

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 17th JANUARY 2023

COMMUNICATIONS BY THE PRESIDING OFFICER.....	5
1.1 Welcome to His Excellency the Lieutenant Governor	5
1.2 Welcome	5
APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS.....	5
2. Nomination of the Connétable of St. Clement and the Connétable of St. Ouen as members of the Economic and International Affairs Scrutiny Panel.....	5
2.1 Deputy M.R. Scott of St. Brelade (Chair, Economic and International Affairs Scrutiny Panel):	5
QUESTIONS.....	5
3. Written Questions.....	5
3.1 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding professional fees, design and consultant remuneration (WQ.338/2022).....	5
3.2 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter of the Minister for Treasury and Resources regarding Jersey Community Foundation (WQ.339/2022).....	6
3.2 The Connétable of St. Brelade of the Chief Minister regarding medical and pharmacy supplies held in Jersey (WQ.340/2022)	7
4. Oral Questions	8
4.1 Deputy S.Y. Mézec of St. Helier South of the Minister for Housing and Communities regarding enhanced notice periods for periodic tenancies (OQ.4/2023):	8
Deputy D. Warr of St. Helier South (The Minister for Housing and Communities):	8
4.1.1 Deputy S.Y. Mézec:	9
4.1.2 Deputy R.J. Ward of St. Helier Central:	9
4.1.3 Deputy R.J. Ward:	9
4.1.4 Deputy G.P. Southern of St. Helier Central:.....	10
4.1.5 Deputy G.P. Southern:	10
4.1.6 Deputy M. Tadier of St. Brelade:	10
4.1.7 Deputy M. Tadier:.....	11
4.1.8 Connétable D.W. Mezbourian of St. Lawrence:.....	11
4.1.9 Deputy L.V. Feltham of St. Helier Central:.....	11
4.1.10 Deputy L.V. Feltham:.....	11
4.1.11 Deputy S.Y. Mézec:	12

4.2 Deputy M. Tadier of the Minister for Housing and Communities regarding building strong communities (OQ.1/2023):	12
Deputy D. Warr (The Minister for Housing and Communities):	12
4.2.1 Deputy M. Tadier:	12
4.2.2 Deputy M.R. Le Hegarat of St. Helier North:	13
4.2.3 Deputy M.R. Le Hegarat:	13
4.2.4 Deputy R.J. Ward:	13
4.2.5 Deputy R.J. Ward:	13
4.2.6 Deputy M. Tadier:	14
4.3 Deputy R.J. Ward of the Minister for Housing and Communities regarding change of tenancy in a private rental (OQ.6/2023):	14
Deputy D.J. Warr (The Minister for Housing and Communities):	14
4.3.1 Deputy R.J. Ward:	14
4.4 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding chairs appointed to independent bodies (OQ.3/2023):	15
Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter (The Chief Minister):	15
4.5 Deputy M. Tadier of the States Trustee of the Jersey Community Relations Trust regarding discrimination against nationality and race (OQ.2/2023):	15
Deputy L.M.C. Doublet of St. Saviour (States Trustee, Jersey Community Relations Trust):	15
4.5.1 Deputy M. Tadier:	16
4.6 Deputy C.D. Curtis of St. Helier Central of the Minister for Housing and Communities regarding Affordable Housing Gateway (OQ.8/2023):	16
Deputy D. Warr (The Minister for Housing and Communities):	16
4.6.1 Deputy C.D. Curtis:	16
4.6.2 Deputy S.Y. Mézec:	17
4.6.3 Deputy S.Y. Mézec:	17
4.6.4 Connétable M.K. Jackson of St. Brelade:	17
4.6.5 The Connétable of St. Brelade:	18
4.6.6 Deputy L.V. Feltham:	18
4.6.7 Deputy L.V. Feltham:	18
4.6.8 Deputy M. Tadier:	18
4.6.9 Deputy M. Tadier:	19
4.6.10 Deputy G.P. Southern:	19
4.6.11 Deputy C.D. Curtis:	19
4.7 Deputy R.J. Ward of the Minister for Social Securing regarding income poverty (OQ.7/2023):	20
Deputy E. Millar (The Minister for Social Security):	20
4.7.1 Deputy R.J. Ward:	20
4.7.2 Deputy M. Tadier:	21
4.7.3 Deputy M. Tadier:	21
3.7.4 Deputy L.V. Feltham:	22
3.7.5 Deputy L.V. Feltham:	22
4.7.6 Deputy G.P. Southern:	23
4.7.7 Deputy G.P. Southern:	23
4.7.8 Deputy R.J. Ward:	23
4.8 Deputy S.Y. Mézec of the Minister for the Environment regarding adoption of policy HX into the Bridging Island Plan (OQ.5/2023):	24

Deputy J. Renouf of St. Brelade (The Minister for the Environment):.....	24
4.8.1 Deputy S.Y. Mézec:.....	24
4.8.2 The Connétable of St. Brelade:.....	25
4.8.3 The Connétable of St. Brelade:.....	25
4.8.4 Deputy M.R. Scott:.....	25
4.8.5 Deputy M.R. Scott:.....	25
4.8.6 Deputy R.J. Ward:.....	25
4.8.7 Deputy R.J. Ward:.....	26
4.8.8 Deputy M. Tadier:.....	26
4.8.9 Deputy M. Tadier:.....	26
4.8.10 Deputy G.P. Southern:.....	27
4.8.11 Deputy G.P. Southern:.....	27
4.8.12 Deputy S.Y. Mézec:.....	27
5. Questions to Ministers without notice - The Minister for External Relations and Financial Services	28
5.1 Connétable K.C. Lewis of St. Saviour:.....	28
Deputy P.F.C. Ozouf of St. Saviour (The Minister for External Relations and Financial Services):.....	28
5.2 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:.....	28
5.2.1 Deputy L.J. Farnham:.....	29
5.3 Deputy R.J. Ward:.....	29
5.3.1 Deputy R.J. Ward:.....	29
5.4 Deputy M.R. Scott:.....	30
5.4.1 Deputy M.R. Scott:.....	30
5.5 Deputy M.B. Andrews:.....	30
5.6 Deputy M. Tadier:.....	31
5.6.1 Deputy M. Tadier:.....	31
6. Questions to Ministers without notice - The Minister for Health and Social Services 32	
6.1 Deputy M.R. Scott:.....	32
Deputy K. Wilson of St. Clement (The Minister for Health and Social Services):.....	32
6.1.1 Deputy M.R. Scott:.....	32
6.2 Deputy G.P. Southern:.....	32
6.2.1 Deputy G.P. Southern:.....	33
6.3 Deputy R.S. Kovacs of St. Saviour:.....	33
6.4 Deputy B. Ward of St. Clement:.....	33
6.4.1 Deputy B. Ward:.....	33
6.5 Deputy S.Y. Mézec:.....	33
6.5.1 Deputy S.Y. Mézec:.....	34
6.6 Deputy R.J. Ward:.....	34
6.7 Deputy A. Howell of St. John, St. Lawrence and Trinity:.....	34
6.7.1 Deputy A. Howell:.....	34
6.8 Deputy L.J. Farnham:.....	35
6.8.1 Deputy L.J. Farnham:.....	35
7. Questions to Ministers without notice - The Chief Minister	35
7.1 The Connétable of St. Brelade:.....	36
Deputy K.L. Moore (The Chief Minister):.....	36
7.1.1 The Connétable of St. Brelade:.....	36
7.2 Deputy L.J. Farnham:.....	36
7.2.1 Deputy L.J. Farnham:.....	37
7.3 Deputy M.R. Scott:.....	37

7.3	Deputy M.R. Scott:	37
7.4	Deputy A. Howell:	37
7.4.1	Deputy A. Howell:	38
7.5	Deputy S.Y. Mézec:	38
7.5.1	Deputy S.Y. Mézec:	38
7.6	Deputy M. Tadier:	38
LUNCHEON ADJOURNMENT PROPOSED		39
LUNCHEON ADJOURNMENT		39
PUBLIC BUSINESS		39
8.	Re-instatement of Senators (P.108/2022).....	39
8.1	Deputy I.J. Gorst:	40
8.2	Re-instatement of Senators (P.108/2022): amendment (P.108/2022 Amd.).....	42
8.2.1	Deputy K.F. Morel of St. John, St. Lawrence and Trinity:	42
8.2.2	Connétable K. Shenton-Stone of St. Martin:	44
8.2.3	Deputy A. Howell:	45
8.2.4	Deputy M.R. Scott:	46
8.2.5	Deputy M. Tadier:	46
8.2.6	Deputy L.J. Farnham:	48
8.2.7	Deputy P.F.C. Ozouf:	48
8.2.8	Connétable R.P. Vibert of St. Peter:	49
8.2.9	Connétable A.N. Jehan of St. John:	50
8.2.10	Deputy S.Y. Mézec:	51
8.2.11	Deputy R.S. Kovacs:	52
8.2.12	Deputy E. Millar:	52
8.2.13	Deputy K.L. Moore:	53
8.2.14	Deputy J. Renouf:	53
8.2.15	Deputy M.B. Andrews:	53
8.2.16	Deputy I. Gardiner of St. Helier North:	54
8.2.17	Deputy C.F. Labey of Grouville and St. Martin:	54
8.2.18	Connétable D. Johnson of St. Mary:	55
8.2.19	Deputy K.F. Morel:	55
8.3	Re-instatement of Senators (P.108/2022): second amendment (P.108/2022 Amd.(2))	58
8.3.1	Deputy M.R. Scott:	58
8.3.2	The Connétable of St. Martin:	60
8.3.3	Deputy M.R. Scott:	61
8.4	Re-instatement of Senators (P.108/2022) - resumption.....	67
8.4.1	Deputy R.J. Ward:	67
8.4.2	Deputy M.R. Le Hegarat:	69
8.4.3	The Connétable of St. Martin:	70
8.4.4	Deputy E. Millar:	72
8.4.5	Deputy L.J. Farnham:	73
8.4.6	Deputy M.R. Scott:	74
8.4.7	The Connétable of St. John:	76
8.4.8	Deputy M. Tadier:	76
ADJOURNMENT		78

[10:30]

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

Firstly, could I welcome His Excellency to the Assembly this morning. I am sure Members will join me. **[Approbation]**

1.2 Welcome

Could I say Happy New Year to all Members who I have not been able to say that to personally and to welcome everybody back to the Assembly at the start of this calendar year. A lot in front of us and I am sure that people have come refreshed and invigorated for the sittings ahead.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Nomination of the Connétable of St. Clement and the Connétable of St. Ouen as members of the Economic and International Affairs Scrutiny Panel.

The Bailiff:

There is one item under this, which is the appointment of additional members to join the Economic and International Affairs Scrutiny Panel. In accordance with Standing Order 125(1), I invite the chair, Deputy Scott, of the panel to make her nominations.

2.1 Deputy M.R. Scott of St. Brelade (Chair, Economic and International Affairs Scrutiny Panel):

I would like to nominate the Constable of St. Ouen and the Constable of St. Clement to join the Economic and International Affairs Panel as members.

The Bailiff:

Are those nominations seconded? **[Seconded]** Are there any other nominations? Very well, if there are no other nominations then I declare the Connétable of St. Clement and the Connétable of St. Ouen appointed as members of the Economic and International Affairs Scrutiny Panel. **[Approbation]**

QUESTIONS

3. Written Questions

3.1 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding professional fees, design and consultant remuneration (WQ.338/2022)

Question

“Further to the response to written question [Written Question 305/2022](#) regarding the new Hospital project, will the Chief Minister provide a breakdown of the £43.5 million spent on professional fees, design, and consultant remuneration since 2019?”

