 are investigated and consulted upon and with a view to being implemented." I talked before about the investigation into the bus to Highlands, but we know what the investigation and consultation looks like. It really does not come out with the sort of sea-change step that we need to make, which is key. Token gestures are made, but are not effective. Part 3 really is the icing on the cake: "To research, consult upon and identify funding for a sustainable transport strategy, including safe bus routes for walking and cycling and provision for those with impaired mobility." I totally agree with the Constable on that. He knows I do, but that is exactly what we should be having, but it has not happened for the last 20, 30, 40 years. There have been so many Members who have been here for a significant amount of time, but we have not got anything done. We have talked about it a lot, we have consulted on it a lot and we have prepared for a lot, but it still is not happening. To me, both amendments really are wrecking amendments.

[15:30]

By extending the criteria to other areas of need, we create a process that will never have a meaningful outcome. I respect the experience of the Constable, but this amendment will, yet again, create a talking shop for Ministers, officers and whatever consultants that we pay through the nose for. I am quite disappointed, in a way, that it has been accepted by the Minister, because I quite enjoy the verbal jousting between the Minister for Infrastructure and the Constable. It cheers me up. **[Laughter]** But we have seen it again and again. The hoppa bus, where is it? The eastern cycle path, where is it? At current rates, it will be 10 years before that is completed. Safer walking routes: that is not going to happen when the default method of travel is the car and the love affair, the dysfunctional relationship, the addiction to the car remains. We have to be brave, as an Assembly, as an Island and make it clear that we have got to stop the movement of these cars if we are going to do all the other things that we want to do. I think a vote for these amendments really are a step backwards. However, in the name of compromise, I will say that if you are not going to vote as I believe you should, for my amendment ... and I make no apology about bringing this to the Assembly, no apology at all about bringing a dramatic change to this Assembly, because that is what I was voted in for. That is what I spoke to people about on the doorstep. What I was going to do was clear and obvious in my Reform campaign, it is clear and obvious what we are going to do. There is a 42-page document. So, I make no apology for bringing that, but if you do not feel you can vote for that, for whatever reason, then voting for the Constable's amendment, I suppose, is a step forward, but with the provisos that I have said about procrastination and delay. What are we going to get done? I will be back here to hold you to account in this Assembly. There comes a time when we have to make decisions in this Assembly, to enable Jersey to drive forward and so I would urge you to reject both amendments and vote for mine. However, if you cannot do that, then I really think that the Constable's amendment is a small step forward, as long as we keep an eye on the timescales and the meaningful actual change that is necessary. I ask the Constable to give me some reassurance on that when he speaks in a moment.

#### **12.3.11 Deputy G.P. Southern:**

I am almost overcome with admiration for my Constable and his spectacular optimism, because, as he said, I have been in this Chamber nearly 20 years, the second-longest serving here and how many sustainable transport plans has he seen come and go? I can remember several and all came to nothing, yet here is the Constable saying: "I can put my faith in a sustainable transport policy again" even though we have got nowhere on the 2 or 3 - I believe it was 2 or 3 - previous sustainable transport policies with walking, access for pedestrians, with cycling paths. With a hoppa bus, that got passed at one stage, but then failed at the final hurdle of getting any money put in, because it fell off the bottom of the list. It could be brought back. But here we are again, faith in a wider policy with all the fancy bits and everything joined up. Can that be done? It has not been done in the last 10 years and yet it could be done in the coming 18 months, we are led to believe. I do not believe that will happen and I cannot possibly support this amendment.

#### **The Bailiff:**

Does any other Member wish to speak? Then I call on the Connétable to reply.

#### **12.3.12 The Connétable of St. Helier:**

While I am grateful to Members for their comments, there were a couple of quite extraordinary ones which I am going to deal with first. To go to Deputy Young, he accuses my amendments of kicking the concept of free school bus travel and better transport for everyone into the long grass by setting a deadline of May next year. That is apparently postponing. Deputy Ward, though his comments got kinder as he went on, he said the main theme of my amendments were delay. It is a short delay until May 2020 to give everybody some time to do this properly, because he said: "Let us make a decision." Well, let us not make the wrong decision, because my worry is if these amendments are not passed, Members are going to throw out Deputy Ward's proposition, because making the buses

free is not the silver bullet that he thinks it is. I correct Deputy Southern; we have had 2 in 20 years, probably the only legislature that has had so few transport policies in that amount of time in Western democracies, but there are probably worse examples. If we are going to have a sustainable transport policy - to pick up Senator Farnham's disparaging comment, that it is policy on the hoof - well, let us get the sustainable transport policy going. Deputy Young assures us that it is part of the Government Plan. That is great news, but certainly we have not seen it yet and some of us have been waiting a long time. So, I really refute the speaker who said that my amendments are trying to delay, trying to kick it into the long grass, because my amendments are trying to make what Deputy Ward has bravely done. I am trying to make it workable and I am trying to get a whole range of improvements to our transport system, not just school buses that may remain polluting and empty. I am trying to get better cycling facilities, better walking facilities, a joined-up approach to transport with some really quite tough measures coming in to get the money necessary. One Member, I forget who it was, said that I was closing the door to raising parking charges. No, I am not, and that was a helpful correction from the Chair. My amendment seeks not to rest all of these improvements on a single tool, putting up parking charges, but to encourage the Minister for Treasury and Resources, with other Ministers, to bring forward those measures we have talked about for years. How many thousand people travel to workplace car parking slots, which are not charged? There is no tax on those, there is no extra tax on people renting commuter spaces. Other jurisdictions, just to give one, Oxford. They do not allow you to build private, non-residential, car parking spaces. We had a question this morning about it. They discourage commuting by simply taking away the supply. Equally, we have got lots of brownfield sites, which are wasted, because they are used for parking for commuters. Those sites could be taxed, so that there was an incentive to the person who thinks: "Shall I drive to work and take my kids with me? No, I will not, because (a) there is a free bus service; (b) there is a fantastic new cycle route that goes all the way to my child's school; and (c) if I drive to that parking space I have been using, I am going to get hammered by the Minister for Treasury and Resources. Oh, and also I am going to pay more for my petrol." I accept these charges on motoring must go up, but I do not believe it is right just to focus on the public car parks as a way to fund these improvements. Now, I am not going to comment on every speech, I am going to focus on the ones that were supportive. I am sure Members will forgive me. Deputy Labey started off by saying, quite rightly, who has spoken to the market traders about bringing in an above inflation increase to parking charges in St. Helier? This really will send the wrong message to our retailers, regardless of what the retail strategy comes up with, when we eventually see it. Minister, it is overdue. Regardless of that, just putting them up next month by 10 pence a unit on top of the inflation that has already gone onto them this year, that is going to bring howls of protest from traders in town, from restaurants in town. So, I urge Members to support my amendment, if for no other reason. Deputy Morel, I think, rightly said that the problem with the amendment of the Minister is it focuses on a particular tool, instead of the whole toolbox. I agree with him, motoring has to rise, but let us do it in a fair way. Interestingly, there is a lot of talk about electric vehicles at the moment, but if you follow the discussions and the research, electric vehicles are pretty harmful too, not just in the battery production and disposal, but in the dust put out by their tyres. The answer is not just to get everybody into electric cars. The answer is to get as many people as physically possible on to their bikes, because if we could make cycling safe and attractive, not only would we have less congestion ... that is the silver bullet. Cycling is the silver bullet to traffic problems, because you get less congestion and you get a healthier society and also kids get their freedom, because children who can walk and cycle to places in Jersey and who do not need a lift from the parent, or the guardian, have much more independence. Deputy Morel called my amendments common sense amendments. I prefer that description to the Minister for Economic Development, who said they were insurance amendments. I did not follow all of the speakers. I would just answer the question of the Constable of St. Brelade, who said I was disparaging former Ministers. I can ask the Constable the question: did the Constable bring forward a sustainable transport policy? Apparently he did. I exempt him from my criticisms, but what I will say is that all the past presidents of this department - and I include

myself all those years back and I have the scars to prove it - have really invested in our bus service. I think some of the past presidents have been obsessed with buses and they have not invested nearly enough in safer walking and cycling facilities, but as a result of that, we have an amazing bus service. Let us just put that word out to all those bus drivers and to the company, [**Approbation**] because it is only quite recently that we have been able to get the red eye by taking the bus. We have a double-decker bus service - I never thought that would work - and we have got lots of them. I think we have a fantastic bus service. As I said in my opening remarks, I do not want to prejudice that bus service, by approving Deputy Ward's proposition with my amendments, because we may well not get the ongoing improvements that we have been getting year on year from LibertyBus. We may not get those extra routes. Deputy Labey mentioned through ticketing. That is really important. We need through ticketing; we need more buses to be run on electricity, rather than on polluting petrol. Let me finish with a great Reform agenda proposal. I was wondering what Deputy Southern was going to say when he got up to speak, because Deputy Southern has championed the need for a hoppa bus for years. Does Deputy Ward's proposition, unamended, make the hoppa bus more or less likely? I would say it makes it less likely, because if, instead, we look at the whole toolbox, to use Deputy Morel's phrase, if we look at all of our transport choices, then let us put the hoppa bus in there, but if we just go for free school buses, it will make it harder to deliver the hoppa bus that the Reform party, I think, are fully signed up to. I commend these amendments to the Assembly of Deputy Ward's proposal and I do thank him for sort of warming to my amendments. He said: "Vote for my amendments, if you are going to vote against his proposition." I think that is good advice. I would urge Members to support these amendments, because they are ambitious, but they go across the board and they give a real chance by May next year of having a sustainable transport policy, which is funded and which delivers a whole range of improvements, apart from just free school buses.

**Deputy J.H. Young:**

May I ask for clarification from the speaker's summing up, please, for a point?

**The Bailiff:**

Of course.

**Deputy J.H. Young:**

Obviously, you steered us towards focusing on the timing issue. Obviously, the proposition says "investigating, consulting upon and implementing" and the previous sentence says "start of the term." Does the intention mean that the investigating, consulting and implementing will be from the start of term, or that that will be the effect of when those measures are implemented? I would like that clarified.

**The Connétable of St. Helier:**

I think, if the Minister reads the second paragraph, it is quite clear that it says from the start of term in May 2020 to implement those measures. Obviously, if you only started your investigation then, there is no way you are going to get them in next year, but certainly the proposition is designed to get all the Ministers working hard to bring forward these proposals in time for May next year.

**Deputy R.J. Ward:**

May I clarify something?

**The Bailiff:**

You are entitled to ask the Connétable if you want him to clarify something.

**Deputy R.J. Ward:**

I was going through the Chair. May I ask the Constable to clarify part (a): "To take steps necessary to ensure that school bus services can be used free of charge" means that they will be free of charge

by May 2020 if we adopt your proposal and the “consulted upon with a view to implementing”, does “view to implementing” mean that they could not be implemented?