Answer

The £43.5m figure represents expenditure to the end of September 2022. Updated figures below total £44.7m, which represent expenditure from inception of the Our Hospital project in May 2019 to end the of October 2022.

The breakdown for the professional, design and consultant remuneration since 2019 are shown in the table below:

Cost Categories	(£m)
Design and Professional Fees	9.6
Pre-Construction Service Agreement (PCSA) Costs	35.1

The Design and Professional fees of £9.6m included:

- Health Planner & Clinical Design Team
- Project Management Office
- Cost Management Consultants
- Design Quality Assurance and NEC Supervisor
- Property & Planning Fees Consultants
- Government of Jersey Project Team Costs

The Pre-Construction Service Agreement costs of £35.1m were for services including, but not limited to:

- Feasibility Studies
- Completed design and associated activities to reach the completion of RIBA Stage 3 design
- Surveys
- Building Information Modelling (BIM)
- Provision of Cost Plans and PCSA Programme
- Development of a Construction Programme
- Contractual Administration
- Planning Application Development and Submission
- Community Engagement & Consultation

Given that this phase of the works has reached its end and the commercial relationship between the Government of Jersey and the Design and Delivery Partner has now ceased, there is no further expenditure anticipated on PCSA costs.

3.2 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter of the Minister for Treasury and Resources regarding Jersey Community Foundation (WQ.339/2022)

Question

“Given that the Jersey Community Foundation (J.C.F.) is mandated by the States of Jersey to distribute, upon application, charitable funds, will the Minister advise –

- (a) how much money has so far been transferred from the Treasury to the J.C.F.;
- (b) how many applications the J.C.F. has received and how many of these have been successful;
- (c) the value of the funds the J.C.F. has so far distributed to charity; and
- (d) the total annual running costs of the J.C.F.?"

Answer

The Jersey Community Foundation (“JCF”) distributes various monies on behalf of Government in relation to the Jersey Reclaim Fund, 50% of the profits from the Channel Islands Lottery and, on a pilot basis, for the Greville Bathe (“GB”) and Ann Alice Rayner (“AAR”) Funds. It is assumed that the term “charitable funds” relates to distributions from the GB and AAR Funds.

The JCF were appointed to pilot a trial process of advertising, assessing and making awards from the GB and AAR Funds on 13th December 2021 and 21st January 2022 respectively. Since those dates, the following transfers, applications and distributions have been made.

	Greville Bathe	Ann Alice Rayner
a) Transferred from the Treasury to the JCF up to 14 December 2022 ¹	£666,000	£325,000
b) Applications received/successful	129/98	39/30
c) Value of funds distributed to charities and individuals ²	£321,000	£185,000

- d) The most recent annual financial statements of the JCF (2021) confirms their total management and governance costs were £115,395. This figure relates to the period prior to the appointment of the JCF to manage the GB and AAR Funds. The financial statements are available here: [2021-Annual-Report-JCF.pdf \(jerseycommunityfoundation.org\)](https://www.jerseycommunityfoundation.org/2021-Annual-Report-JCF.pdf)

¹ This figure includes £275,000 (GB) and £95,000 (AAR) transferred in advance of the Q4 awards meeting that is taking place imminently for which total applications and awards are yet to be confirmed but are anticipated to be similar to the amounts transferred.

² This figure reflects awards paid or due to be paid by the JCF up to the end of September 2022. It excludes prospective Q4 awards, transfers for which are included in the sum in ¹ above, and transitional awards at the start of the year that were settled directly to recipients by Treasury. Any funds transferred by the Treasury to the JCF for making award payments are held in segregated bank accounts in the Funds’ names and any uncommitted amounts are recallable on demand.

3.2 The Connétable of St. Brelade of the Chief Minister regarding medical and pharmacy supplies held in Jersey (WQ.340/2022)

Question

“Will the Chief Minister advise –

- (a) how many days of –
- (i) essential food supplies; and
 - (ii) critical, medical and pharmacy supplies are held in Jersey at the current time; and
- (b) whether the Government is intending to increase the amount of these supplies; and, if so, to what extent and over what timeframe?”

Answer

- i. Food stocks on-island at any one time typically vary between 2 and 21 days for ambient foodstuffs, and 3 to 21 days for frozen foods.
 - ii. HCS typically hold 4-6 weeks of drug stocks. Hospital Supplies hold 6 weeks of consumables stock on island, across roughly 1,900 stock lines, and they also provide consumables for HCS, long term care and primary care providers. Jersey works in partnership with the NHS supply chain and also forms part of the National Supply Disruption Response: this enables us to highlight any specific drug shortages that we may be experiencing, and this can be escalated to expedite the supply of these drugs to us as needed.
- b) The Council of Ministers have committed to improving Jersey’s connectivity and adding greater resilience to our supply chains. The Island currently imports only a small amount of its food and medical supplies from France (and continental Europe) and enhancing trade links via Brittany and Normandy would significantly improve the resilience in our supply chain.

The Government’s Tactical Coordination Group includes a specific Supply Chain cell which was stood up during 2022, this group meets regularly to assess the ongoing resilience of Jersey’s supply chains and escalates, where necessary, risks to the attention of the Tactical Coordination Group and Ministers.

The Government maintains close dialogue with the logistical, retail and wholesale sectors and officers met with representatives of these industries recently to discuss resilience planning following weather related delays.

4. Oral Questions

4.1 Deputy S.Y. Mézec of St. Helier South of the Minister for Housing and Communities regarding enhanced notice periods for periodic tenancies (OQ.4/2023):

Will the Minister undertake to use his powers, under Article 6(3)(e) of the Residential Tenancy (Jersey) Law 2011, to issue an order providing for enhanced notice periods for periodic tenancies on the basis of how long that tenancy has been in place, and to protect tenants from revenge evictions if they choose to use the services of the Rent Control Tribunal; and if not, why not?

Deputy D. Warr of St. Helier South (The Minister for Housing and Communities):

I thank the Deputy for his question. As Members will be aware, I have deferred the debate on my amended proposition to establish a Rent Control Tribunal. Members will also appreciate that it is my goal to improve protections for tenants, including managing the risk of revenge evictions in the case of a tenant making use of the Rent Control Tribunal service. I am not however in a position to specify how these protections will be given best effect ahead of considering the bigger picture of how improvements to tenants' rights and the functionings of the Rent Control Tribunal will be best achieved.

4.1.1 Deputy S.Y. Mézec:

Until yesterday, we assumed that the Rent Control Tribunal would be set up before enhancements to security of tenure would be made. Given this development now of the deferral of the Rent Control Tribunal proposition, can the Minister confirm that he will be doing things the right way round this time and ensuring that there is enhanced security of tenure for tenants and protection from revenge evictions before a Rent Control Tribunal is put in place?

Deputy D. Warr:

Thank you, Deputy, for that commentary. I would say that what we are trying to do is build, let us use the term "better way" because it seems appropriate from where I am standing. We tried to combine Rent Control Tribunal, Residential Tenancy Law and potentially independent regulators of social housing regulations. There is a lot of work. There is a bigger amount of work to be done and, as I said, it is not necessarily a case of the order, it is a case of getting them all together in the right package for this Assembly.

Deputy E. Millar of St. John, St. Lawrence and Trinity

May I withdraw the *défaut* on Deputy Farnham please?

The Bailiff:

Yes, indeed. Did you have a question as well, Deputy? Of course you are not allowed one anyway.

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

May I ask the Minister whether he does recognise the issue of the 3 months' notice period being a risk for tenants that does, if you like, enhance the risk of revenge evictions? Is there a recognition from the Minister that that is a serious issue?

Deputy D. Warr:

Thank you, Deputy, for the question. It absolutely is, and obviously one of the areas which we ... obviously as a Minister people can come to the Minister if they feel they have insufficient notice being given to them, and I can make a Ministerial Decision to extend those periods. But, as I say, it is easy just to pick at one little piece of legislation and say: "Let us sort that bit out, let us sort that part out." I think what I am coming from it now is we need to look at the wider picture and it has become very apparent to me with conversations through the Christmas period that the Rent Control Tribunal and the approach to that was not the perfect solution. I do not think there is a perfect solution but because of the history of housing over the years I feel there is a much better approach that we can take and I am going to be bringing that better approach to the Assembly over the coming months.

4.1.3 Deputy R.J. Ward:

Can the Minister not reassure tenants who may be in difficult situations now by using the powers that he already has by increasing that tenancy period? Would that not give some reassurance and perhaps even discourage revenge evictions, which is really where we want to be?

Deputy D. Warr:

I think I have already answered that question in my last answer. As I say, we cannot go at this piecemeal and this has been the problem historically in all of this regulation. It has become very

apparent for me over the last 70-80 years that there has just been a piecemeal approach and a build up and lots of unintended consequences appear to be coming down the track from where I am standing. Rather than say let us sort out 3 months' notice, let us have a look at the whole areas, as I said already, about Rent Control Tribunal, Residential Tenancy Law, about potentially independent regulators. Let us have a look at all of that and see if we can bring up a far better protection for both landlords and tenants in the long run.

4.1.4 Deputy G.P. Southern of St. Helier Central:

Does the Minister not accept that the powers held by our tenancy laws require a major review and will he assure Members that he will not allow any major review that he undertakes to slow down the process of proper tenancy reform?

[10:45]

Deputy D. Warr:

Thank you, Deputy, for that question. The whole purpose of what I am trying to do here is try to speed the process up. I feel that if I just simply push on with the Rent Control Tribunal there is a danger that that will slow the process down and what I want to do is to review all of these different areas, all of these different aspects and bring them all forward in one go, as it were, to the Assembly. I think that is the best way to do that. As I said, there is a huge amount of history in the whole housing sphere, in the legislation that has been provided, and I think it is a great opportunity for this Assembly to kick the past into touch and move forward and give better protections for landlords and tenants in a much better and wide-ranging way.

4.1.5 Deputy G.P. Southern:

And some sort of assurance that you will not let the whole process slow down and grind to a halt, as has happened so often in the past.

Deputy D. Warr:

I appreciate your scepticism on this and absolutely, there have been an extraordinary number of propositions and amendments to propositions brought to this Assembly over the years, which I am still uncovering to my eternal frustration actually, if I am to be honest about that. I want to get to the bottom of all of this and, as I say, offer better protections to both tenants and landlords and just improve the whole legal framework around our housing stock at this moment in time.

Deputy G.P. Southern:

And any assurance ...

The Bailiff:

I am sorry, Deputy Southern.

Deputy G.P. Southern:

I got no answer there on the assurance that he will not let the process grind into ...

Deputy D. Warr:

I can assure you, I will not.

4.1.6 Deputy M. Tadier of St. Brelade:

Does the Minister accept that the reference back on the Tribunal was now a good idea?

Deputy D. Warr:

Thank you, Deputy. I think it was helpful, that is for sure. I hope what the Assembly gained out of all of this was a recognition of the level of complexity that we are dealing with and how easy it is to come across what I call unintended consequences. With respect to that point, yes, it has been helpful.

4.1.7 Deputy M. Tadier:

To follow up on Deputy Southern's point, will he accept that some of the people that he might have been consulting with over the Christmas period, which I do not think included Reform but did not need to because our opposition at the Tribunal as it is currently put forward was flawed. Does he accept that there are elements maybe in the Assembly, but certainly in wider society, who do not want to see any action taken at all? Who want to see the status quo just prevail and that that cannot be allowed to happen and that we will see urgent action being taken in the various aspects of the housing market that need to be attended 60.