**The Connétable of St. Helier:**

I am grateful to the Deputy, because I meant to come to him on his querying of that phrase “with a view to being implemented.” Absolutely, that is not provided as a get-out clause to the Council of Ministers.

[15:45]

I would not have such a jaundiced view of the Council of Ministers to think they would try to get out of this commitment were it to be approved.

**The Bailiff:**

Do you wish to take the amendments together, Connétable, if they stand together? I think they do. I think the 2 amendments stand together.

**The Connétable of St. Helier:**

Yes, I think we should take them together. Thank you, Sir.

**The Bailiff:**

All those in favour of adopting ... the *appel* is called for. I invite Members to return to their seats. The vote is on the amendments of the Connétable of St. Helier to the amendment of the Minister for Infrastructure and I ask the Greffier to open the voting.

<b>POUR: 37</b>		<b>CONTRE: 7</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Connétable of St. John		
Senator S.C. Ferguson		Connétable of Trinity		
Senator J.A.N. Le Fondré		Connétable of St. Mary		
Senator T.A. Vallois		Deputy J.A. Martin (H)		
Senator K.L. Moore		Deputy M.R. Higgins (H)		
Senator S.Y. Mézec		Deputy G.J. Truscott (B)		
Connétable of St. Helier		Deputy of St. Peter		
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				

Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
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)				

**12.4 Bus services: proposals to make free of charge (P.52/2019) - second amendment (P.52/2019 Amd.(2)) - as amended**

**The Bailiff:**

The Minister’s amendment has now been amended and we return to the debate on his amendment as amended. Does any Member wish to speak?

**12.4.1 Deputy M. Tadier:**

I think we have made progress today. The first thing I would like to say is that even though I am biased, I have been impressed by my new colleague on the left’s ambition in this area. Not only has he put his heart into it, but he has also put his head into a great deal of thought when it comes to sustainable transport on our bus system. I think he is somebody who tries, as far as possible, to live by his principles when it comes to environmental matters and to sustainable transport. Essentially, now that we have got an amended version, even though there were strong arguments perhaps for and against and an element of tactical voting, you could argue, I think we are in a much better position to vote for something that is positive today by approving this in its entirety, as amended by the Constable of St. Helier. Because what it says is that making a free bus service available to everyone straight away is probably worth considering, but it needs a lot more work. Those are not my words, those are the words, I think, of the Assembly and the Constable and it is not the only way. But what I have noticed is that when people bring forward arguments to say that this is not sustainable and that there is not a funding mechanism to pay for what we are going to be debating, for free buses for our young people in the Island, I would ask the question: is there a sustainable funding source available for the ageing population in our Island? I referenced that earlier, that everybody in the Island, who is over the age of 65, is eligible for a bus pass and it is free. That means you could be a multimillionaire, living in a penthouse in St. Helier at the Waterfront, or you could be a pensioner living in States accommodation somewhere in St. Ouen and you will get a free bus pass. I, for one, will fight to keep that principle, because I think it is absolutely correct that some things do not need to be means tested, that there are certain benefits which are universal. Not only does it cut down on bureaucracy, but it also values a certain section of our society. I think it is right that we continue to respect the elderly, not in a slavish way, but we respect that they have been around for a long time and they have contributed, not just in financial terms and that we value their contribution. But for too long in this Island we have also not valued young people. Look at the fact of how long it has taken to get a skate park of any merit in Jersey for our young people. Not all of them will skate, but it shows the fact - and maybe it is because they have not voted in the past, maybe it is because they are easy to forget - that we have decided, when it comes to that example of the skate park that I used to illustrate the wider point, we have seen fit to relegate them to an old shabby part of the North Quay, just by a non-functioning steam clock in some kind of cage and we say: “That is all right for you.” I am glad we have turned the page on that and we have got some good work, but if it is OK to give a concessionary pass to one wide section of our society, which I will fight to keep, then why would we not do it for our young people? Because we know that, hopefully, they will come back to the Island at some point. It is arguable that they have had things removed from them. I remember, as I have

said, when I was at school there was a flashcard system. Young people could access all of our great museums in the Island for free with this flash card. That was taken away from them. That was a benefit that was taken away, for whatever reasons, no doubt as part of an austerity programme to do with arts, culture and heritage. What are we doing for our young people? The other great benefit of this is it is targeted, so even if we do not end up going down the route of free buses for all in our society, surely it makes sense to invest in them as young people, because that is the kind of behaviour that we want to instil in them. The idea that they are going to become lazy, because they take the bus, I think, is laughable. Most students will still have to walk to the bus stop, which may not be an inconsiderable distance and they may also have to walk when they get off the bus stop. For example, somebody who lives in, let us say, St. Clement, at Le Marais, who wants to go and use the new skate park - which will be in Les Quennevais probably - will have to get 2 buses. But we could not possibly give them free buses, because that would make them lazy. They should have to cycle from Le Marais to Les Quennevais and then they should have to do 5 hours of skateboarding and then cycle all the way back to Le Marais, because otherwise they will get lazy from the free bus pass. This is a kind of nonsense argument. Getting people out of their cars for the occasional bus use does not make people lazy, it makes them less of a slave to the vehicle. It makes them realise that: "I might get on the bus today, but I might cycle to the bus and I might leave my bicycle at the bus stop, or the bus station" because we have now provided lots of accessible bike parking there: "and then I will get the bus to go and see my mother in the care home, because I do not fancy cycling up the hill, but then I will walk back down, get the bus and then I will bike back to my house, which is not that close to a bus stop." I think that what we see in front of us is a way for us, as an Assembly, to say: "OK, we do need to look at this holistically. It does need to be paid for, but certainly in the short term we can afford it" because we know that Jersey's version of CT Plus has great reserves that they have amassed, despite the fact that they are supposed to be a social enterprise group, whereas other bus companies that they run seem to have less profits that accrue. So, they can afford to take some of the hit in the short term. The example I would use, I am part of a club ...

**Deputy J.M. Maçon:**

I am sorry, point of order. We are still debating the Minister's amendment. We have not got to the full proposition at the moment and I am just struggling to understand the relevance of this speech to that very limited aspect. **[Approbation]**

**The Bailiff:**

Thank you, Deputy. **[Approbation]** I think it is not an unfair point to raise, Deputy. You will please confine your address to the amendment.

**Deputy M. Tadier:**

Yes, I had entirely forgotten. I am normally the first to my feet if somebody is going off tangent. So, let us park what I have just said and then I will resume that part of my speech when I come to the main proposition.

**Deputy J.H. Young:**

Can I raise another point of order? I am slightly confused. The effect of the adoption of the Constable's amendment effectively substitutes, on my reading of it, for the Minister's amendment complete new wording. So, on my reading of it, there is nothing left of the Minister's amendment. If we are confined to debate the amendment, we will be debating again the Constable's amendment, which seems to be ... that is my ...

**The Bailiff:**

That is not entirely true. We have paragraph (c).

**Deputy J.H. Young:**



Paragraph (c), that is all we are talking about?

**The Bailiff:**

That is what you should be talking about.

**Deputy J.M. Maçon:**

For clarity, if we adopt the Minister's amendment as now amended, it means we will then go to the full debate where Members will speak on the full proposition. I just do not want to get confused in the process.

**The Bailiff:**

Yes, of course. What has happened is that paragraphs (a) and (b) of the Minister's amendment have been very substantially amended by the Connétable's amendment. Paragraph (c) of the Minister's amendment remains in full place, as yet unadopted, so the debate which is taking place now theoretically runs over the Connétable's amendments again but Members will show, I am sure, the common sense they always do and not want to say the same speeches again. What we have left under the second amendment, the amendment of the Minister, is paragraph (c), that is the new bit. Deputy Tadier, have you finished your speech? Are you wanting to speak or are you ...?

**Deputy R.J. Ward:**

I was going to ask for a little point of clarification that may help the situation. Paragraph (c): "To research, consult upon and identify funding for a sustainable transport strategy, including safe routes for walking and cycling, and provision for those with impaired mobility, by the end of 2019" is the paragraph we are debating now?

**The Bailiff:**

No. [Laughter]

**Deputy R.J. Ward:**

Well, I am confused.

**The Bailiff:**

If you pick up the second amendment, the Minister's amendment, you will see in paragraph (c) he has proposed after "for everyone in Jersey" insert the words "subject to full funding being provided." That is what we are debating now.

**Deputy R.J. Ward:**

OK, thank you.

**The Bailiff:**

Have you finished your speech, Deputy Tadier?

**Deputy M. Tadier:**

No, Sir. To address that last point, I think the last point that I did make about a sustainable funding source and about CT Plus's reserves generally, the argument I would make is that the Minister should be in a position to be able to accept what is being proposed today by Deputy Ward, as amended by the Constable of St. Helier. Because there are sufficient interim consolidated funds, if you like, within the CT budget to be able to pay for free buses for, in the first instance, the provision of a free school bus service. That is the argument that I would be making. In summing up, it would be helpful, perhaps, to know from Deputy Ward whether he is minded to accept the amendment that has been made to his proposition before other Members go on to speak.

**The Bailiff:**

We will return to Deputy Ward's proposition after we have dealt with the second amendment of the Minister and I am not sure it necessarily helps to know what the Deputy thinks in relation to his own proposition until we know what the second amendment outcome is. Does any Member wish to speak on the Minister's amendment? That seems to have done the trick.

#### **12.4.2 Deputy R.J. Ward:**

It appears to me that we are just arguing now over the words "subject to full funding being provided", which concerns me in one way, which is that from the interaction we have had and the briefing and the words, full funding being provided will be the obstacle that will not be achieved and it could be the absolute death knell to a free bus service wider on this Island. That is what concerns me. What I would like from the Minister is a commitment to a genuine search of full funding of a bus service given the will of this Assembly is to promote a free bus service, given the research and the investigation we have looked into, and to take into account - if you excuse the pun - the changing climate that we have in this Assembly in terms of our understanding of climate change and the impact, for example, of when air pollution monitoring comes online, which will I think change the debate on how rapidly we need to change the way in which we use buses.

#### **The Bailiff:**

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

#### **12.4.3 Deputy K.C. Lewis:**

I want to refer to several comments made. Deputy Labey made comment regarding a link bus, which I think the Constable of St. Helier has also mentioned regarding east and west. I would say that is a valid point and I have mentioned it to LibertyBus before. I am more than happy to take that up again, that if one is going to the airport from, say, St. Clement it is not right that you have to pay twice. I am more than happy to take that up with LibertyBus. Twenty pence on parking is not something I wanted, but I have a limited budget and I have to balance the books, because this was quite a late amendment and I did not have time to do anything else. I would like to set out my concerns with each of the 3 parts of the proposition and how the Constable's amendments may help to mitigate their impact. Part (a) of the proposition relates to making the school bus service free, but nothing is free. Not charging pupils for school buses would mean a loss of income of several hundred thousand pounds a year and it would be a blanket provision. It would not direct our support towards low income households for whom transport costs are the most challenging. We already subsidise the service, but income from passengers accounts for £700,000.

[16:00]

Without that income, the extra money would have to be found from elsewhere. If we could not find that money, the free service would be provided at the cost of the wider bus service, which would lead to a decimated service. The Assembly recently approved P.27/2019, that there was a climate change emergency and we therefore committed to encouraging Islanders to adapt their lifestyle in ways to help us reduce our carbon footprint. So, I would have to raise that £700,000 in a way that fitted with our commitment to fiscal measures to elicit change. The most feasible mechanism would be to increase parking charges, but, obviously, I am not in favour of that. By putting up the cost of parking by 10 pence to 95 pence per hour, school buses could be free, but I am highly relieved that the Constable brought his proposition, so that is no longer on the table. If the Assembly were to adopt this proposition and school buses were introduced in September 2019, increased parking charges would be the only way in which I could have raised the money. So, I fully support the Constable's amendment. By deferring the start date to May 2020, we could introduce increases in both parking charges and fuel duty. These increases would be through the 2020 Government plan, rather than parking charges being raised in isolation. The Constable's amendment would also ensure that funding was without detriment to the general bus service, which I welcome. We must protect the

excellent bus service we have for all Islanders. But would making school bus services free work? I do not think so and claims made in the proposition do not stand up to scrutiny. For example, would each bus really take 75 cars off the road? I very much doubt that a school bus, with a capacity of 50, would achieve that. The Deputy has mentioned double-deckers, but the double-deckers do not go east of the Island for reasons I am more than happy to elucidate on. Basically, there are a few kinks in the road in St. Clement that would not allow double-deckers to pass. With all due respect to the Constable of St. Clement, wonderful Parish, wonderful roads, but there are a few angles in the road that would make it very, very difficult for double-decker buses to traverse that route. I was Assistant Minister to the then and present Constable of St. Brelade when we brought back the idea of reintroducing double-decker buses and the company, at the time, said that would never work. We said: "Yes, we think it would." They said: "What about overhanging trees?" and at the time we said: "Look, we are T.T.S. We know how to cut trees." Sure enough, we got 2 demonstrators over, which did wonderfully. They had nice, plush leather seats and we thought with the Finance Centre being built we can get everybody, including the suits, on the buses. That worked out very well indeed. It is not true to say that young people do not use buses simply because they have to pay for it. That argument is that if the service were free they would all use it, reducing traffic and increasing the amount of active travel they took, but the truth is more complex. Many parents and children see the morning car journey as family time. That drive from home to school is shared. I doubt that a free bus service would be much of an incentive for the families, who cherish that family time. I would be grateful if Members would not speak while I am speaking. Thank you. Even if all children were taken to school by buses, their parents would still be in their cars, so traffic would not be reduced. Instead, the evidence points to free buses attracting children who currently cycled, or walked, to school. So, instead of promoting a healthier lifestyle, free buses would reduce the amount of exercise taken by pupils. The second part of the proposition would result in all bus journeys being free for the under-18s and anyone in full-time education, subject to full funding being available. We can expect under-18s to take advantage of the free service and we also have to meet the change in demand, however great it was; and the taxpayer would be funding all under-18s, whether they are in employment, or not, whether they can afford it, or not. It would not necessarily promote healthier lifestyles, or focus the impact on those for whom it would make the biggest difference. Part (b) would simply mean free bus rides for anyone under the age of 18 and if they were going for a night out and could afford a bus, or taxi, or any other means of transport. The Constable's amendment would give us a small window in which to consider free bus travel for the under-18s within the context of a wide set of sustainable transport initiatives and incentives. It would also enable us to consider how to pay for it. However, the options would still be limited and they will hit the motorists. So, as I said, I would rather that Members voted against the proposition and I would ask them to support the Constable's amendments to my amendment. It would at least give breathing space to consider how to pay for the introduction of a free bus service. I thank Members and ask for the *appel*.

**The Bailiff:**

Minister, if I may say so, it is no longer the Connétable's amendment, it is your amendment.

**Deputy K.C. Lewis:**

Yes, as amended by, sorry.

**The Bailiff:**

Yes. Do you want your proposition taken as one, or taken separately? The reason I say that is that the Deputy's proposition, he has indicated, should be taken separately. So, do you wish to take your amendment as one, or do ...?

**Deputy K.C. Lewis:**

I think *en bloc*, Sir.

**The Bailiff:**

*En bloc*, all right.

**Deputy K.C. Lewis:**

As amended.

**The Bailiff:**

Can I invite Members to pick up Deputy Ward's proposition P.52/2019 and to pick up the Connétable of St. Helier's amendment? That is the amendment to the second amendment, because on page 2 of the Connétable's amendment there is set out what the proposition then looks like. So, you are voting on ... numbers 1, 2 and 3 is going to be one vote, taken together as just one vote, but you are voting on the amendment of Deputy Ward's proposition by the substitution of paragraph (a), by that amendment in paragraph (b) and that amendment in paragraph (c). I am sorry, Deputy?

**Deputy J.H. Perchard:**

Can you say that again, please, Sir? **[Laughter]**

**The Bailiff:**

If you have the amendment of the Connétable of St. Helier to the second amendment, on pages 2 and 3, the Greffe have helpfully put out what you will be voting on. That is effectively what you are voting on now. You may wish to compare it with what Deputy Ward's proposition is, because if this amendment of the Minister is now passed, that will become the main proposition. Are Members clear? Deputy Ward, you are looking worried.

**Deputy R.J. Ward:**

Thank you to Deputy Perchard for also being confused; I do not feel so alone in my confusion now. Are we adopting the amendment here wording, or the amendment in the second amendment, amendment (2) amendment?

**The Bailiff:**

You are adopting the amendment to the (2) amendment, amendment (2) amendment. That is the language on pages 2 and 3 of the proposition which you are now voting on.

**Deputy R. Labey:**

Is it possible to decipher what is left of Deputy Lewis's amendment, the Minister's amendment, after it has been amended by the Constable?

**The Bailiff:**

Well, I am not sure if you need to know that, because what you are voting on is what is there at pages 2 and 3 of amendment (2) amendment.

**Deputy J.H. Young:**

Sorry, Sir, another clarification. Maybe I am leaping too far ahead, but you said we are going to vote on the Minister's amendment, as amended by the Connétable and then the debate will go on to the main proposition.

**The Bailiff:**

Yes.

**Deputy J.H. Young:**

But I notice - maybe I made a mistake in my paperwork - we have a second amendment, an amendment from the Connétable.

**The Bailiff:**

I am so sorry, you are right about that. We have ...

**Deputy J.H. Young:**

So then we have another amendment on that amendment of the Constable?

**The Bailiff:**

Yes, I am so sorry, you are right about that.

**Deputy J.H. Young:**

Would it help Members if the Connétable intends to withdraw that he could say so and we could simplify things?

**The Bailiff:**

Can we come to that in a minute, Deputy? The vote that you are taking now is the vote I have just explained. It is the vote on pages 2 and 3 of amendment (2) amendment. I will ask Members to return to their seats and ask the Greffier to open the voting.

**Deputy R.J. Ward:**

Sorry, Sir, I apologise profusely but I am very confused by this. We are voting on, after this amendment, page 2, paragraph ... on this document ...

**The Bailiff:**

If you pick up the document which says: "Bus services - proposals to make free of charge", P.52/2019, second amendment, and then amendment (2) amendment, that document there on pages 2 and 3 is the proposition that you are now voting on.

**Deputy R.J. Ward:**

Thank you very much.

**Deputy R. Labey:**

If I read this correctly and to answer my own question, we are voting for effectively the Constable's amendment and the bit that is left of Deputy Lewis's amendment is (3), page 2, paragraph (c): "After the words 'for everyone in Jersey', insert the words ' , subject to full funding being provided.'" There is the Constable's amendment, plus that little bit from Deputy Lewis.

**The Bailiff:**

That is essentially right.

**Deputy J.A. Martin:**

Just to be more confusing, I think what I am hearing behind me is to what then does that leave of Deputy Ward's proposition. Because people are trying to get to: do I support this? Is it the better way? Sorry, Sir, but I am hearing behind me and I think it is political, but I think if you have an explanation can you please share it.

**The Bailiff:**

Well, if these amendments are adopted, Deputy Ward's proposition is amended and then the Assembly will vote on Deputy Ward's proposition, as amended.

**Deputy M. Tadier:**

Last point: it is not to do with clarification, but to do with whether the Minister will be taking these parts separately, if that is possible.

**The Bailiff:**

He has indicated he is not taking them separately. Right, I will ask the Greffier to start again and to open the voting.

<b>POUR: 37</b>		<b>CONTRE: 8</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator S.Y. Mézec		
Senator L.J. Farnham		Connétable of St. Saviour		
Senator S.C. Ferguson		Connétable of Trinity		
Senator J.A.N. Le Fondré		Deputy J.A. Martin (H)		
Senator T.A. Vallois		Deputy G.P. Southern (H)		
Senator K.L. Moore		Deputy M. Tadier (B)		
Connétable of St. Helier		Deputy R.J. Ward (H)		
Connétable of St. Clement		Deputy C.S. Alves (H)		
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
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.E. 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 M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

### 12.5 Bus Services: proposals to make free of charge (P.52/2019) - amendment (P.52/2019 Amd.)

**The Bailiff:**

We now go to the Connétable of St. Helier's first amendment, parts (1) and (2) fall and so we are left with a new paragraph (c) and a redesignation of the remaining paragraph (c) as (d). I ask the Greffier to read that amendment, only the part that we are going to be debating.

**The Greffier of the States:**

Page 2, new paragraph (c) – After paragraph (b) insert the following new paragraph – “(c) to research, consult upon and identify funding for a sustainable transport strategy, including safe routes for walking and cycling, and provision for those with impaired mobility, by the end of 2019; and”, and re-designate paragraph (c) as paragraph (d).