Deputy D. Warr:

I am not sure that there is a desire for the status quo right now. I think we all recognise that greater protections in the current scenario are of a housing crisis that we sit in, that there are abuses going on that need to be dealt with and that the status quo is unsatisfactory. So absolutely, that is why I am pursuing this update. It has to be a significant update because, as I said, there is too much history, there is too much history in this Assembly, and it is about time, as I say, we let bygones be bygones and create a far better structure for the people of Jersey.

4.1.8 Connétable D.W. Mezbourian of St. Lawrence:

I am seeking clarification from the Minister because in answer to Deputy Mézec's question, I think I heard him say that if he was requested to he would be able to lengthen the amount of notice period that is given to a tenant which surprised me. I would just like to ask him under what law he is able to do that.

Deputy D. Warr:

It would just simply be a Ministerial Decision. I am allowed to do that. If someone brings that along I can make a Ministerial Decision on that point.

4.1.9 Deputy L.V. Feltham of St. Helier Central:

My question is related to the last question and I wanted to seek some clarity from the Minister. In what kind of circumstances he would use that power, in what kind of circumstances he would consider it appropriate to use that power that he just mentioned?

Deputy D. Warr:

I cannot give you an answer just standing here on the floor of the Assembly. Give me some real-life examples and I can consider that.

4.1.10 Deputy L.V. Feltham:

I am quite surprised by the Minister's answer because he referred earlier to piecemeal decision-making and the need to avoid that. So I would like to ask the Minister: what steps he will take to ensure that decision-making is not piecemeal, that there is some information out there and that tenants are in fact communicated with and are aware of their rights under those laws that the Minister has referred to?

Deputy D. Warr:

We are endeavouring very hard, as I said, already to update the law, which is hugely complex. Every day I discover something new within this housing arena. All I can say to those tenants, I am working very hard every day to ensure that we get better protections for both tenants and landlords. You talked about piecemeal. One-off Ministerial Decisions are, I agree, a piecemeal decision but I do not like or feel comfortable offering Ministerial Decisions at all. I think that shows that the law is inadequate, and I have seen this already in some of the decisions I have had to make. I therefore believe that we have to sort this law out, we have to go forward in a positive way and I will be communicating that over the coming months, hopefully years as well.

4.1.11 Deputy S.Y. Mézec:

The Minister has rightly spoken about avoiding a piecemeal approach on this and putting a package of measures together, which I agree with and have in fact been advocating for months now. In his email to States Members yesterday, he said that P.106 was being deferred. Could he confirm that in line with everything he said this morning that in actual fact it will be withdrawn?

Deputy D. Warr:

Right now I cannot give you a straightforward answer to that. It may well be that it is determined to be withdrawn however, at this moment in time, it is better that we offer a deferral until I have concluded my review.

The Bailiff:

Before we move on to the second question, it may be helpful if I indicate the approach I am taking to questions in this instant. Obviously the States have granted 2 hours and 20 minutes for questions and there are only 8 questions. If we carry the logic that we simply split that in the time available, if you had 2 questions there would be over an hour for each question, which clearly is not in any sense logical. What I am proposing to do is allow 10 minutes per question. That seems to be an appropriate way of moving the matter on and keeping us reasonably on target. Just so that Members will be aware of the approach that I am intending to take.

4.2 Deputy M. Tadier of the Minister for Housing and Communities regarding building strong communities (OQ.1/2023):

Given that a flourishing “community” is part of the Common Strategic Policy, will the Minister provide his assessment of whether it is appropriate for Andium Homes to have a policy of encouraging some residents who have lived in “non-town” communities for a long time, and who are established there, to move from those areas into St. Helier when downsizing?”

Deputy D. Warr (The Minister for Housing and Communities):

Thank you for your question, Deputy. We did speak about this last night so there is obviously some development on this idea but here is my answer. All social housing tenants, not just those with Andium Homes who have applied to Gateway to downsize and have been accepted to do so, are required to actively express interest in suitable properties available regardless of location. Existing tenants have a greater degree of flexibility and choice than others on the waiting list as they are not re-banded to a lower priority band if they do not consider properties in all locations or accept reasonable offers made to them. It is everyone’s interest to help anyone looking to downsize.

4.2.1 Deputy M. Tadier:

I thank the Minister for that and I also recognise that we did speak yesterday, and I appreciate his time because this is a complex issue. The Minister may be aware that there have been debates in this Assembly mostly focused on affordable housing for purchaser band 5 in Andium where, in particular, the Constables or other Parish representatives have spoken about the importance of people with links to particular communities remaining in those communities. It is the case whether people want to move from the private rental sector or from already who are in trust or other social housing within that because of the housing stock they are often compelled to move out of perhaps, shall we call them, semi-rural, semi-urban areas into the wider conurbation. In doing so we are uprooting people who might have lived in certain areas for years and decades. Does he acknowledge that that is an issue and that some more sophisticated formula might be needed to recognise priority to be given to those who want to live in an area rather than those who do not or are more flexible?

Deputy D. Warr:

You are absolutely right. Obviously one of the titles in my remit is housing and communities and keeping communities together is really important to me. I am conscious that the Gateway is first of

all assessed on need as priority and the second issue is around time. Then there is this loosely, and as you say there is no legal requirement to adhere to this, is to keep people in their communities if possible. I think one of the points you made last night was around if there are 10 people looking for one property in their community how do you prioritise who is the most appropriate person to live there. It is an issue I will raise with Andium Homes and raise with the Gateway and see if there is another criteria that we can do. But I appreciate your point and it is a really valid one, thank you.

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

How long will a person be given to downsize and relocate and what factors will be taken into consideration?

Deputy D. Warr:

At the moment, as far as I understand it, you have a year to move if you are being asked to downsize in the rental sector. That is the current situation. Whether that is appropriate or not I do not know. It is something which I am open to review. As you have been aware, as of 1st January I already reviewed the criteria for the Gateway in terms of income levels so for me it is a very live issue at the moment. If there are issues around people being badly stressed about resizing, having to make big decisions within a year, and that is not an appropriate timescale, I am happy to review that.

4.2.3 Deputy M.R. Le Hegarat:

I also asked what criteria will be taken into consideration as to whether that person will or will not be ... I do not want to use the word "forced", but encouraged to move?

Deputy D. Warr:

When you say forced/encouraged to move. I think what we have to recognise is we have to get the best use out of our housing stock. That may not sound a very humane way of doing things but, on the other hand, it is inappropriate for people who no longer require the level of accommodation, say a 3-bedroom home and who now only require maybe a one-bedroom home, to remain and effectively block that home from people who require that accommodation. It is a very contentious subject and we have to treat people like human beings, but it is appropriate that we proactively manage our housing stock to get the most efficient use out of it. I think I would be remiss if I did not do that.

4.2.4 Deputy R.J. Ward:

Does the Minister have any concerns over the location of over-55 accommodation really in the centre of town by busy roads and with the sometimes associated issues that do come with living right in the middle of a busy town?

Deputy D. Warr:

I am not aware of these issues so if you can give me some examples that would be appreciated, thank you.

The Bailiff:

Can I just remind you, Minister, and indeed others, to talk through the Chair. "If the Deputy could give me further questions" that would be the appropriate way of dealing with that.

4.2.5 Deputy R.J. Ward:

Certainly as the District Deputies, we have dealt with some issues of exactly that kind and I will inform you.

The Bailiff:

Is this a question?

Deputy R.J. Ward:

So therefore, would the Minister encourage, as we did, the development of residents associations so that there is communication of those issues in a more formal way and they are nipped in the bud, if you like, before they grow?

Deputy D. Warr:

Thank you for your point there. Absolutely, I think it is the right thing to do.

The Bailiff:

“I thank the Deputy for his point.”

Deputy D. Warr:

I thank the Deputy for his point.

4.2.6 Deputy M. Tadier:

First of all, if I could thank the Minister for those answers. I did tell my constituent that I would raise her issue here. I know the Minister will not necessarily want to comment publicly on an individual case but I think it is important to tie this to a real person, and there are many like her.

[11:00]

So we have somebody who lives in social housing, she wants to downsize, she is in band 1 but she is under no compulsion to downsize. In doing so she is keeping a 2-bedroom unit, where she only wants a one-bedroom somewhere else in the Parish, from being refurbished potentially and also being occupied. That particular property does have issues that need attending to in terms of water ingress. Her mental health is suffering because she is under constant ... this has been a couple of years in the process. It seems to me that there should be a system whereby she can be rehoused in the community that she wants to be and free up that home for somebody else. I would just ask the Minister perhaps whether he would agree to accept other submissions from Members and to perhaps have a short sharp review from Members across the Assembly who might have knowledge about similar cases in their communities and about finding a better way forward in this area. Would he agree to that?

Deputy D. Warr:

Absolutely.

4.3 Deputy R.J. Ward of the Minister for Housing and Communities regarding change of tenancy in a private rental (OQ.6/2023):

What current requirements, if any, are there for tenants and landlords to notify the Government of a change of tenancy in private rental accommodation, what forms is it necessary to complete to fulfil any such requirement and where can any such forms be found?

Deputy D.J. Warr (The Minister for Housing and Communities):

I thank the Deputy for his question. I am not sure if you are aware but this is a matter that sits with the Chief Minister's Department but I do know that the Control of Housing and Work Law requires a person to notify the Chief Minister if they move to an address in Jersey and expect to be ordinarily resident at that address for a continuous period of 3 months or more. A person can notify the Minister of a change of address in several ways: online using Yoti, contacting Customer and Local Services, the service hub by phone, email or by drop-in appointment or by arranging an appointment. Paper forms are also available from Customer and Local Services by request and are also held by the letting agencies.

4.3.1 Deputy R.J. Ward:

Quite a difficult one because I have to get my head round that. So there is no connection with the Housing Department and the forms when people move; does the Minister accept that this is an

opportunity missed in terms of tracking where we are and providing the sort of data that has been said before we do not have to make longer decisions over our housing?

Deputy D. Warr:

I am just assured here by the Chief Minister that there is a new system coming in. I am not familiar of it at the moment so maybe we can give you some more information in answer to your question over the coming weeks.

The Bailiff:

“Perhaps I could give the Deputy more information in response to his question through the coming weeks.” I have circularised a note through the Greffe saying that we will be a little bit more assiduous in these kind of approaches going forward.

Deputy R.J. Ward:

Do I get a final supplementary?

The Bailiff:

Normally not if no one else has asked a question.

4.4 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding chairs appointed to independent bodies (OQ.3/2023):

Given that 13 out of 16 chairs of independent bodies and independent office holders are appointed through the executive powers of Ministers, will the Chief Minister advise whether she will consider if such appointments should instead be made by the States Assembly; and if not, why not?

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter (The Chief Minister):

Happy New Year to you. This is a matter that has previously been considered by both P.P.C. (Privileges and Procedures Committee) and the Assembly, including in P.205/2009 and the States of Jersey (Appointment Procedures) (Jersey) Law 2018 under which most appointments are now made. The 2018 law requires the Assembly to be given at least 2 weeks’ notice of a Minister’s intention to make an appointment during which time appointments can be questioned or challenged. These were deemed as the most preferable arrangements when this was last considered by the Assembly. I think this followed some discomfort among Assembly Members when it came to debating the benefits or not of certain members of the public. It became quite an uncomfortable experience at times. It should be noted that some appointments will not be covered by the 2018 law and they will be subject to their own legislative procedures. It is of course open to the Assembly to make whichever arrangements it prefers or sees as appropriate. Ministers will only make appointments to statutory bodies in accordance with legislation adopted by the States.

4.5 Deputy M. Tadier of the States Trustee of the Jersey Community Relations Trust regarding discrimination against nationality and race (OQ.2/2023):

Further to the finding of the Jersey Opinions and Lifestyle Report 2022 that, in the past 12 months, just under half (45 per cent) of adults of Portuguese ethnicity who responded to the survey felt they had been discriminated against because of their nationality or race, will the trustee state whether this finding reflects the trust’s own conclusions, whether the trust has discussed this matter and, if so, what the result was of these discussions?

Deputy L.M.C. Doublet of St. Saviour (States Trustee, Jersey Community Relations Trust):

I thank the Deputy for the question. The trustees have discussed this particular statistic in-depth and they understand that the response rate to the survey was relatively low but they do find that those findings are extremely concerning. They have looked at those findings alongside some of their recent research into poverty in Jersey, which makes it even more concerning. The findings and recommendations of that research are due to be published in the first quarter of 2023. The trustees

understand that discrimination reported by the Portuguese community is not new and believe there must be a great deal more consultation and focus than there has been to date from key policymakers and stakeholders to understand how this discrimination is experienced, why it is experienced and, most importantly, how it can be mitigated.

4.5.1 Deputy M. Tadier:

I should clarify, and I will ask the trustee this question because she may not be able to answer it immediately, so it may be something she can go away and consider. Figure 8.7 of the report talks about the proportion of adults who feel they have been discriminated against and it is saying that 45 per cent of them are Portuguese. It is not clear to me whether 45 per cent of the people who feel discriminated against are Portuguese in that or that 45 per cent of Portuguese people living in the Island feel that they have suffered discrimination. First of all I think that is quite key to establish. I wonder if she could look into that more. Because if the sentence that is below which says that just under half of adults of Portuguese ethnicity feel discriminated against because of nationality and race that seems like we have some kind of pandemic that specifically affects Portuguese individuals in our Island. I think either way it is a serious statistic. Will she look into that and seek to report back to the Assembly as the trustee for that organisation so that we can understand better the issues facing this particular community but also perhaps other respondents to the survey?

Deputy L.M.C. Doublet:

The Deputy raises some really important points and I welcome a chance to discuss this in the Assembly and to respond to the Deputy because I think we do not talk about these issues enough. I think analysing data is important because to know how to tackle a problem first of all we need to know the extent of it. I think what I will be doing is encouraging the trust to perhaps ask for the raw data or ask for a presentation from Statistics Jersey on this data so that they can better understand the problem and therefore know how to advise our community on how to tackle it.

4.6 Deputy C.D. Curtis of St. Helier Central of the Minister for Housing and Communities regarding Affordable Housing Gateway (OQ.8/2023):

Will the Minister consider abandoning the current qualification criteria for registering for affordable housing so that all Islanders in need are eligible to register on the Affordable Housing Gateway; and, if not, why not?

Deputy D. Warr (The Minister for Housing and Communities):

I am fully committed to making sustainable changes to the Affordable Housing Gateway to ensure as many Islanders as possible are able to access social rented accommodation if they need it. Changing the eligibility criteria must be carefully considered. I am not in a position to simply say I will consider abandoning it altogether. It is vital that changes to the Gateway are sustainable, fair and manageable. I also consider it vital we do all we can to understand the true extent of social housing needs. The current Gateway format only provides us with a portrait of demand relative to the current eligibility policy. So therefore, while I am not in a position to say I will abandon the criteria, I am exploring how a change to the Gateway format might be made to allow all Islanders to register their future interest in social housing, which will provide us with a more accurate portrait of social housing demand in the community. Again, this is a change that needs to be carefully considered and I will look to provide an update as soon as possible.

4.6.1 Deputy C.D. Curtis:

I thank the Deputy for his answers. He stated that he wants it to be a fair process and, as an example, a single applicant who earns £33,000 a year would have to pay around £16,000 per year for a one-bedroom flat. That would be 48 per cent of their gross salary and that is rental stress. That person would not be able to apply currently to the Housing Gateway. Does the Minister think that that is addressing housing need and is it fair?

Deputy D. Warr:

I thank the Deputy for her question. You raise a really good point. What is fair? What is our definition of fair? I think I commented on the reason I changed the criteria of the Gateway for the beginning of this year was because I felt it was not fair. I saw 100 applications which had got turned down and I looked at all of those in detail and considered that our Gateway was not set at a level which is appropriate for these individuals who were feeling rental stress, as you describe. So you correctly identify where does that level sit. That is something which is a challenge for us all. As I say, I think one of the ideas behind working out what that level should be and what a fair level is, is by somehow surfacing all of those who cannot, with the current settings within the Gateway, to be surfaced, for that information to be collected and that data. We keep talking about data or I keep talking about data, I do not know about “we”. But I keep talking about data and that is where we lack and we need to get better data so that we can be better informed and do a better job for the people of Jersey.

4.6.2 Deputy S.Y. Mézec:

Does the Minister accept that one way you can reduce the need for people to register for social housing is to make it easier to survive in the private sector? Could he therefore update Members on the status of the Residential Tenancy Law that he is working on and whether it will include, as has been proposed multiple times before, a form of rent control to end the rampant rental inflation that Islanders are seeing in the private sector and therefore reduce need for affordable housing?

Deputy D. Warr:

I am not quite sure how that relates to the Housing Gateway but the reality is we are developing a new residential tenancy law, which is currently a work in progress, which is through this year and will be brought to the Assembly in due course. We are working on that very carefully. As I said in answer to my earlier questions, we are reviewing the whole of this package right now and that will also inform what the law looks like in 2023/24.

4.6.3 Deputy S.Y. Mézec:

He said the law will be brought to the Assembly in due course. Can he be more specific than that? Will that be quarter 2, quarter 3, by the end of this year, early next year?

Deputy D. Warr:

The answer is I do not have an exact date on that. I will endeavour to firm up for you.

The Bailiff:

“For the Deputy.”

Deputy R.J. Ward:

May I suggest a system of yellow cards. [Laughter]

The Bailiff:

I was going to suggest that people might like to look at the Chair when they are answering because that way if you say “you” you know it is not me and so you know you are getting it wrong. Or if that is unpalatable look at the mace. But probably do not look at the person who has actually asked the question.

[11:15]

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

The Deputy mentioned that he will be undertaking a review. Will that review be fed by housing providers on the Island, all the various trusts, or will he be seeking input from other parties and who might these other parties be?

Deputy D. Warr:

We are looking to review ... I am assuming that the Connétable is talking about Parish input and, as I say, other social housing providers, as opposed to simply Andium Homes, the other trusts. The answer is yes. The answer is, yes, we are seeking to get as much input as we possibly can. It is because of input from these various bodies that I have postponed the setting up of the Rent Tribunal Panel.

4.6.5 The Connétable of St. Brelade:

I thank the Minister for his answer but the Parishes, I do not believe, have had any communication to date on the matter, so we look forward to having it ... will he confirm that he will be in touch in short order?

Deputy D. Warr:

Of course we will.

4.6.6 Deputy L.V. Feltham:

I am pleased to follow the last question, as it does relate to the review. I would like the Minister, if possible, to give us some further clarity about what the terms of reference are for the review and if those terms of reference are published and, if not, why not?

Deputy D. Warr:

I thank the Deputy for her question. I think what is very difficult is to publish anything at this moment in time. I think what we have is a situation whereby we are developing policy and it is policy under review at the moment, so that is really all I can say. I am not sure if I can say anymore. Maybe that does not satisfy the Deputy, however, that is the reality of the situation right now.

4.6.7 Deputy L.V. Feltham:

Can the Minister confirm whether or not he has signed off on some terms of reference for the review and if he has consulted with the relevant Scrutiny Panels on such terms of reference?

Deputy D. Warr:

We have not got that far yet.

4.6.8 Deputy M. Tadier:

Does the Minister share my reading of history that there is a lack of social housing now? There has always been a lack of social housing in modern times and that because of a lack of social housing the private sector were encouraged to fulfil the need that social housing would be providing and part of that was through a rental component through income support, which, effectively, goes directly to the landlord. If he does and even if he does not accept that, would he also agree that it might be worth considering as an interim measure until we, hopefully, get a significant more amount of social housing stock, that private landlords be encouraged to become social landlords? Is that something that he would be willing to look at? Private landlords who wish to subscribe to the process of becoming a social landlord to charge affordable rents, et cetera, and everything that goes with it could then benefit from having access to social tenants.

Deputy D. Warr:

I thank the Deputy for his question. That is an interesting idea because it sounds very much like Government trying to interfere in the private sector market, which I am not a pro at all. I personally believe that the way in which we control rents to a degree is by building more homes. We are planning on building 3,000 more homes by 2030. I think that will increase supply. That, therefore, gives people more choice. More choice usually means more competitive rental levels. I think that is as far as I would go on that.

4.6.9 Deputy M. Tadier:

Does the Minister accept that by giving taxpayers' money to private landlords to help people who cannot afford to pay their rent; that is already interfering in the private market? If he wants to remain a purist and say that we should have private and public sector, then we should say if you want to rent and you cannot afford it you have to do it in the public sector. What is his solution to high rents in the private sector, which seem to be spiralling out of control this year with 10 per cent R.P.I. (retail price index) which the renters are certainly not seeing reflected in their wage packet?

Deputy D. Warr:

I thank the Deputy for his point. What I would say is that because we have Andium Homes, our own social housing provider, their rent increase is capped to 4 per cent. Clearly, if the private sector continues to increase rental levels at 10 per cent, for those who have access to the Gateway, suddenly the Gateway comes into play. By the sheer fact that we have a cap in the social sector is going to help to keep rents under better control. But it does come down to what I said earlier about supply and demand. If we have insufficient supply of housing we are going to see rents climb to a level or continue to climb. If we do not continue to build and we decrease the supply of stock, which is what we are trying actively not doing - we are actively building at this moment in time - we will increase supply, I repeat my point, which is that increasing supply dampens demand on rent level increases. That is my objective at this moment in time. Sorry, in answer to your point about should the States be subsidising private landlords? I do not believe they should be. However, I recognise that because people do not have access to social housing, we talked about a review earlier about the Housing Gateway, these are all the issues which come up in this very, very complex subject area. As a purist, no, I would not want to see landlords subsidising rent, however, we are where we are today. If I can change that in the future I will do.

4.6.10 Deputy G.P. Southern:

Will the Minister accept my congratulations for being the first Minister up here to use the dreaded words that is policy in development and I cannot tell you more about it? But what you can do is seek some analysis of what the issues are without going to what you are developing as policy. What do you see as the major issue ...

The Bailiff:

What does the Minister see.

Deputy G.P. Southern:

What does the Minister see? Sorry, Sir. What does the Minister see as the major issue in examining the progress of the private sector and the public sector in terms of rental?

Deputy D. Warr:

I thank the Deputy for his question. I am just trying to get my head around what he was ... what the Deputy was asking me. Apologies, I am getting better at this. **[Laughter]** The reality is the methodology at this moment in time is we are endeavouring to build more homes. It is a recognition that there are insufficient homes currently on this Island for the demand that we are seeing. That is the direction of travel we need to go on in order to achieve some of the things that the Deputy has mentioned there. I am not sure I can say an awful lot more than that.

4.6.11 Deputy C.D. Curtis:

The Minister referred to the need for data, does he agree that the best way to collect this data would be to permit all Islanders in housing need to be able to apply to the Housing Gateway?

Deputy D. Warr:

I will refer the Deputy back to the end of the response to the oral question. I have said that I am exploring how a change to the Gateway format might be made to allow all Islanders to register their

future interest in social housing. We are proactively looking at that as a policy to develop. We have to be very, very careful. I have been criticised already by Deputy Mézec for opening up the Gateway to the current levels because he believed there was not sufficient housing stock. I think we have evidenced that that is not the case but we need to know more. We need more data. We need to really surface those people who are sofa-surfing, those people who are very concerned about anything to do with Government. We really, really need to work hard on identifying the exact levels of demand and that is my intention in 2023.