#### **12.5.1 The Connétable of St. Helier:**

I will be brief on this because I think we have had a long debate about sustainable transport policy and the lack of one, although I now realise that one of the predecessors in the hot seat, if I may call it that, the Constable of St. Brelade, did bring forward one of the 2 policies that I remember in the last 20 years. The purpose of this amendment was merely because I anticipated that the States would wish to have a debate about buses and transport in general. I thought it was a good opportunity to ask the States to agree and this may already be in the Government Plan, but I have not been privy to it, so for me it is an insurance policy to make sure that, by the end of this year, we finally get a new transport policy from the Council of Ministers. Now, if it is already three-quarters done, that is great and I am sure that the Minister will let us know, but if it is not - and certainly some of the documents I have seen emanating from his department have not filled me with hope - then I think it is really important that to avoid backbenchers having to bring forward matters like Deputy Ward, albeit courageously, has done, we really need some leadership. We need to know what the transport policy of the Island is. We had better get used to the tough bits, because there are going to be some sticks in there, we know that, and there are also going to be some carrots. We need to have that policy by the end of this year.

[16:15]

We need it by the end of this year, because we are going to have a Budget debate in which we are going to be asked, I hope, to make some tough choices about how to pay for all this, including the free buses that we have now agreed to have in May next year. As I explained to Members ... **[Interruption]** We have not quite yet, no, you are right. Sorry, I am getting ahead of myself. Members can still vote against the proposition as amended, of course they can. I hope they will not. I think it is really important that we get a sustainable transport policy that gives us a context that is a holistic view of Jersey's transport ills, as well as its strengths and opportunities, and this amendment is merely designed to make sure that work is done in short order and is delivered to us by the end of this year. I propose the amendment.

#### **The Bailiff:**

Is it seconded? **[Seconded]**

#### **12.5.2 Deputy M. Tadier:**

I think this is largely uncontentious, but my concern is that we are asking Government, yet again, to sign up to find some money to research and do some consultation and identify funding to have a sustainable transport strategy. Now, when that is done, that just identifies the money presumably for the strategy and we need to fund the actual implementation of the strategy. The issue that I have is that we are very good at making in-principle decisions in this Assembly in the context that we are a low tax, low spend Island. So, we sign up to all these things, because we know that this is what you do in a civilised society. Civilised societies take responsibility for the detrimental impact that they have on the environment. They also want to make sure that the citizens of that society are catered for in a whole host of areas, whether it is mental health, or what is before us today with an integrated transport system, which is not just about environmental factors. It is all about quality of life for people, giving people those options. But then somebody will stand up and say: “Oh, but these things have to be paid for, it all costs money” and then we are told by the Minister for Treasury and Resources that she will not introduce any progressive taxes and that any regressive taxes that she manages to find, because she is obviously talking to, by and large, one particular ideology of the

Government which is made up by fiscal conservatives, they will say: “The only levers we have are regressive levers, because we will not look at anything that is progressive.” So, I hope I am wrong. I know the Constable said that he is not jaundiced, he does not have a jaundiced view of the Council of Ministers and I do not have a jaundiced view of them either. But I do look at them through a socialist pair of eyes, which are my own. Maybe they will belong to somebody else in the future. I have no problem donating those, as some people do. But that is the issue here. I am hoping that the current Government accept that if we are going to do largely progressive things when it comes to the kind of society that we want to look at, you cannot fund those progressive ideas through regressive means. I would like to put on the table that definitely what the Constable is asking us to do here, looking at safe routes for walking and cycling and for those with impaired mobility, are absolutely right. Because we currently have a bus service where the buses cannot fit on the road and they are churning out fossil fuels. So, even if you do cycle, or whatever your mode of transport is, the buses are not even really legal and we have had to pass a dispensation to put them on the road. We seriously need to look at what we are doing with the infrastructure of the roads. There are certain roads in town which should not even be roads, they should be pedestrianised and that will need to be put into this. There are certain roads in Jersey which logically you should not be able to park on, because they are not wide enough and they are main roads. There are other roads, which should either be one way, or that should be partially pedestrianised and this is going to be really controversial. I know that, for example, one Deputy in this Assembly quite rightly wants to suggest that the inner road from FB Fields right through to Fauvic should be one way and I know, because I currently use that road quite a lot and that is one of those roads which is not wide enough. We are going to have to make tough decisions about what we do with those kind of roads. The Inner Road is the other one. But when we start getting lobbied by parishioners and residents of those areas, who say: “I want to be able to pull up my car on a main road” and if you go back to them and you are going to lose votes from it, then people need to start making tough decisions. That is where we look to the Minister for the Environment, I think, because he has been self-confessed as saying: “I am only going to do one term. I do not care about being popular, I am quite happy to make the tough decisions.” I would look to him, really, to start taking a lead, working collaboratively with his other Ministers, to implement some of these policies, which are going to appear punitive to people, who thought that they could do what they want with their own vehicles. We are all those people; I do not single them out. We have all, for too long, thought that we can use the car cheaply, or parking spaces for free, that are provided by our own workplace and we all need a revolution in the way that we think about transport. But Government has to be the one that leads on it, along with the bus service, because that is all we currently have in the Island. So, I think we should go into this with eyes wide open and we should give the Minister for the Environment in particular, along with the Minister for Treasury and Resources, a clear steer with what we expect this eventual funding stream for sustainable transport and integrated transport system to look like.

**Deputy K.C. Lewis:**

Just for clarification, I think I mentioned earlier that I will be accepting both the amendments from the Constable of St. Helier.

**The Bailiff:**

It is not for you to accept. You can vote with it, if you wish to, it is entirely up to you. Can I say to Members that the purpose of this amendment is to research, consult upon and identify funding? It is not about a sustainable transport strategy, although that is the subject of the funding. So, if the debate can proceed on that basis, that would be accurate.

**Senator L.J. Farnham:**

Bear with me, because this does come on to funding. It might not start off on funding.

**The Bailiff:**



Eventually, I hope, or sooner maybe.

**12.5.3 Senator L.J. Farnham:**

Yes, within a matter of 30 seconds, or so. I really address paragraph (c) of this amendment.

**The Bailiff:**

That is the only one left, yes.

**Senator L.J. Farnham:**

Yes. Well, there is (d) as well; we have a new one. We have a (d) that has appeared now. But I am going to address (c) and save the best stuff for the main proposition. When we are looking at a sustainable transport strategy, including safe routes for walking and cycling, this is not just about buses and cars. I think it is greater than that and the way people move is changing. I have just come back from a short States trip to Washington DC, where I spent a number of days marvelling at the ways people get around that city. One of the ideas I saw and tried was electric scooters, the sort of scooters that you stand on and pedal and you jump on and you press a button and you whizz around. You have an app which unlocks them and you pay a couple of dollars an hour. I invested about \$20 of my own money over a 2-day period using this mode of transport and it was absolutely fantastic. Meeting to meeting on an electric scooter, it was tremendous. I did get a taxi to the airport, I must admit. These are the sort of ...

**The Bailiff:**

Can you come on to funding now?

**Senator L.J. Farnham:**

What I am saying is these ideas of transport are successful, innovative, commercial ideas run by apps. Transport policy does not necessarily have to be completely funded by the taxpayer. I support subsidies. We do need subsidies, but with a bit of goodwill, a bit of political support, a bit of open thinking, because these are new ideas for Jersey and if we are minded to support these and support innovation and support the economy, support new business ideas, we can open up all sorts of new ideas to help people get around the Island. I would be quite interested to learn from the Constable of St. Helier and the Minister for Infrastructure whether they would support changing the law to allow these sort of ideas in a future strategy, because they really are very good and worth considering. But the point I am making is that we do not necessarily need to use taxpayers' money for every innovative idea about getting people around.

**12.5.4 Deputy J.H. Young:**

I think I need to speak in view of what Deputy Tadier said and I will try and just confine myself to part (c) of the amendment. There is no question that we do need to produce our sustainable transport strategy with some urgency. It has long been an objective. I do not personally believe that either the previous Council of Ministers, previous Ministers, or the current ones, have enough executive resource in place, specialist transport planning expertise, to get that done. Certainly, if the Assembly passes this, which I hope they do, this can add to our list of interim appointments, because we desperately need to have transport planning expertise to supplement our excellent, but very small team in-house. I am looking for that to be upgraded, because this is a very overdue task. It is not the fault of Ministers, who have done their best with what tools they have been given. It is no doubt that, left to its own devices, the traffic growth will continue. That will lead to continuing environmental degradation for urban dwellers and increasing costs for our economy. Our economy will be made less and less efficient. We have already seen how major building suppliers now have to have a distribution base in the east and the west of the Island because clearly, I can imagine, it is very difficult to get building materials shifted from one side of the Island. It takes about an hour there and an hour back, so I think we will find that the more traffic increases in an uncontrolled fashion, the

more the cost to the economy will grow and eventually the network will become gridlocked, which we know it does anyway, when there is some accident, or a failure. Gridlock is ahead of us, so we do not have a choice to reverse the growth in the use of private vehicles. What we have is a proposition to help us do this and that has to include, I agree - the elements are there - safe routes for walking and cycling. I know I have had the privilege of going to Mont Nicolle School and there I have met the staff and the parents. They have a walking bus, they call it. I am not sure if it is every Friday, but parents who support it walk with the children to school. Because I did not know this, but the catchment area for our local school extends right into the Quennevais area and beyond, Noirmont and right down towards St. Aubin. It is a big area, but they try and help for health and trying to help the children understand that walking to school is in many places pretty natural. But they have safety issues there. The Minister for Infrastructure knows that they have asked for infrastructure changes, infrastructure changes at the Railway Walk, for example, which the team, that the Minister for Infrastructure and I share, are working on to try and improve it. But it is in the list of priorities. There is no money. There is a long list of these outstanding tasks. I have given a commitment that if we cannot find a way forward, I will bring that to the States. I hope that will not be necessary. I hope we can find a solution. A proposition that says to research, consult and find funding is a pretty helpful proposition. The other element of it is zero carbon. Going towards that task will require this work. Route changes, we have a bus network which, in my previous civil servant life years ago, I remember it being described that the transport network, the bus network, was like all the buses in London starting and stopping from Trafalgar Square. So, I think we need to be prepared to modify that, but it costs money and that is the thing to develop over time. We have made good progress, but we need to do more. I am not going to say anything about fares, because that is in the substantive proposition, which we are not talking about now. Nonetheless, I think all the arguments here are strongly in favour of this proposition, but I do think it will need some resources to help the Council of Ministers get it done. Because if you add it up with all the other tasks we have on, the Island Plan, the climate change adaptation strategy and the south-west of St. Helier all at once, there is a lot of work for a very small team. Nonetheless, I am going to support that and I hope the Assembly will go with item (c).

#### **12.5.5 Deputy R. Labey:**

I accept everything that the Minister has just said, so I rhetorically ask him what on earth are we doing putting hospital catering in St. Peter?

#### **The Bailiff:**

That is not ... does any other Member wish to speak?

[16:30]

#### **12.5.6 Deputy K.F. Morel:**

Yes, really just to reiterate the Minister and also to state - I have said this before in the Assembly - I do find that for me it is one of the greatest failures of the States of Jersey since the year 2000 at the very least, is to come up with a sustainable transport plan which works, which cuts down traffic on the roads. The States of Jersey has consistently failed to do that. Minister after Minister has consistently failed to achieve that. If we do vote through this paragraph (c) perhaps now, along with the climate change proposition, we might get Ministers who find the way forward to create a sustainable transport plan, which can deliver a reduction in traffic in this Island. To do that, maybe we need more joined-up thinking. Maybe we need policy officers, not in their department, but in the S.P.P.P. (Strategic Policy, Performance and Population) Unit. Can we have a transport policy officer in S.P.P.P. where they can talk with Environment officers, rather than being separated in the Infrastructure Department, as I understand they are at the moment? This is important. From that perspective, I urge everyone to vote for this amendment. I only hope that this Council of Ministers can deliver, where every single previous Council of Ministers has failed.

### **12.5.7 The Connétable of St. Saviour:**

Nobody would like cleaner air than my parishioners. It has not gone unnoticed that I have most of the schools in my Parish and the traffic sometimes can really be horrendous. This proposition we have here is trying to find us another way of people being able to go to schools. We do not have, unlike the west of the Island, a railway track, which was God given. They were able to be a cycle track. People were able to walk. We do not have that in the east of the Island. The tracks that we had in the east of the Island were destroyed, so we are unlucky. I am at the moment taking a lot of stick, because I am helping 2 schools to try and find a safer way and parishioners, who are living in that area, say the children should be able to learn how to dodge the traffic. It is not a joke; this is what I am being told. I had a track from Les Varines going through the schools, which would have taken them off Les Varines Road, which was absolutely fantastic. People, who live in that environment, do not want the children tramping across their meadows. It is not easy and the Senator, who has just been to Washington and ridden on these scooters might like to know that in Nashville - 3 or 4 times a year I go into Nashville - they are trying to ban them. A little bit like the cyclists here, they go up, down, sideways, any way round and they have caused so many accidents that they are now a liability, these scooters. So, I can only speak for Tennessee, but they are trying to ban them, because they are atrocious. It would be very nice to be able to have my pupils walking. It has taken me and Deputy Maçon all the time in the world to get crossings on Les Varines and the crossings on the Longueville Road.

#### **Deputy J.M. Maçon:**

Longueville Road, not on Les Varines.

#### **The Connétable of St. Saviour:**

Well, there is one at the bottom of Les Varines and the Longueville Road. We have tried desperately and we finally got them, but I am afraid ... whether my parishioners are upset with all the traffic that we get where people do not care, but it is very difficult for them to appreciate that they now will have to suck in and let the school children have something else. If we could have free buses for everyone, it would be fantastic, but I have to be honest. With the amount of driving licences I hand out to children, they are not going to give up their scooters, their cars and whatever transport they had to ride a free bus. Dream on, baby, because it is not going to happen. [Laughter] I am sorry, Sir, that was not meant to be aimed at you.

#### **The Bailiff:**

No, I was not thinking that at all, Connétable. [Laughter]

### **12.5.8 Deputy M.R. Higgins:**

I am just going to say I am going to support this part of the thing, but I just want to make one statement. We are not going to achieve anything, even with all this research, unless we finally get a population policy in soon.

#### **The Bailiff:**

Connétable, do you wish to reply?

### **12.5.9 The Connétable of St. Helier:**

Yes, briefly. I thank all Members who spoke, some more on topic than others. I think Deputy Tadier is quite right that tough decisions will have to be made and soon. We are talking about the end of this year, controversial decisions. One of the most interesting ones for me, as Constable of St. Helier, is that the only way - and this is probably the first time I have said this in public - we will get safe cycling routes in St. Helier is by removing some kerbside parking. It is the only way to do it. That will be an interesting debate for this Parish, but also for other Parishes, as well. Obviously, we will

have to find alternatives. This amendment is about funding, so I will scoot over Senator Farnham's comments, although he did say that not all the initiatives have to be funded by the taxpayer and I completely agree with him. There are lots of entrepreneurs out there. Tuk-tuks have been spoken about. I have been approached by cycle rickshaw companies, who want to get going and have been frustrated by the legal position. I was grateful to Deputy Young for his comments, because he really focused on the resources problem. He promised more interim consultants. I would just ask him and possibly the Chief Minister, to take a leaf out of the Parish of St. Helier's book that when we need a new post we make compensatory staff savings to fund it. There is no need to keep growing the civil service to get jobs done. You can simply redirect your resources. But he is quite right to focus on costs of congestion, the delays, the accidents and, of course, the healthcare that comes from having an unhealthy population, who are too used to being ensconced in the private car. So, I am thankful for his comments. Deputy Morel was particularly ... well, he did not spare anyone's blushes when he said the States have consistently failed to devise and implement a sustainable transport policy since the year 2000 to deliver a reduction in traffic. It really is high time. Let us have targets and let us meet the targets, rather than simply shrugging our shoulders and saying we cannot. I think the message that has come out from this debate is that the Ministers doing this work do need an officer resource and I would encourage them to raid one of their, I would say, well-staffed departments, without mentioning any names, find the resources and get on with the work. I maintain the amendment.

#### The Bailiff:

The *appel* is called for. I invite Members to return to their seats. The vote is on the amendment of the Connétable of St. Helier to add paragraph (c) to Deputy Ward's proposition. I ask the Greffier to open the voting.

<b>POUR: 38</b>		<b>CONTRE: 7</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Connétable of St. Clement		
Senator L.J. Farnham		Connétable of St. Saviour		
Senator S.C. Ferguson		Connétable of St. John		
Senator J.A.N. Le Fondré		Connétable of Trinity		
Senator T.A. Vallois		Connétable of St. Mary		
Senator K.L. Moore		Deputy J.A. Martin (H)		
Senator S.Y. Mézec		Deputy of St. Peter		
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
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. Martin				
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.E. Ash (C)				

Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
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)				

## **12.6 Bus services: proposals to make free of charge (P.52/2019) - as amended**

### **The Bailiff:**

We now return to the proposition of Deputy Ward, as amended. I wonder if it would be helpful if I asked the Greffier to read where we are. This is the proposition we are now debating.

### **The Greffier of the States:**

The proposition is: the States must decide whether they are of opinion to request the Minister for Infrastructure (a) to ensure that school bus services can be used free of charge by school students from the start of term in May 2020, without detriment to the general bus service, by investigating, consulting upon and implementing a range of income-raising measures, which would provide sufficient funding for a range of sustainable transport initiatives and incentives with particular reference to the school run, in conjunction with the introduction of free school buses; (b) to bring forward a plan to enable all bus services to be free of charge to people under the age of 18 and people in full-time education from the start of term in May 2020, without detriment to the general bus service, by investigating, consulting upon and implementing a range of income-raising measures which would provide sufficient funding for a range of sustainable transport initiatives and incentives in conjunction with the introduction of free bus travel for people under the age of 18 and people in full-time education; (c) to research, consult upon and identify funding for a sustainable transport strategy, including safe routes for walking and cycling and provision for those with impaired mobility, by the end of 2019; and (d) to prepare a plan by the end of 2020 for working towards and enabling free bus transport for everyone in Jersey, subject to full funding being provided.

### **[Approbation]**

### **The Bailiff:**

Now this is open for debate.

#### **12.6.1 Senator L.J. Farnham:**

That is very clear, thank you. We know exactly where we are now. That has probably been amended out of all recognition. I am not sure if I can support it now, because of that fact. However, I did want to ask 2 things. First of all, just a reminder that most of us did sign the pledge to the United Nations Convention on the Rights of the Child. We all signed that. I just wondered: have we consulted with the young people on this? We are making provision for them, but what do they think? Do they all want to be crammed into buses every day, or do they want to find more innovative ways of getting to school? That is just one thing. We have all stressed our good intentions and signed up to our good intentions and what do we do? We try and implement policy, without even having meaningful consultation with our young people. I also want to go back, just perhaps, to the comment I made on

the second amendment, amendment (2) amendment, or whatever it was, something like that, about Article 23 of the Education Law. I just want to understand the Minister for Education's powers in relation to charging for this. As I understand it, the Law, Article 23, states that the Minister can, by Order, set charges for buses. Does that mean she can overrule the Assembly by Order?

**The Bailiff:**

Do you wish to deal with that now, Attorney?

**Mr. R.J. MacRae, H.M. Attorney General:**

Yes, if I may, Sir. Article 23 of the Education Law does give the Minister various powers in relation to the provision of transport. It gives her the power to make such arrangements for the provision of transport, or otherwise, as she considers necessary, appropriate for the purpose of facilitating the attendance at school of a pupil. Pupil, of course, means pupils as well, under the interpretation law. Her powers may prescribe, by Order, the purpose of the arrangements referred to, the circumstances in which a fee will be charged for the provision of transport, other assistance and the amount of any fee so charged.

**12.6.2 The Deputy of St. Martin:**

Members may remember that I was disappointed with Deputy Ward and carbon neutrality, air pollution and the proposition to put more children on polluting diesel buses. That is because I want to talk about air pollution and air pollution around schools. We know that failing on the sources of air pollution will cost lives eventually. We know that nitrogen dioxide causes breathing problems. We know that comes from traffic, predominantly diesel engines. We know that it will damage our children's lungs and brains. We know that, in 15 years, those who have been exposed to high levels of air pollution will have major consequences for their immune, digestive and nervous systems. We should be looking to encourage our children to walk, to cycle and to use non-polluting electric vehicles. So, that is why I really struggled to see the real reason behind this whole proposition. We know that many of those, who might financially benefit from free buses, live close enough now to walk to school. We also know that many of those, who currently arrive in cars, come from areas where they do not have access to a bus. So a free bus pass would not make much of a difference. It is a little bit like the Constable of St. Mary asking for an extension to the main drains and the Assembly deciding to give free connection to main drains. That is no use to people in St. Mary, if they do not have a main in the road to connect to in the first place. That brings me to the ministerial response. Can I say that I was disappointed with Deputy Ward? I was equally a little bit disappointed with the Minister. School buses should have been replaced 9 years ago. We should have, if we cannot have electric buses for school, much cleaner engines in our school buses. Electric buses are an option. We have signed up to carbon neutrality and we know that traffic is a major target to reduce emissions. We need to embrace electric vehicles, not promote the use of diesel engines, which is what we are doing here today.

[16:45]

If there is going to be any bus money available at all, then I want it spent on electric buses. Members may not know, but 29 per cent of our travellers on buses use the number 15 route between St. Helier and the airport and 19 per cent of travellers on our buses use the number 1 route between St. Helier and Gorey. So, we have the ability to transfer 48 per cent of our bus travellers into electric vehicles at a stroke. If we have money, this is where we should be putting it. I have supported the various amendments today, but I always knew that regardless of the outcome I would not be able to support this proposition. I fully agree that we need more people on buses, but we need to make those electric buses first, before we encourage the increased use of them. Despite the popular appeal of this amendment, it is not putting our children's health first. I cannot support this proposition.