The Bailiff:

Thank you very much. Before we move to the next question, could I just mention to Members the purpose of speaking and addressing comments through the Chair? I am sure many will be aware but for those who are new it may seem a rather arcane and sometimes difficult craft and not everyone gets it right all of the time. The importance is that it puts a layer between Members in terms of their question and answer, which is perhaps not so important in a relatively friendly exchange in the Assembly this morning. But when things get very heated and when people are very passionate about something, then it is much better to address the remarks to the third person, rather than directly to the individual and that is the main purpose for addressing remarks through the Chair as a matter of habitual practice. I hope that is of some assistance at least.

4.7 Deputy R.J. Ward of the Minister for Social Securing regarding income poverty (OQ.7/2023):

Will the Minister provide details of the advice and assistance available to pensioners who, although they may be homeowners, have an income that is leading to a level of income poverty?

Deputy E. Millar (The Minister for Social Security):

I would like to thank the Deputy for his question and for giving me the opportunity to discuss some of the services we offer to support pensioner households. It is important that pensioner homeowners understand that they can receive help from income support if they are on a low income. We do try to communicate our benefits but some pensioners may still not be aware that there are benefits available to them. Everyone in Jersey who receives an old age pension receives a pension statement at this time of year and the letter always includes a leaflet setting out all of the benefits available to lower-income pensioners. These include help with heating costs, a Christmas bonus, help with dental, optical and chiropody costs through the Pension Plus Scheme, low cost G.P. (general practitioner) visits and the Community Costs Bonus. For those over 75, free T.V. (television) licences are also available. A specialist Pensions and Care team at Customer and Local Services has been established to help pensioners and the team can also give details of other forms of support and signpost to services in the voluntary sector. The Closer to Home team also provides support across the Island through regular services and community events. Most recently the new Older Persons Living Forum has just been set up to make sure that the views and needs of older people are understood by Government. That forum held its first meeting towards the end of last year and will meet, going forward, every 2 months.

4.7.1 Deputy R.J. Ward:

I thank the Minister and just to say that this is a question that came from a constituent, as does the other one from a constituency drop-in, so it is a really important issue. I feel reassured by the Minister that there is information there. Can I ask the Minister, is she certain that those of pensionable age who perhaps do not get a full pension but are homeowners are aware that they may be entitled to more? Because I think sometimes there is a belief that we do not count in that system. I am wondering if there is anything else that can be done in those terms.

Deputy E. Millar:

I agree with the Deputy there may be some, that there may be pensioners who are not aware that they may qualify for income support. I would ask everybody here to make sure that where they have

constituents they let them know that there may be help available to them. As I say, we certainly go out once a year with the leaflet and we do have other forms of mechanism. I would urge any pensioner who may be listening in if they are struggling, if they do contact C.L.S. (Customer and Local Services), the Pensions and Care team. For example, an Islander emailed me last week, I think, asking about extension of Pension Plus. I suggested she spoke to the team. They have already established that a free T.V. licence will be available and that they may very well qualify for some form of support through the impairment component. I think everybody just needs to be aware and we are doing everything we can to make sure that is publicised. I think we also do have a slight ... not a slight issue but I think we are talking about a generation who are sometimes very reluctant to ask for help that is available to them. Really everything we can or do to get that message to our constituents and across the Island through all the events we have, then the better.

4.7.2 Deputy M. Tadier:

Notwithstanding the Minister's good words there, I think there is a risk we are talking at cross-purposes here and also that she may be offering false hope. I think what this question is very much about is somebody who is perhaps classically called asset-rich, cash-poor, so they may own their own home but they just do not have any income, so that might include not having a pension. Is it not the case that somebody in that situation, apart from some fringe benefits, which I am sure are important to most pensioners, is in a situation where they cannot get any meaningful benefits because they will be told you have an asset which is worth many hundreds of thousands of pounds?

[11:30]

The advice, presumably, is sell your house so that you can afford to live and rent for as long as you need to. Then if and when that money is exhausted, provided you have spent it in a non-profligate way, we will then consider giving you income support at some distant time in the future? Is that not the current advice in a situation that we are really talking about here?

Deputy E. Millar:

I am disappointed with that question because I do not believe that is the case. I do not believe if a pensioner who has no income but has a home and goes to C.L.S., they will be told to sell their home. There are many things a pensioner can do in terms of developing or generating funds through using the property but I do not believe we push people to that. As I have said, homeowners will be supported by income support if they are on low income and all of those other benefits are available. I have asked my team more recently to look at the disregards. I think the issue that the home is not taken into account as in the asset disregards, that the disregard at the moment is for savings of £30,000 and that is what cuts people out of income support and some of the other benefits. I have already asked my team to bring me proposals regarding increasing the savings disregards, both for Pension Plus and income support. But I certainly do not believe that pensioners with low income are being told to sell their homes if they go to C.L.S.

4.7.3 Deputy M. Tadier:

I would disagree with that and that is not necessarily a criticism. Because I think the current policy is that if you have an asset that is worth a certain amount, if you have a house which is worth £700,000 that is treated the same as if you have £700,000 in the bank account and of course somebody with that kind of money is not going to be given access to income support. It is interesting that the Minister is pursuing a different line of policy to ...

The Bailiff:

Deputy, you know this has to come to a question.

Deputy M. Tadier:

It is a question, Sir.

The Bailiff:

All right.

Deputy M. Tadier:

I thank your indulgence and I know that we are allowing more time for questions. The question is: could she perhaps consult more widely? If it is the intention to take into account somebody's home and disregard that, I think that is a fundamental shift which will be highly controversial in the Assembly and in the wider community.

Deputy E. Millar:

I think the Deputy has just not listened to my answer. What I have just said is that the home is not taken into account with income support. We look at savings, which is cash in the bank. We do not monetise the home; if the Deputy would like to provide me some hard evidence of that. It seems to me that he is speculating and assuming that if someone with a property goes and asks for help when they have no income and no savings, they will not be supported. I do not believe that is the case and the value of the home is not taken into account. I do think we need to look at ways of producing and, again, I have discussed this at very, very ... it came up on this conversation last week, what we do in terms of facilitating benefits to homeowners and perhaps allowing them to draw benefits against the value of the home. That does not happen at the moment and the value of the home, I believe, is not taken into account. If the Deputy can prove otherwise I would be very happy to discuss that with him and to take it up with my team and discuss it further.

3.7.4 Deputy L.V. Feltham:

The Minister has suggested that pensioners call the Pensions and Care hub. So that the Pensions and Care hub perhaps does not get overwhelmed by calls from people who are not eligible, could the Minister give us some more clarity about the circumstances which would make pensioners ineligible for income support?

Deputy E. Millar:

I thank the Deputy for her question. My understanding is that what makes pensioners ineligible is savings of more than £30,000. If a person has limited income and savings of under £30,000 my belief is that they will be eligible for income support and they will also be eligible for the other benefits that I have listed earlier, such as health access, cold weather payments, Community Costs Bonus; they are definitely eligible for Community Costs Bonus. Just in terms of contacting the Pensions and Care team, they can contact them through phone, the drop-in service is now available at La Motte Street. If pensioners want to go in they can talk to someone directly at La Motte Street if they want to wait. They can phone and make an appointment and they can also access some of our services online. There are some pensioners, I know not all but there are pensioners who can access services online. There are very many ways for pensioners to contact the department and take advice about support that is available to them.

3.7.5 Deputy L.V. Feltham:

Again, to provide some clarity to some of those pensioners that may well be thinking that they may be eligible for income support who are homeowners, can the Minister clarify what components those pensioners would be eligible for and what the value of those components is likely to be?

Deputy E. Millar:

I think that is an impossible question for me to answer because I am afraid I do not know the detail. There are numerous payments that are available and, again, the amount of income support that is available. Certainly basic income support would be available if the people I was talking about last week maybe qualify for impairment. Where there is a level of disability or physical and mental illness they may qualify for the impairment component. Those are all driven very much by the

individual's own circumstances, so it is simply impossible to pluck a number out of the air and say this is what a pensioner will be entitled to. It depends very much on their own circumstances.

4.7.6 Deputy G.P. Southern:

Does the Minister not agree that her list of benefits for which pensioners might be eligible is a list of one-off payments and not continuous support? Does she not further agree that the savings that she refers to, the rates at which the savings are held is of the order of 20 per cent, so money over £30,000 you are charged as if you are getting 20 per cent of that sum? Is that not the case?

Deputy E. Millar:

I am sorry, I do not fully understand the question about 20 per cent over £30,000. I believe the system works that the way the current rules apply are that if you have savings of more than £30,000 you will not qualify for income support. I do not understand, I am afraid, the Deputy's reference to being treated as if you are 20 per cent more. I agree with him that some of the benefits that I mentioned are one-off payments, such as the Community Costs Bonus, which is a one-off payment of £516. However, the Cold Weather Bonus, I believe, is paid in 2 instalments; that will help some pensioner households. There may be other pensioner households who will get the Cold Weather Bonus; I believe that is paid monthly over the 6 months of the winter between October and March. The Pension Plus scheme deals with optical, dental and chiropody payments on an ongoing basis. T.V. licence is a one-off fee. Health Access Scheme allows regular visits to the G.P. There is a combination of one-off and regular payments which are available to pensioners, as they are available to other low-income families.

4.7.7 Deputy G.P. Southern:

Perhaps I can be more clear so that the Minister might understand my drift this time round. The fact is that if you have savings, and you are a pensioner, over £30,000, that sum is treated as if it is earning a rate of 20 per cent as it sits in the bank and that becomes the pensioner's income and is treated as income. Is that not the case?

Deputy E. Millar:

I cannot imagine a basis on which anybody is treated as earning 20 per cent income on £30,000 capital. We all know interest rates have been so low for such a very long time. I just cannot conceive of a basis where anybody would assume that somebody with £30,000 in the bank is earning £6,000 in interest a year. Nobody is getting that sort of money from the banks. I simply do not agree with the Deputy that that is the case. I think we look entirely at the cash sum, we look at people's income, whatever the income is from their pension. If they do have other investment income I imagine that will be taken into account. But I do not believe and I do not accept that people are treated as having £6,000 of income because they have £30,000 in the bank.

4.7.8 Deputy R.J. Ward:

I thank the Minister for some of the answers there. I will just ask the Minister, does the Minister feel that it is time that we looked at the situation of pensioners and income support again? An example that was given is that some pensioners who have service costs in the homes that they live in on low incomes really struggle at times and it can force them to have to think about moving out of their home because they simply do not have the income to put up. The changing situation of housing over the last 10 or 15 years has led to some different and nuanced situations. Would the Minister be willing to look at some of those situations again and perhaps even take some contact from some of the people that we have been speaking to?

Deputy E. Millar:

Yes, I think the Deputy is quite right that there may very well be pensioners who have moved into a block of flats, they own a flat. Where there are service charges, the service charges are increasing. I do not know, I am sorry, if service charges are taken into account. As I said, it is difficult, it is always

going to be conceptually difficult to support people to live in a block of flats with high service charges where there are other ... the people who are basically funding the benefits, which are younger working-age people, are themselves unable to buy flats like that because of cost. As you know, as everybody knows in the Assembly because I have discussed it several times now, we are conducting a review of their entire benefits this year and I do particularly want to look at pensioner benefits, to look at how we help pensioners more and indeed how we can ... although, as I have said, there are things that people can do. If they have a valuable property they can release equity from the property; that does mean going to the financial services market, which may be difficult. I think it may be we can look at devising benefits that allow people to draw on support from Government perhaps with some degree of security against a house at a later stage. That is an entirely off the top of my head thought that came into my head last year. It may go nowhere but we are certainly looking very closely at pensioner benefits and we are very conscious of the impact of cost of living. As I say, I have also asked my team recently to look at the disregards to see if there are pensioners who can be brought into the income support net and other benefits who are currently missing out because of a relatively small amount of savings.