**12.6.3 Deputy J.M. Maçon:**

If we recall, back to when Deputy Ward presented his proposition, he made some very good arguments about the need to change our transport policy, the effect on our environment, improving air quality, nothing of which I could disagree with. What he did not necessarily make a good case for is why bus fares should not be applied. That is what I would like to address in my speech. Also, there was this thing about action and making a decision and not the need for consultation, but can I just say, just looking at school children, for example. First of all, you have primary school children, you have secondary school children and then you have those going to Highlands and Hautlieu, for example. Those children have different needs, depending on the bus service. For example, for primary school children there may be issues around safeguarding and support, in order for parents to have the confidence to put those children on buses. If we have money, does it not make more sense to hire someone to provide the safeguarding for these school buses, so parents may have the confidence to put their tots on these buses to the schools, rather than waiving a fee? How is the resource better used if you want to change behaviour and encourage people on to buses? Secondly, the secondary school bus system, same type of thing. I am in Education; we deal with bullying a lot of the time. I have a case at the moment where a lot of students do not use the buses for precisely that reason: bullying. If we have resource, which I do not necessarily think we do, but if we have resource, is it better to support our students by providing some sort of safeguarding on those buses for those children, encouraging them to use the bus, rather than just waiving the fee? Reform Jersey usually is the party of social justice. But here there is no means testing. It is a benefit for those people who have money. It is poorly targeted. It just makes no sense. I refer to what is the new part (d). I am a bus user. I use the bus. I walk as well and sometimes use taxis and beg and borrow lifts when I can get them, as well. I am shameless in that regard. Again, there is absolutely no reason why people like me should not be paying my way on the bus; absolutely no reason. So, I certainly will not be supporting that part of the proposition. It makes absolutely no sense. I too, like the Constable of St. Saviour, am a St. Saviour representative and absolutely want to reduce the amount of traffic going into St. Saviour. Again, what has not been mentioned in the report of the Deputy is about non-catchment schools. When we have schools in our area, which are non-catchment, where you do not have the justification to have a bus system coming from different parts of the Island just to J.C.G. (Jersey College for Girls) or Vic, or Highlands, or whatever, to justify the school route in order to do that, again, does not make any sense, because what you then have to do is, again, have the problem of having everything in St. Helier, everyone piling into St. Helier and then going to St. Saviour again in order to do it. But, of course, what that does not address is the travel times of the children. That means that the children then have to get up even earlier, in order to get to school in the first place. Again, none of that is looked at and none of that is addressed in the Deputy's proposition. Is that what we want to achieve? So, non-catchment schools are not addressed and that needs to be looked at. Again, I am in a weak position here, because I do not have any evidence to back up what I have just said, but neither does anyone else have any evidence to say this policy will work, or this policy will not work, because we have not had the consultation which is needed in order to justify this policy, in the first place. The evidence is not there, which is why I cannot support this. This is a policy on the hoof. It has not been properly resourced. The funding mechanism is still ethereal, so we do not know where that is going to be. We do not know, most importantly, which is what Deputy Ward wants to achieve, is a change in behaviour. Fundamentally that is what he wants to do, but we do not have the evidence from parents, from children, from the schools to say that this is the best policy out there. Like I alluded to, there might be other policy options which would increase more people onto school buses, which might be a more effective way in following what has been produced by the Deputy. Again, we do not have any evidence in order to say which was to go. Therefore, as a representative of St. Saviour, I cannot say to my parishioners that this policy will reduce any school traffic into the Parish. I, personally, have not been contacted by a single parent to say: "Please support this. This is brilliant. It is going to get my children on to the buses in order to change behaviour." I do not know how many other Members have been contacted by parents to say that. I would imagine very few. I am seeing a few Members nodding their heads to say that they

agree with me. I have quite a few saying zero. Not a single one to say that this will change behaviour. There is the other thing which has been forgotten: using school buses for the morning commute is one thing, but after school is another. For example, we have issues around St. Saviour School. I remember going on behalf of a constituent some years ago to look at the traffic outside St. Saviour school where mums, *et cetera*, were pulling up with their cars. I raised the point: "Would a bus service work for you?" They said: "Well, it really works for us, because when we collect our kids we are then off to afterschool clubs and that could be anywhere in the Island. So, a bus system would not work for us, because that is how we live our lives." Again, when we are talking about the best uses of resource, I do not have the evidence to say that this is the best use of resource. Like other people have said, I feel if you want to get more people on the buses, if we have that resource, the best way is to improve the routes to better routes on the Island. Let us accept the point that the Deputy of St. Martin made about changing the technology as well, if we have that resource. I just want to make sure that I have covered everything. Now, with the amendments that have gone through, all I would want to say to the Minister - considering the funding options going forward and whether that means that we should have a congestion charge in St. Helier, or St. Saviour, but all I want to say is - please, whenever we develop these policies, do not just think of them as if everyone is in an office working, that works in St. Helier. Think about the plumbers, the electricians, the nurses and those people who have to use cars in order to get around in order to do their job. It is so unfair to penalise those types of people going forward in order to then raise the funds in order to support the bus service, which is what we have approved by the amendments. Can we think a bit further and find mechanisms, which have some sort of exemption for those types of people? It is not fair, in my opinion, to penalise those people who require a vehicle in order to do their jobs. I will be voting against this proposition. The only thing which I will support is the new paragraph (c), because I did not support the last sustainable transport policy, not because I disagreed with anything that was in there, but Scrutiny did an incredibly good review of that document at the time and identified that the policy was underfunded by £1 million and was not going to achieve its target. Of course, what has come to pass? It has not achieved its target. We knew then it was underfunded, so when the Ministers come back with the new funding for the sustainable transport policy, I encourage them to be bold, I encourage them to come forward, not just with a bare minimum, but also the extra types of things, the routes, the bus shelters, all those types of things, which are the extras, in order to make the behavioural changes that we want to be achieved. The lack of evidence that is here, the lack of consultation that we have, the way in which a resource could be better used, if we had it; for those reasons I cannot support this proposition today. It is policy on the hoof. It has not been thought out properly. However, I agree with the underlying thrust of what the Deputy is trying to achieve, because he is absolutely right, but this for me is not the way to achieve it.

#### **12.6.4 Deputy I. Gardiner:**

After 3 months in the States, I am slowly learning for myself what types of propositions we are discussing. With the right proposition and principle, when we have understanding of the financial implications, we can make a decision. Like Deputy Tadier's proposition on the arts. It was 1 per cent, X amount; agree with principle, agree with amount, easy to vote. The right proposition that we are voting in principle and we have a discussion later on and thank you for Deputy Ward for bringing - and everybody - I mean, most of us voted for climate change, because I do believe in it. I voted for it. But we will have an extra discussion on the money and we will have this discussion hopefully by the end of the year. The most tricky and difficult proposition is this type, when we 100 per cent agree with the principle. I do believe we need to have strategic thinking and reduced transport emissions on the Island. I agree 100 per cent. Thank you for bringing it to the States to be discussed today. We need to discuss it. I am disagreeing with most of the parts on how we implicate. Are we ready to really sign the open cheque, without knowing how much it will cost today? This is my consideration and I will share it with you - I am still in the process - today to use buses are cheaper than to use cars. It is cheaper to use a bus than to drive and to park in town. So, I am not sure if the



fare for the bus is the barrier for people not using the bus and if allowing free bus fares will really treat our addiction to using cars. I am not sure. Free buses have a benefit in reaching the poor. I do use buses and I am happy to pay for my bus fare and to contribute. Today I did not use the bus, because of the frequency. I am not sure when we will finish. If we finish at 5.30 p.m. I will need to wait for at least 40 minutes. I did come by bus yesterday and I did work yesterday. I will walk to work tomorrow and I will go by bus home. I think it would be much better to invest in the frequency of buses. We have a very good bus service now, compared to what we had before. I am thankful to Infrastructure for allowing senior citizens from the La Pouquelaye area during the weekends and during Liberation Day to be able to come down to town and to join. It was not available last year. It is a new service that has been provided to the residents. Thank you for this. However, we would like to see an increase of this service. For example, one of the senior citizens mentioned at the surgeries that he would be happy to join to Parish Assembly, but he cannot get back home after the Parish Assembly. This is another consideration. The Deputy of St. Martin mentioned we need to spend money on electric buses. I would love to put my child on an ecologically friendly bus. With my ex-social eyes, everyone knows I was born in the Soviet Union, we did pay a fare. It was right for me. As a child I was thinking: "Will I pay this 5 pence to catch the bus from this stop, or I will walk one stop and I will save this for my pocket money and spend it on an ice cream later on?" This is the consideration that children will have: "Will I walk and spend my pocket money paying 80 pence, or will I put it in my pocket and spend it on something else?" Saying this, I really would like to support free buses for school as a trial, but it should be reviewed in a year, if possible. My dilemma to support school buses is not coming from the money perspective this time, it is coming from the concerns. First of all, yesterday one of the parishioners asked me: "Have you done a survey? Have you asked parents if they would be willing to put their children on school buses if they were free?" "No, we have not done."

[17:00]

I know that a survey had been done a long time ago and approximately 50 per cent of parents said: "No." This is one of my considerations. As a mother for a child, somebody spoke today about family time and having quality time together. I can see it, because if I drive her to nursery I will have a chat with her. Coming here for 9.30 a.m., finishing at 5.30 p.m. and driving back to nurse, I have a couple of minutes to have a chat with her. However, I am happy even to say whatever, buses are important, environment is important, I will put her on the school bus. What is important for me as a mother is to have a safeguard, to have safety belts and have an adult in the bus, who will be sure that the discipline is in place. This is important to take into consideration when we are offering free school buses. We need to join a transport strategy and I would support part (c), because we do need an overreaching sustainable strategy. We could give the Government a task: come back with a plan by December 2019, 6 months down the road. We need to give them trust and give them time to work on it. I do believe we need to act. Let us see. If they do not come back in 6 months with the plan let us start to act. Let us start to bring the proposition. But at this point I would give the Government a chance to act on this.