4.8 Deputy S.Y. Mézec of the Minister for the Environment regarding adoption of policy HX into the Bridging Island Plan (OQ.5/2023):

Further to Policy H6 in the Bridging Island Plan, which requires the Government periodically to review the parameters set on requirements for private developers to provide a proportion of the homes they build as affordable housing, will the Minister advise when the next review will take place and whether he intends to increase the proportion of affordable homes delivered by the private sector and, if so, when?

Deputy J. Renouf of St. Brelade (The Minister for the Environment):

I thank the Deputy for his question, which gives me an early opportunity to update the Assembly on a matter relating to supplementary planning guidance. This policy to which the Deputy refers, which seeks to deliver 15 per cent of the development renewals for sale or occupation by Islanders eligible for assisted housing purchase on residential development schemes of 50 or more dwellings has yet to take effect. Policy H6 of the Bridging Island Plan states that this policy will operate from January 2023. No applications falling within the scope of this policy have yet been determined. I am working closely with the Minister for Housing and Communities to develop operational guidance to support developers and planners in the application of this policy. This will be released shortly to enable the policy to come into force in an effective manner. In terms of the other part of the Deputy's question, I think that it is appropriate for the policy to be operational for a period of time, which might be for at least 12 months, to see how it is working before the operation of the policy and its parameters are reviewed.

4.8.1 Deputy S.Y. Mézec:

Does the Minister consider that 15 per cent of homes built in developments of over 50 homes to be adequate?

Deputy J. Renouf:

I think it is impossible to say. When this policy was introduced it was a compromise between the desire to see more affordable homes delivered by the private sector and there were attempts to have a higher figure. The feeling was, and I was not in the Assembly, but my understanding is that the view taken was that to do so would hamstring the development industry and reduce profitability to the extent that sites may not be brought forward at all for development, which would be counterproductive.

[11:45]

It seems to me that having settled on a policy the sensible thing to do would be to see how it plays out, to see whether it meets the objectives that were set for it and to review at that point.

4.8.2 The Connétable of St. Brelade:

Would the Minister please remind Ministers of his definition of affordable, given that it is rather a grey area?

Deputy J. Renouf:

That is one of the things that has to be developed in order for the policy to come into effect. One of the consequences of this policy is to increase the supply of affordable housing, therefore, it will be appropriate to refine, potentially, the definitions of what is affordable homes and to develop products that might feed into that for people to access. That is the work that has to be done before this policy can become operational. I think that has to be work in progress that is done as part of the delivery of the guidance.

4.8.3 The Connétable of St. Brelade:

I thank the Minister. Would he be able to give a more accurate timeline on this and that there is a good reason to be asking that question because surely developers need to have that information so they can progress their various plans?

Deputy J. Renouf:

I am aware that a draft of the guidance was completed just before Christmas, so I would expect that to be progressed very quickly. But, as I say, it requires consultation with the Minister for Housing and Communities and his team to make sure that this is a joined-up policy and that the planning and housing objectives work together to deliver houses and housing products in terms of funding that achieve the aims that we are attempting to achieve with this policy.

4.8.4 Deputy M.R. Scott:

On the basis of the principle that it is important not only to see if your ducks will swim in a row but if they will swim in a pond, I wonder if the Minister has considered an independent review of what might be discouraging developers from pursuing developments of affordable housing, rather than just proposing as a solution that they are told how they might apply better.

Deputy J. Renouf:

I am not sure that we have evidence that this policy is opposed by developers. It was brought forward in the Assembly as a compromise, as I say, and it was felt that it was supported or would gain enough support for it to work. The development of guidance around this will of course involve discussions with industries to make sure that it meets those objectives. I think what I would resist is yet another review. I think this is part of the normal process of developing guidance within the Island Plan framework and I am very comfortable that that process will deliver something that works for the Island.

4.8.5 Deputy M.R. Scott:

Would the Minister accept that customer service in this area is vital and that it may be worth examining it?

Deputy J. Renouf:

I am not quite sure what the Deputy means by customer service in the sense that if it refers to dealing with all people with an interest in this, then of course that is something that we would routinely do. Customer service in terms of the people who will buy the houses is something that feels like it is further down the line and not really a matter for me to comment on at the moment.

4.8.6 Deputy R.J. Ward:

Is the Minister aware that the policy says a minimum of 15 per cent? Can I assume that the policy has therefore now become only 15 per cent or would the Minister push for more than 15 per cent, given the desperate need on this Island for affordable housing?

Deputy J. Renouf:

I think that is something that we will discuss with developers but the aim we have to have here is we need developers to bring projects forward. They need to know that they can do that in a manner that delivers the profit that they expect. I think we have to strike that balance and 15 per cent was set as a threshold figure. It certainly is within the bounds of possibility for developers to bring forward more. I would hope and encourage that they might. But there is no point in them doing that if it affects the viability of the scheme to such an extent that it is no longer worth them doing it. It is a difficult balance to be struck. The Assembly has chosen that figure as its minimum and I think we should see how it plays out.

4.8.7 Deputy R.J. Ward:

I think it is an interesting interaction between the word “threshold” and “minimum” there but we will pursue it a little more. Is it not the case that given the desperate need for affordable housing and the fact that we are in a very fixed market on this Island, that leaving this to a supposedly free market is what has failed this Island for years? What is needed is the Minister and his colleagues to step in to take control of the situation and, if need be, take the land themselves and develop affordable housing for the residents of Jersey who so desperately need it before we have the biggest brain-drain in our history.

Deputy J. Renouf:

I think we are straying in quite a slightly broader direction there. What I would say is that this is a policy that develops private sector open-market sites for affordable homes. We already have, through social housing providers, a very large programme of development of new houses for rent in the affordability sector. This is an additional policy. It is a policy which has proved powerful in the U.K. where up to 10 per cent of all affordable homes were delivered for ... no, sorry, 47 per cent, I think, of all affordable homes were delivered through this mechanism in the years 2017 and 2018. We know that this mechanism can work with a threshold of about the figure that we have. It is an additional measure. It is additional on top of what Andium are providing through their social housing programme. I would reject the alarmism.

4.8.8 Deputy M. Tadier:

It may have been answered implicitly by the Minister but does he support the policy in broad terms of having a fixed amount, let us say 15 per cent or somewhere around that, of affordable homes for eligible private sector development?

Deputy J. Renouf:

Yes, I do.

4.8.9 Deputy M. Tadier:

I think it may have been touched on by Deputy Ward’s question but does he accept that the 15 per cent is a necessary condition for those eligible applications and not a sufficient one for the application to be passed? That were an application to come to, for example, the Planning Applications Panel or indeed the officers or the Minister for approval, which only met the minimum requirements for any of the minimum requirements, it may well be seen holistically as not being suitable in terms of its aspiration and, therefore, does he accept that the message that should go out is 15 per cent is not a target but a minimum threshold which we would welcome being exceeded for successful applications?

Deputy J. Renouf:

I think in straying into the territory of planning applications the question is a slightly different one, in that any determination on a planning application is going to have regard to far more than just the question of the threshold for affordable housing. It is exceptionally difficult to say in the abstract

whether a minimum threshold would be the single reason why you return meeting a minimum threshold would be a reason for turning down something, turning down an application. I think that involves conjecture upon conjecture and I do not really feel it is very helpful to go there.

4.8.10 Deputy G.P. Southern:

Given the recent answers given by the Minister, does he not consider that many people out there, many voters will be listening to his words and saying this does not sound like the Minister for the Environment, this sounds like the Minister for Development? Is that not the case?

Deputy J. Renouf:

I doubt that is the case because I have been quite clear in saying that we are trying to strike a balance here. It is a new policy, a new policy needs to have time to bed in. A new policy might have unintended consequences and I hope it will be a huge success, as I have intimated in an earlier answer. It has been successful elsewhere. It seems to me that we should be prudent in applying that policy and particularly because of the danger of unintended consequences, which might mean that fewer sites came forward for development than would otherwise be the case. Getting that balance right is important. It is a complex issue which is judged case by case by Planning and by the relevant determiner of planning applications. I look forward to seeing how it plays out over the next year or so and I very much hope that we are able to report on a successful policy, which we might well want to tweak in the light of experience in a year or so's time.

4.8.11 Deputy G.P. Southern:

Can the Minister confirm that that means no action for at least a year?

Deputy J. Renouf:

No, because, as I have already said, we are bringing forward a guidance which will enable this policy to take effect; that is the next stage in developing Policy H6. We will have it in place, hopefully, within a few short weeks and we will then see how it happens. The concept of allowing something to have some development and to experience it before we have a review is one which I would hope the Assembly would endorse. We are not going to put something into effect and then say after a month or so: "Oh, my word, we are going to change it."

4.8.12 Deputy S.Y. Mézec:

The Minister briefly alluded there that it may be a couple of weeks before the further guidance on this is provided so that it can take effect. Can he, therefore, confirm by what date he thinks this policy will take effect? Does he share with me a concern that I have constantly seeing proposals spoken of in the media and elsewhere for new developments of housing that do not appear to state in them that they are taking this policy into account as part of their plans? Would he also want to put a message out to those developers that this policy is imminent and they need to be prepared for it and not seek to think that they can subvert it by getting an application in quickly?

Deputy J. Renouf:

Certainly I would be very happy to remind developers that this policy is coming in very short order. The question of when a date will be fixed, well that is a little tricky. Obviously today at some point in this sitting we will be talking about a different piece of supplementary planning guidance, depending on the outcome of that the workload will change. We have 13 separate pieces of supplementary planning guidance mandated by the Island Plan. We have a sequence for delivering them. The States may choose to change that sequence but at the moment, as I say, it is already in draft form, it depends upon further consultation with the Minister for Housing and Communities and I hope to bring it forward in very short order.

The Bailiff:

That brings our questions with notice to an end.

5. Questions to Ministers without notice - The Minister for External Relations and Financial Services

The Bailiff:

We move on now to questions to Ministers without notice. The first question period is for the Minister for External Relations and Financial Services.

5.1 Connétable K.C. Lewis of St. Saviour:

In recent times there appears to be quite a bit of consolidation going on with the banks, several smaller branches being closed. It has also been reported that many people have been refused debit cards, credit cards and indeed mortgages because of their geographic location, which is Jersey. Will the Minister, with Ministerial colleagues, be pressing the banks both locally and in the U.K. in no uncertain terms to ensure the people of Jersey get a fair deal?

Deputy P.F.C. Ozouf of St. Saviour (The Minister for External Relations and Financial Services):

I thank my Constable for the first question. The issue of financial services for the domestic and business community is fundamental. A lot of us talk about international finance and it is the presence of the scale and number of banks and financial institutions in the past that has meant that we have been historically well-served in terms of domestic financial services, of which credit cards, loans, et cetera, and mortgages are one. The Constable is quite right that there has been consolidation. I am aware of the issue of credit cards. I am aware as being around since 2019. It has been recently brought to the media attention. There are a number of reasons for the lack and withdrawal of credit cards, one is the issues concerning banks; it is about ring-fencing. Others are about electoral registers and there are a number of other issues. I can tell the Constable that domestic financial services is going to form a key part of my work as Minister for External Relations and Financial Services working with Ministerial colleagues.

[12:00]

But I recognise the importance of it and he is right, there are issues and we are going to try and tackle it but they are not immediate or easy.

The Connétable of St. Saviour:

I thank the Minister for his response and if he would keep the Assembly updated.

Deputy P.F.C. Ozouf:

I am happy to do so and say that there is a banking review going on and I will be briefing Members in time on that with my Assistant Minister and other Ministerial colleagues.

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

Would the Minister update the Assembly as to how relationships are developing with France and, in particular, the move to reinstate the use of I.D. (identification) cards for travellers between France and the U.K. and specifically how discussions are going with both France and the U.K., and the Minister can answer it in English if possible?

Deputy P.F.C. Ozouf:

That was a tempting question. The Chief Minister asked me to discharge External Relations and put a high priority of one of 14 priorities. I think the second or third one was France. The Deputy and Members will know that we have been pretty active in France both in terms of raising awareness, in national media we have been involved in meetings in the regions in Normandy and Brittany. We have been in Paris. My last engagement before Christmas was meeting 2 Secretaries of State. On the issues to do with identity cards - and I think that is the underlying question that the Deputy wanted to ask - the Council of Ministers and particularly the Minister for Home Affairs and the Minister for

Economic Development, Tourism, Sport and Culture is absolutely aware of the importance of this issue. It is a priority for the Minister for Home Affairs. It is not my decision, it is hers and she of course has to go through the proper modalities of getting approval. A Minister in Jersey can be supportive but we need to work within the framework of what is the Common Travel Area, and I know that there are discussions going on, but I will leave the Minister to answer the timeliness of that but we recognise the importance. But having good relationships with France and delivering on that is going to help our relations generally.

5.2.1 Deputy L.J. Farnham:

But is the Minister confident that we will resolve this issue with I.D. cards, given the importance to our hospitality sector and overall economy, the importance of getting our French visitors back to the Island? Is he confident and the Minister for Home Affairs, I think, is looking quite confident over there? But is the Minister confident we can achieve this in time for this season?

Deputy P.F.C. Ozouf:

One thing I have learnt in my role as Minister for External Relations and Financial Services is there is a risk that I speak about things which are of international and external relations interest of which we help but are within firmly other Ministerial portfolios. The issue of I.D. cards is firmly within the Minister for Home Affairs' remit. I know that she wants to find a solution and I know how important that is generally with our relationship with France, that there is in fact a number of issues which we are trying to achieve with our French counterparts and if it is possible for the Minister - if possible - after due consultation and if it is possible to do so, it is going to make a real big difference to those relations. We are going to see many more French visitors. The Minister for Economic Development, Tourism, Sport and Culture is going to be very happy because we are going to have more French visitors. But this is one of a number of packages which External Relations is trying to work with with France, and that is what I have been trying to do. Put a number of issues together and almost have a set of composite discussions and try and achieve those on behalf of the Assembly.

5.3 Deputy R.J. Ward:

May I ask the Minister, which jurisdictions would the Minister not sign a trade treaty with due to human rights records and violations?

Deputy P.F.C. Ozouf:

The answer to that is a country which would be blacklisted by the U.K. and I look forward to the supplementary. [Laughter]

5.3.1 Deputy R.J. Ward:

It is interesting that we are not making our own decisions on that. Can I ask the Minister whether he would be influenced by any comments from the E.U. (European Union) on the suitability or not of a jurisdiction in signing a trade treaty, given our work with members of the E.U. and our relations?

Deputy P.F.C. Ozouf:

I have tried to really get to grips with the various different interlocking relationships that we have in the post-Brexit world. In terms of sanctions, which would be, for example, every Member will know the difficulties with Russia and Russian sanctions. The U.K. and the E.U. are in total lockstep, which was something that was very evident from the E.U. dinner we had in London. I was struck in Brussels just how unified the world is against Russia. There are other global initiatives which are done by the U.N. (United Nations), E.U., working together with the U.S. (United States) and others and the Five Eyes. All of these countries work together in different ways to identify problematic countries. Jersey is not a sovereign nation, we work within the foreign policy of the United Kingdom and it is important that we have high regard to that. But of course we expect the U.K. to be in step with international community.

The Bailiff:

Very well. Deputy Morel. No, in fact I do not know why ...

Deputy S.Y. Mézec:

Another Deputy beginning with M?

The Bailiff:

Yes. [Laughter] No, you are further down the list, Deputy.

5.4 Deputy M.R. Scott:

I am just going to follow up on the Constable of St. Saviour's question. In light of the recently reported Jersey Consumer Council finding that overseas lenders are refusing Islanders credit cards and other services owing to the lack of a centralised electoral register, does the Minister support the call for a single electoral register to be created to replace individual Parishes maintaining electoral registers?

Deputy P.F.C. Ozouf:

That is but one problem, that if it could be done would allow a huge amount of additional - which is now very automated - information to be available in the algorithms that are responding to credit card and other loan applications. If it is the will of this Assembly - it is not my decision - but I know the importance of the lack of an electoral register. Members can look at their own credit ratings on their own banking devices and they can see the fact that our credit ratings for individuals in Jersey are lower because there is not access to a centralised register. I would like to encourage one but it is not my decision. But I certainly see from a financial services remit point of view the absolute vital importance of it. How it is done is a matter for P.P.C. and other Members of this Assembly and of course the Constables.

5.4.1 Deputy M.R. Scott:

Does the Minister accept that a centralised electoral register lends itself to supporting the administration of Island-wide voting more than district voting?

Deputy P.F.C. Ozouf:

If I may plead the suggestion that that is not something within my remit and I would respectfully say to the Deputy that that is not within my remit.

The Bailiff:

It certainly is not within the remit on the basis on which you are answering questions at the moment, Minister; that must be right.

5.5 Deputy M.B. Andrews:

Does the Minister believe that the Jersey Financial Services Commission, as regulator, is best prepared for Jersey's MONEYVAL assessment?

Deputy P.F.C. Ozouf:

I thank the Deputy for his question. In the discharging of my role as Minister for External Relations and Financial Services I have been initially focusing on External Relations and recently really getting under the bonnets of the various different government regulatory and other organisations. I must say that I have been quite impressed by the D.G. (director general) and other work that I have seen with the J.F.S.C. (Jersey Financial Services Commission). I recognise that the important relationship that Government has, together with law officers and others, to deliver the MONEYVAL assessment is a really massive work programme. There is an ever-changing landscape of financial services, which in this course of this Assembly we are going to see. There are issues with the J.F.S.C; they are constant issues, they have got a difficult job to do. My job is to support them and in time to support

the conclusions of MONEYVAL with the J.F.S.C. and make necessary changes. But, yes, I think we have a growing financial services industry and the Financial Services Commission is doing a good job in very difficult circumstances within a constrained workforce. I want to give them all the support I can in the difficult work that they have, but in the short term and medium term develop with them to grow our economy.

5.6 Deputy M. Tadier:

The Minister will excuse me for asking the question in English, I hope he will not mind. But I hope it goes without saying that in terms of our external relations offering we are not simply a finance island but tourism remains very important for us as an island. Does he share my concerns about the news that the walk-in Tourism Information Centre, which we currently have situated at Liberation Station, is going to close and that we will not be receiving any walk-in designated area which is going to be staffed in the future for visitors wherever they come from, France and abroad? What kind of message does he think that sends out to the wider community about Jersey being open for business as a tourist destination?

Deputy P.F.C. Ozouf:

This is my first questions without notice for, I think, 5 years, so I am learning and I am learning in this role that I must be careful and well-judged in the answers that I give. Because the first part of his question and the latter part of his questions is absolutely fundamentally important. I see the role of External Relations as promoting Jersey not simply as a finance centre. What has been incredibly striking in France is because of the work that the Minister for Economic Development, Tourism, Sport and Culture, the Chief Minister and the Minister for the Environment and I have been doing, we have been really struck at the real interest in the historic situation of Jersey, the peculiarity of the Crown, the Duke of Normandy. All of these issues are of massive interest, the fact that Victor Hugo lived here for a while. All of these things are things that we should be celebrating and our culture is vital and our tourism offering is absolutely important. As Minister for External Relations and Financial Services, all I can do is support and outside of the Island talk about Jersey in its whole context; the past, the present and our exciting future. The issues concerning the Visitor Centre are not within my area but I agree with him, all Members of this Assembly and all Ministers will be doing everything they can to make sure that we are a warm, welcoming Island with good travel connections and good facilities and a strong economy, which is what the financial services does, delivers that for our Island community.

5.6.1 Deputy M. Tadier:

I would ask, I welcome the spirit of that answer. It may seem like a small matter but the tourism offering is not something simply for visitors, for leisure but also for the business community who do make use of the facilities that are available in their downtime visiting the Island. I know it is not the central part of his portfolio either but would he speak to other Ministers regarding the singular issue, which is that after decades of being a tourist Island we are losing staff, they are being made redundant, who would welcome visitors physically to an area where that has been a tradition and that is going to be going? Would he look at that? He does not need to give an answer now about whether he agrees but would he look at that as a matter of importance?

Deputy P.F.C. Ozouf:

The Deputy does raise a really important issue and that is, is that our Island community is a patchwork of individuals that reside here and work here. It has been the case, I think, since the Second World War that 50 per cent of residents of Jersey were born here and 50 per cent were not. The component of those that were not born here arrive for lots of reasons; marriage, work, whether that is in the finance sector or our valued tourism and other sectors. Brexit has meant that there is a massive change in the places that workers come from, that has introduced a whole issue of work permits. This Assembly in my time passed a Work and Housing Law and then that was it. You needed a Work and Housing Law licence, now you need a work permit. Yes, I can tell the Deputy that the issue of

Islanders needing to come here and for whatever reason, whether it is tourism, particularly work in the context of his question, is a subject of Ministers' conversations and Ministers' concern. There is a recruitment crisis and Ministers are actively discussing that in a sub-group, which is chaired by the Chief Minister.

The Bailiff:

That I am afraid brings time for questions to this Minister to an end.

6. Questions to Ministers without notice - The Minister for Health and Social Services

The Bailiff:

The next period of questions is for the Minister for Health and Social Services.

6.1 Deputy M.R. Scott:

Does the Minister accept that the purpose of COVID vaccination is not just to protect the individual but to help check the spread of this virus that has led to the sad deaths of 4 people a week over the last 2 weeks?

Deputy K. Wilson of St. Clement (The Minister for Health and Social Services):

Yes, I agree but I think the purpose behind the COVID vaccination was to provide a much broader protection across the community. I think the question that the Deputy raises is potentially leading to further questions about our rate of uptake of vaccination, which I am pleased to report has been very favourable.

[12:15]

I think, sadly, it does not provide total protection against death but it does provide protection against the spread of infection within the community.

6.1.1 Deputy M.R. Scott:

Could the Minister please explain why published vaccination data focuses on the 80 per cent uptake of 50 year-olds of the autumn booster rather than the 75 per cent of our community who have not had their autumn booster?

Deputy K. Wilson:

I think the data that we collect is really about uptake. It is very difficult to interfere with an individual's choice about whether they choose to uptake it or not but what the data does give us is an indication of the way in which the community wants to protect itself and, clearly, that information needs to be available for Islanders to see.

6.2 Deputy G.P. Southern:

At the end of October 2022, H.C.S. (Health and Community Services) had the following vacancies among its nursing staff; 137 vacancies. That is 20 per cent. One in 5 positions not filled. Equally, in the medical field, 42 vacancies. That is 19 per cent of vacancies not filled. Will the Minister state what measures she has taken since October and whether any progress has been made on reducing the number of vacancies?