#### **12.6.5 The Connétable of St. Brelade:**

The Deputy made much of air pollution from traffic. I contend that a significant contribution to this is really from the large diesel engines presently in the buses on our roads. I suggest, as did the Deputy of St. Martin and the previous speaker, that a far better solution would be to focus on getting the provider to change their fleet to electric, or hybrid, buses. Albeit I appreciate that the battery technology is not necessarily where we would wish it to be, but it is advancing rapidly, so surely that is in sight. However, there will be a cost to this. I suggest that the Deputy's proposition scotches investment in new buses, because it takes away the necessary income stream for implementation of these environmentally friendly vehicles. The other point, in my view, is the need to increase bus frequencies, as has been mentioned by others, to some areas in the Island, which are presently

under-served. This will lead to additional cost. Once again, an income stream will be necessary. I was for 3 years Minister for Transport and Technical Services with the present Minister and learned a lot about the running of bus services. It was clear to me that any service needs to evolve and respond to economic needs. The development of the present contract of the present provider has been an enormous improvement on what we had previously. In fact, I distinctly recall in November 2010, during the debate on P.104, the existing Sustainable Transport Policy of the day, which I presented, I received a note from the Chief Officer, saying that it was snowing outside, the bus operators were refusing to go out and the entire Island's students were abandoned at the schools. After some frank exchanges of views, there was a resolution and the buses went out. I was quite surprised that the proposed policy was accepted. It does indicate that we easily, in this Chamber, can become disconnected with what happens outside. That was 2010. That took a long time coming. That succeeded the 1995 policy. I would agree with other speakers in suggesting that a revamp is due. We did at the time formulate that policy on the basis of something that was achievable, rather than aspirational. One could say that the proposed 15 per cent reduction in traffic was not achieved. So, I would urge Members, or perhaps the Minister when he produces a new transport policy, that he does produce something that is achievable. I would urge Members to make contributions in that same vein. That takes me to today's needs, which require, as I mentioned before, much more frequency. As one of the previous Ministers suggested, changing school times may be an option. Has that been considered? I know there will be lots of fors and againsts. Deputy Ward misinterpreted the finances of our present contract, which are not the same as Guernsey. The LibertyBus Group finance the buses, whereas that is not the case in Guernsey. We get 50 per cent of any profits and I can see no problem with that. There has to be a profit element in any structure of that nature. It has been made quite clear that this Assembly used to cover overheads. There will be a pay-back for the investment in the buses at the end of the contract and the sums shown in the figures are globally over the contract period, I understand. It also is an open-book contract, which I think is incredibly important, in that it allows us access to the operator's finances and operations with key performance indicators. They have been constantly monitored by the officers involved. I would urge Members not to be naïve and vote against this misguided proposition. Notwithstanding that, I would really encourage the Minister to take the opportunity to review frequencies and the implementation of an electrified bus fleet. In conclusion, could I ask that the Attorney General might clarify a point I made earlier on, asking whether the income from car parks could be hypothecated to other areas of expenditure?

**The Bailiff:**

Would you like to deal with that now, Attorney?

**The Attorney General:**

Yes. In principle, the new Public Finances Law there is a provision in Article 47 in relation to States trading funds, which permits use that was not permitted under the previous law. In principle, there is no difficulty in using those funds for another purpose. It would not restrict in law the hypothecation, but it would be quite proper for funds raised in that way to be used for this sort of purpose.

**12.6.6 Deputy M. Tadier:**

I will put my timer on 5 minutes. I want to look at part (a) of this initially and I think we should consider part (a) as simply another concessionary pass and then ask whether, on the merits of it, we should agree to a concessionary pass for young people today. I remember how difficult it was getting disabled bus passes for people in this Island, despite the fact that it had been a manifesto pledge from so many candidates, including the person who became the Minister for Transport at the time in the Grouville hustings. When he was elected in the States, he looked at it and said it was too difficult to do and maybe we do not have the money to do it. There may have been resistance from LibertyBus

at the time, but I cannot quite remember. I think they were saying: “If you can give us the money we will do it” and that is probably a fair reflection. When they published their social impact report, they reminded us that some 526 people currently in Jersey have benefited from that scheme. They have also said and this is really key here, that the survey explored the impact that using the bus service had on disabled people’s independence. One third of disabled people said that their independence had improved as a result of using the bus, but the proportion is even more striking for disabled people who are new bus users, with two-thirds, 67 per cent, reporting improved independence. If we compare that to comments made by young people, who currently use the bus with an A charge for them, a reduced charge, they remind us that there are other reasons they would use it and we are told that the self-esteem of Jersey’s young people has also been in decline from 2002, where it was 90 per cent stating they had high self-esteem to 70 per cent in 2016. We are told that one of the key motivators or benefits of young people using the bus service is that it gives them increased independence and therefore helps with their confidence and self-esteem. If we apply the same principle that new disabled bus users reported, with 67 per cent positivity when it came to using the bus, I think we could replicate that with young people and I think this is about how we value young people in our society. I do not think there is anybody here who could defend, on economic grounds, the fact that we have free bus passes for the over-65s, but similarly I do not think there are many who would put it on public record, let alone put it on their election manifestos, that they wanted to abolish access for the over-65s. I would argue this is a positive step we can all do today for those of us, the majority, who have signed up to putting young people first in the Island and say, yes, we will do this. It is affordable certainly in the short term and the question I would ask, as I come up to 3 minutes, is how do we get the evidence of whether free buses in the Island for young people works, if we do not do it? If you do it, that is how you get the evidence. What is the worst thing that can happen? If it does not work after a year and nobody else is taking the bus, then we can change it and say we need to do something else. In reality, what we know will happen is that it will increase bus ridership among young people. It will give them added independence and I would ask the question: when did buses become a bad thing? We have constantly been told by successive Ministers for Infrastructure and Transport that buses are good, because they take X amount of cars off the road, they encourage independence and the people who use them will then walk to their meetings and if they need to get across town they will probably walk, rather than making decisions that are car-centric. Buses are not bad and then we are told they will emit high amounts of emissions, but in fact, currently, they emit less than cars emit, so who is telling us the truth? If the evidence is that people are not going to use the buses, why are we getting figures from the Minister that costs will spiral, because more people will use the buses? On the one hand we are being told people are not going to use the buses, so it is not worth doing, and on the other hand we are being told too many people will be using the buses. In my last 30 seconds, as I know Deputy Ward is going to sum up fantastically, I think we have to be bold here. The rest of the proposition that has been amended just says: ‘Investigate what we can do.’ If free buses for everyone, after a trial has been done with young people, does not work then we can leave it, or we can partially introduce it. We can say that we have free buses on a Friday, or Saturday. As things stand, I think we need to be bold. We need to be consistent, as well as being fiscally prudent and adopt this in its entirety as amended.

#### **12.6.7 The Deputy of St. Peter:**

I do not know where I have been for the last 3 hours. I thought we were here to discuss free buses, but it seems to me we have moved into an Island-wide sustainable transport policy debate that I have to admit I am ill-prepared for. Deputy Maçon said that quite clearly, as well, and I agree. This Assembly recently committed, and we have discussed this already, to the Island becoming carbon-neutral by 2030 and it was, I believe, accepted that this will not come without financial cost. We have had the fact that it will cost the U.K. to be carbon-neutral by 2050 £50 billion to £70 billion a year, or £1 trillion as Deputy Truscott told us this morning. These are telephone numbers and let us not kid ourselves that we will require albeit proportionate telephone numbers to address that in

this Island, if we are going to achieve this worthy proposal that I supported. Today we are being asked by the same Deputy to insist our bus services eats into their profits, the profits that they and this Island will need to invest in both electric buses, a reoccurring theme, and an enhanced bus service, a reoccurring theme, to persuade Islanders to reduce their addiction to, or their use of, petrol and diesel cars. We have alternative ways of raising funds. We have mentioned increased parking charges and petrol duty to do this, increases that I suggest we are going to need in the future if we are going to achieve carbon neutrality. I thank the Constable of St. Brelade for bringing up the idea of hypothecated charges to have that shrink-wrapped in a fund for the future. If we are to start raising charges against the use of transport, we should be doing that today and putting in the funds for the future. What is even worse is what we learnt this morning.

[17:15]

We have absolutely no idea what that telephone number will look like, so we are voting away investment potentially to a proposition from a month ago that we have not yet costed. As an Assembly we must decide what we want and what is most important for our Island and, as we have now already voted to be carbon-neutral, I cannot now support an action that will be unbudgeted, a short-term fix and detrimental to the success of that existing proposition. I urge you all to think strategically and not support this unbudgeted, unplanned short-term fix.

#### **12.6.8 The Connétable of St. Helier:**

I am pleased to have the chance to speak, because it has been a long debate and Members could perhaps be forgiven for being a bit confused on what they are speaking about. The last speaker, in particular, was guilty of not reading the proposition as amended. **[Approbation]** He says there is no money, but if we read what has so far been agreed, the amendment that has been approved is that we will investigate, consult upon and implement a range of income-raising measures that will provide sufficient funding for a range of sustainable transport initiatives, in conjunction with the introduction of school buses. We are not saying let us tick the box without raising the funds. The amendment provides not only for the funding for the free school buses in part (a) for the children and in part (b) for the under-18s. In the final part, where it says for all bus users, it says: 'Subject to full funding being available', so we are not asking Members to sign a blank cheque. We are saying give the Council of Ministers the go-ahead to get involved and find the resources to achieve these improvements. The Deputy of St. Peter also appeared to object to having to debate the larger transport issues, other than free school buses. I am sorry, but I think it was really important today that we did not just debate free school buses and we looked at the matter holistically. That is a word I use quite a lot in my reports and I hope Members have read the addendum to my amendments from my original amendment before the Minister brought in his parking charges idea. That report sets out, in some detail, a vision for sustainable transport in Jersey that will not only improve the school buses, but improve cycling and walking and so on and even electric scooters. I am sorry that several Members, who have spoken so far on the proposition as amended, have just focused on the negative. I have heard very few speakers so far speaking positively about what Deputy Ward again, as he did before, is trying to achieve. He is trying to achieve an Island that finally puts sustainable transport at the heart of its vision for moving people around the Island. Interestingly, the Constable of St. Brelade reminded us when the 2 policies were. I do not think he is right when he says 1995, because it happened on my watch, so I think the first of the transport policies he refers to is 1998 and the second one may well have been, I think it was, on his watch in 2010. That is 9 years ago and I hope that paragraph (c), that commits us to get a policy in place by the end of this year and to get the funding worked out by the end of this year, crucially, will be approved by the States. I hope so after all the imaginative and, call me optimistic, Deputy Southern, but I do remain optimistic that we can have a transport system in Jersey that people come and see how good it is, rather than how bad it is. We will not get that unless we start doing some bold things and here we have a bold proposition that

I think has been amended to make it far more holistic and wide-reaching and I think we should give it our full support.

#### **12.6.9 Senator S.Y. Mézec:**

I am really pleased to follow the Constable of St. Helier, who I think made some important points in his speech, not least of all the point that we are now debating an amended proposition and those amendments have addressed a lot of the points made by some of the more spurious remarks that Members made at the beginning of this debate on the proposition, as it is now amended. It was some of those speeches, at the start of this, that made me wonder whether we have wasted this whole afternoon and we would have been better off debating a rescindment motion for Deputy Ward's proposition on carbon neutrality in the first place. We accepted almost unanimously to declare there is a climate change emergency and now we are going to bicker about doing anything about it, when one Member has very admirably taken the initiative to come up with something. Now, we have a proposition on the table with those amendments that have added some clarification into it and talked about the funding. We now have the opportunity to be bold and say let us do something that will make a difference. Let us do something quite drastic and different from what we have done up until this point and be an Island that says we treat our public transport seriously, it is going to be on the agenda and we are going to do something to make it more accessible. Some of the reasons some Members have given for not wanting to support it, I have a degree of sympathy with. Some were talking about wanting to focus on having electric buses, instead of free buses. I perfectly understand that position and if this proposition is lodged, I may encourage Deputy Ward to bring forward a proposition to say let us set a deadline for having electric buses in Jersey and I will enjoy the arguments those Members give for voting against that proposition, because it will be policy off the hoof and all the other notions that have been expressed. Some of the arguments were more spurious that I absolutely do not have any sympathy with. Deputy Maçon did his usual one of asking how many of us have had any people get in touch to argue for this proposition. I do not know about Members of this Assembly, but I did not have anybody getting in touch with me, asking me to vote in support of P.51/2019, the Draft International Co-operation (Protection from Liability) (Jersey) aw 2018 (Appointed Day Act) 201-, but I still voted in favour of that, because it is the right thing to do and I am paid to think about and consider these things, rather than just revert to my email inbox when that is a completely unrepresentative way of working out whether an argument has merit behind it. Deputy Maçon's most spurious point - and it is a point that I have addressed in this Assembly before - was the point he made about Reform Jersey allegedly being the party of social justice, so why support a benefit for the rich? I have stood in this Assembly and said I do not support means-tested benefits. I think we should live in a society where we all get the same benefits, we all enjoy the same support as a community and we do not divide people between rich and poor. There are examples of means-tested benefits in other societies that while they provide something needed and important to the poor people, who get those benefits, they come with a lot of stigma. Things like free school meals in the U.K. where you need a card. You may as well have 'I am poor' on your forehead, when you queue up to get your meals. The stigma that comes with that is no good. We have free bus passes for pensioners in Jersey, despite the fact that there are lots of pensioners who could afford to get the bus. I know many of them myself, but we say, as a society, that they have done their bit for our community. To introduce means-testing would be a bureaucracy that would not be worth it, so we want to support them and offer them something nice. I have never been a fan of means-testing benefits and the position that Deputy Tadier explained shows that is not where this is coming from, even though the benefits there are to the less well-off are clear there. There was an article published this morning by Ollie Taylor, who runs the *9 by 5* media page. I thought it was an excellent article that looked at some of the other jurisdictions that are thinking about how they can improve their public transport and some of the radical ideas some of these jurisdictions have considered. He talked about Dunkirk that has a population of about 90,000, so it is smaller than Jersey. In October, they made the decision and said they would take the plunge and make their bus system free. They had a

70 per cent rise in the use of buses during the week and 140 per cent at the weekend. They have shown that if you want a free bus system it is something you can do. It is not something that for practical reasons does not work if you make that decision and decide it is something you want to do you can do it. Five cities in Germany are trialling free buses and they are having a wider discussion in Germany about what they can do. Public transport is very popular in Germany and they are doing it on the basis that they are failing, so far, in reaching their targets on air pollution, so they know they have to do something about it. Luxembourg has decided that, from 2020, they will make the whole of their public transport free, not just the buses, but the trains as well, because of the environmental impact partly; but also, and I think this is a key point of their argument, they have made the point about inequality and as a country, albeit a very small country, they have seen rising inequality over recent years, just as we have in Jersey and have decided that as a wealthy society and one that has difficulties with congestion and all the problems that come with that like we do in Jersey. We know there is air pollution in Jersey. We know there are routes that it is not good for your lungs to walk down, even though you are trying to be healthy by walking, but you are breathing air that is bad for you. In Luxembourg they have decided to do it partly because it will help with social mobility. They will help those on lower incomes and for me that is an important part of this, particularly when we are looking at part (a) that Deputy Tadier said you could consider separately to the other parts of this proposition in that we can look at it as being concessionary for students, in the same way that we had to fight very hard, Deputy Tadier in particular, to get free bus passes for disabled Islanders and we have free bus passes for pensioners, as well. I think in terms of helping those young people, who may have brothers and sisters, who have to get the bus as well and those families, who are potentially paying a substantial amount each month, that many of them may find difficult. Bear in mind, we know from the Income Distribution Survey that one third of children live in households that have relatively low income and the money that has to be paid for the bus, they may not have a choice. We can talk about the nice family time you may have in your car, taking the kids to school, but some do not have the choice, because they may not have a parking space, they may not be able to afford a car or, perhaps, when they drive to work, it is in the opposite direction to the school. For those who do not have the choice, for those who have to pay the money, that can be a substantial amount for them proportionately and I think we should not forget that point. Senator Farnham asked the question, have we asked children about this? I was so pleased he raised that point in his remarks, because I have asked children about this. I remember being asked at D'Auvergne School for one of the engagement days we had, when we were putting the children's plan together. I remember the Minister for Education was there, the Minister for the Environment and the Assistant Minister for the Environment and I think the Minister for Infrastructure was there as well and we met children from a variety of different schools there. We sat on tables, talking to them and one of the points they were making to me - I do not know if they made this point to the other Ministers there - but I was told by these young people that they valued the idea that we would focus on making their journey to school easier. For some of them, that means walking and cycling and creating safer routes and that is obviously something that has to be considered. Now, with the Constable of St. Helier's amendment that can be thought of as part of this. But some of them were saying: "It is not me who pays my bus fare. It is my parents that pay for it for me, but I know that is an amount of money. I have to go to school. I do not have a choice and it would make things a bit easier." You can argue that is not a representative sample. You can argue this Assembly cannot make any decision whatsoever until we have had an Island-wide consultation with everybody, to find out what they think, rather than make decisions ourselves, based on what we think is right, or wrong. But, just from the examples I have looked at of other jurisdictions, from the political cases that have been made from those who are now pushing for this - and the Scottish Labour Party is one example of an organisation that has now made this policy in the U.K. to pursue free buses - I have come to the view that the long-term future of public transport in Jersey should not just be focused on more routes, or electric buses, but the cost of it should be included in that and one day in the future we will look back on it and it will be one of those things you do not pay for. Going back to Deputy Maçon's point about I can afford it, so why

should I not pay; why should we not charge people who can afford it to walk on our pavements? Our pavements are maintained and funded through taxpayers' money, so if you can afford it why should you not have to pay a toll to use pavements? It is obviously a ridiculous idea, but it is only ridiculous because that is just the way it has always been. We consider it one of those things we pay for through our taxes. Since this Assembly has made a decision to go carbon neutral and we will have to have these discussions about various initiatives to get there, yes, many of those initiatives will have to be funded out of our tax money that we pay, but it is a price worth paying, because of our ambition here to play our part in fighting climate change, having a more sustainable way of running our community and ultimately being a fairer and nicer society at the end of it.

[17:30]

I do not know about other Members, but making this a fairer and nicer society is why I entered this job in the first place and that is why I will be delighted to be voting in favour of all parts of Deputy Ward's proposition, but as Minister for Children I am particularly pleased to vote for part (a), because of what that will do to our children and their families and supporting them in their education. I think that will be a thoroughly good opportunity to take advantage of.

**Senator L.J. Farnham:**

I am looking at the clock and noticing the time. I wonder if Members had the appetite to finish this debate this evening and if so I would like to propose we did.

**The Bailiff:**

I was just going to raise it with Members. I have 7 Members who have indicated they wish to speak, 8, 9 and that is before we get to the reply and 10. There are quite a few Members who wish to speak.

**Senator L.J. Farnham:**

In which case, I do not want to curtail the debate, but I wonder if I might test Members' appetite for a guillotine proposal at this stage.

**The Bailiff:**

You are not able to do that, Senator, because you have already spoken.

**Senator T.A. Vallois:**

May I propose the guillotine motion?

**The Bailiff:**

So far, Standing Order 84 provides that if more than an hour has elapsed since the opening of the debate on the proposition then somebody may propose this proposition be put. This debate opened at 16:43, so an hour has not yet expired, so it is not possible to do it now, in any event. Standing Order 84 also requires that Members must give at least 30 minutes notice of an intention to bring a guillotine motion and so far nobody has given that notice, but if somebody gives that notice the Standing Order does not require that an hour elapses before the notice is given.

**Deputy M. Tadier:**

May I propose the adjournment, please? I think there are lots of Members who have not spoken. There are also Members, who would like to vote on this, but who have been called out to other official business, maybe related to the Parish. I know the Constable of St. Ouen has a wreath to lay this evening. I think with so many Members it would be a shame to rush what has been a lengthy debate up until now for the closing part.

**The Bailiff:**

The adjournment is proposed. Is that seconded? **[Seconded]**. Those in favour of adjourning now. The *appel* is called for. I invite Members to return to their seats. The vote is on whether, or not, to adjourn now, in which case we would return at 9:30 tomorrow morning. I ask the Greffier to open the voting.

<b>POUR: 23</b>		<b>CONTRE: 18</b>		<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator I.J. Gorst		
Senator S.Y. Mézec		Senator L.J. Farnham		
Connétable of Grouville		Senator S.C. Ferguson		
Connétable of Trinity		Senator J.A.N. Le Fondré		
Connétable of St. Peter		Senator T.A. Vallois		
Connétable of St. Mary		Connétable of St. Saviour		
Connétable of St. Martin		Connétable of St. Brelade		
Deputy G.P. Southern (H)		Connétable of St. John		
Deputy M. Tadier (B)		Deputy J.A. Martin (H)		
Deputy of St. Ouen		Deputy K.C. Lewis (S)		
Deputy L.M.C. Doublet (S)		Deputy J.M. Maçon (S)		
Deputy of St. Mary		Deputy S.J. Pinel (C)		
Deputy G.J. Truscott (B)		Deputy of St. Martin		
Deputy J.H. Young (B)		Deputy R. Labey (H)		
Deputy L.B.E. Ash (C)		Deputy G.C.U. Guida (L)		
Deputy K.F. Morel (L)		Deputy of St. John		
Deputy of St. Peter		Deputy S.M. Ahier (H)		
Deputy of Trinity		Deputy I. Gardiner (H)		
Deputy M.R. Le Hegarat (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

**The Bailiff:** The States now stand adjourned until 9:30 tomorrow morning.

**ADJOURNMENT**

[17:32]