Deputy K. Wilson:

I can confirm that the Deputy is correct in reflecting those numbers but we do have an updated position. The information which will become available this week. I would have liked this to have been in time for this Assembly, but the data is not available. We are continuing to recruit into these vacancies. As I have reported to the Assembly before, it is just not a matter of filling a vacancy. We have to create the conditions necessary to retain people in the Island and one of the things that I have done is I have been in discussion with the Minister for Housing and Communities to explore what ways we can start to develop packages of care that will provide opportunities for people to see that it

is possible to come and work and live here once they have been offered an opportunity of a permanent position.

6.2.1 Deputy G.P. Southern:

Simply will the Minister circulate the new figures to Members pronto?

Deputy K. Wilson:

Yes, I will do. Thank you.

6.3 Deputy R.S. Kovacs of St. Saviour:

Can the Minister confirm if there are any current agreements between Jersey and other jurisdictions than the U.K. and its N.H.S. (National Health Service) that people in Jersey can benefit from when needing out of the Island assessment and treatment and, if there is, what is the process to apply for it?

Deputy K. Wilson:

Yes, I can confirm that we do have reciprocal health agreements with other countries. I cannot list the detail of those but I will be happy to prove the Deputy with the information about the processes and also about the details of which countries we do have a reciprocal health agreement with.

Deputy R.S. Kovacs:

That was to find out the other countries but if the information will be supplied, then I do not need a supplement.

6.4 Deputy B. Ward of St. Clement:

May I ask the Minister for Health and Social Services if she could update the Assembly in regards to the accommodation and its associated expense costs for the recently appointed chair of the Health Board and to confirm the proposal to rent a 3-bedroom flat at, I believe, over £3,000 a month, its refurbishment and other expenses?

Deputy K. Wilson:

I obviously do not have the details of that remuneration package but what I can confirm is that the appointment of the chair of the Health Board was in line with all of the requirements for the appointment of a public servant and in line with the remuneration package that we offer. Anything supplementary to that will be at the individual's own discretion.

6.4.1 Deputy B. Ward:

I thank the Minister for her response. However, could the Minister state where the money is coming from to pay for all of this and will this approach be repeated for other board members as and when they are appointed?

Deputy K. Wilson:

As I have already updated the Assembly before, our intention was to appoint a board and we have set money aside in this year's Government Plan to make sure that is happening. Clearly, the details of any of the remuneration packages concerning individuals, I do not have the detail but I would be happy to be transparent and account for those in due course.

6.5 Deputy S.Y. Mézec:

The Minister will be aware of a constituency case that I have raised with her but I will ask the question more in general terms to seek an answer in that way. She knows that I am very concerned about those who are attempting to seek support and treatment through our health system and are not getting it and who are being told that there may be an opportunity to instead get it in the U.K. We are all aware of the headlines in the U.K. health system which do not give us much confidence about what

is happening there at the moment but they would be happy to seek that treatment in an alternative jurisdiction. Could the Minister state whether she is aware of more Islanders facing difficulties in receiving treatment either here or in the U.K. because of the extreme pressures there are on those services and what consideration, if any, she has given to helping those people seek treatment in other countries where they are willing and able to do so?

Deputy K. Wilson:

Clearly, the Deputy will appreciate that I will not go into the particular details of that individual. There are other circumstances which I would be happy to discuss outside of the Assembly but, as you have heard, my commitment is to reducing the waiting list for Islanders so that we get access to treatment. I have no evidence at the moment that the situation in the U.K. is causing a barrier to entry for Islanders. There may well be individual circumstances on a case-by-case basis that involve clinical decision-making but, overall, we have had no issues raised in relation to people's difficulties in accessing the current arrangements that we have with the N.H.S. for our tertiary care provision.

6.5.1 Deputy S.Y. Mézec:

In her answer the Minister did not rule out that there could be individual cases where that was an issue and so, therefore, could she state whether she would be prepared to use discretion when those individual cases do arise and where there could be a benefit for them seeking treatment in other jurisdictions? Sometimes those are jurisdictions where there is a connection already and where language will not be a barrier. Could she state, firstly, whether she has the discretion to be able to direct that that particular patient is able to be supported by our health service in seeking treatment in another jurisdiction and, if she has the power to give that direction, will she consider using it?

Deputy K. Wilson:

I think the response to the Deputy really has to be on a case-by-case basis. I think there are differences in terms of the clinical risk issues but I would be more than happy to commit to taking each case by case and reviewing the situation in line with clinicians.

6.6 Deputy R.J. Ward:

May I ask the Minister, given the recent data that was produced in the non-diagnosing of prostate cancer in the U.K. until stage 4 ranging from 15 per cent in the south to 35 per cent in Scotland, does the Minister support a routine screening programme in Jersey for this condition?

Deputy K. Wilson:

Yes, any screening services offer the opportunity to save lives so I am very supportive of that. There is an evidence base that will guide the decision-making about how we do this but I am very supportive of the screening which offers an opportunity to do so.

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

In answer to my first written question in July 2022, I was told that the 12 rehabilitation beds would be reopened in Samarès with the remaining 15 to be used as step-down beds. I would just like to ask the Minister please when will these 15 beds be reopened?

Deputy K. Wilson:

I will review the current situation at Samarès. There has been no change to the original intention but I would be happy to go back to the Deputy with a response to that.

6.7.1 Deputy A. Howell:

I would like to thank the Minister very much and I would also like to ask when the 30 dementia beds at St. Saviour which were closed during the last Government will be reopened because it is causing real problems within the hospital where there are patients with really severe dementia.

Deputy K. Wilson:

Obviously, I do keep track of some of the pressures within the hospital and I am aware that there are a number of issues that need to be addressed in terms of more complex needs for which we need more community-based solutions. Again, in terms of the detail and where those individuals are up to, I cannot give the Deputy any assurance at this moment in time but, again, I am happy to look at that in a bit more detail and find some further information for her.

6.8 Deputy L.J. Farnham:

Deputy Mézec pretty much asked the question I was going to ask so I drew down a little bit deeper insofar as the Minister's welcome efforts to reduce waiting lists and I presume, given her previous answer, she is planning to contract largely with private health providers in the U.K. given the pressures on certain areas of the N.H.S. and I know it is specific on individual cases. Can she confirm that that is the case and update the Members as to progress and when she might be planning to begin to ease out waiting lists by implementing this new policy?

Deputy K. Wilson:

I think the Deputy obviously is aware of our efforts to attempt to reduce waiting lists across a whole range of specialties and one of the things that I will be asking the change team to do who have been recently appointed to join and work to turnaround the waiting list scenario, among other things, is to look at where we can get best value and where we can get better efficiency out of the current contracting arrangements that we have. As I have said, the most important thing is to make sure patients' access is uppermost and that money follows the patient need.

6.8.1 Deputy L.J. Farnham:

I thank the Minister for that answer and that drive to deliver best value from the existing provider is of course a good idea but we have unacceptable waiting lists currently in the Island and I believe that the Ministers and the department efforts must be focused on reducing those. Therefore, given she is looking for best value, will she commit to looking perhaps, as Deputy Mézec suggested, outside of the U.K. for services that can provide good value? That is of course prior to us not being able to deliver the right hospital at the right time which of course would alleviate the situation.

The Bailiff:

Perhaps we could leave it to one supplemental there.

Deputy K. Wilson:

My focus is on services so whatever it takes to get great services for people is where my efforts will be directed. One of the things that I do want to assure the Assembly is that the focus on waiting lists is really intense and I can tell you that we are starting to see a real improvement in some of the work that is being done to reduce those waiting lists. I want to applaud the team in achieving that. We still have a way to go and, clearly, one of the things that is important for me to keep an eye on is whether there is any change in the general direction of travel and the way in which that will be impacted upon will be through our ability to recruit and retain some of those specialist staff. So it is a live issue constantly but one of the things that is most apparent to me at this moment in time is that, as I am looking down the list, when I started in this role, there was a lot of red and we are now starting to see a lot of the areas turn to amber and to green which is a really good improvement. The key areas I think that we are still focused on are around rheumatology, dentistry and ophthalmology and again, as I have said to the Assembly, our efforts around turning those waiting times around are constantly being addressed and we will see some further improvement over the next 6 months.

[12:30]

7. Questions to Ministers without notice - The Chief Minister

The Bailiff:

That brings the period of questions to this Minister to an end. The final questions are to the Chief Minister.

7.1 The Connétable of St. Brelade:

The Chief Minister issued a press release a few days ago regarding the Island's resilience to deal with unprecedented global issues. She indicated that dialogue had taken place with logistics and supply chain stakeholders on the matter but it has come to light that this may not have occurred. So would the Chief Minister please confirm the present situation to Members in the interests of complete transparency to be absolutely sure that adequate provision can be made by those involved?

Deputy K.L. Moore (The Chief Minister):

As I said in that press release, this is a matter of utmost importance and it is one that this Government has been seized upon since the very early days of our time in office. Meetings on this subject have been occurring with various bodies since we took office, as I said, and I have before me a list of some of the Department of the Economy's meetings, for example. I can confirm to the Constable that, just last week, along with the Deputy Chief Minister, I met with one of those supply services and I believe the Deputy Chief Minister is also conducting his second meeting with the Retail and Supply Sub-Committee of the Chamber of Commerce this Friday.

7.1.1 The Connétable of St. Brelade:

I thank the Chief Minister. So would she agree that the presence of what some might describe as an unstable dictator in Russia tell us that the Island must be in a much better state of readiness in early course for extreme world events than we presently are? Perhaps, in addition to that, would she confirm who, in Government, is leading this particular business?

Deputy K.L. Moore:

As the Constable will be aware as a former Minister for Infrastructure, there are a series of Ministers who have various responsibilities with regard to the Island's readiness. That is for emergencies but also our general resilience. I think the tragic incidents and the Island's response to them in the last 6 weeks has shown to Islanders and demonstrated to us all the absolute state of preparedness that our emergency services and our first responders train for and are ready and willing to roll out and respond to as and when necessary. Of course, the Constable mentions the situation in Russia and Ukraine and of course we are all extremely aware of that and the impact that it has on supply and costs. That is why one of our areas of relentless focus is the cost of living and that has been so since we took office and it will continue to be so.

7.2 Deputy L.J. Farnham:

It was recently announced that our respected civil service were to get a 7.9 per cent pay increase. Could I ask the Chief Minister if she knows the total cost which will be put on to the Island's payroll and also does it apply to all civil servants; the low paid and the high paid?

Deputy K.L. Moore:

I thank the Deputy for the question. Of course, the absolute sum is not yet known because those pay negotiations are still ongoing with some groups although we are delighted with the response that we have received from many groups so far, and I look forward to the good continuation and completion of those. What I can say to the Deputy and to the Assembly is that the pay negotiations that are underway, which of course are a below inflation pay offer, are affordable to the public purse and that is of absolute importance. With regards to the finer detail of the question in relation to civil servants, I presume the Deputy particularly wants to know the higher pay bracket. It is of course well-known in the Island that people of all levels of income are experiencing issues with regard to the rising cost of living but those negotiations and discussions are taking place still in relation to those in the higher pay bracket.

7.2.1 Deputy L.J. Farnham:

May I thank the Chief Minister for her answer and ask her would she agree that, if negotiations are ongoing, does she not think it might be an opportunity to just look at the high paid civil servants? So those on a £250,000 salary will receive a £20,000 per annum increase whereas those on a £50,000 a year salary will receive a £4,000 increase. Will she not take the opportunity to look at that to introduce more equity? While I believe that the level of pay should relate to a percentage increase, could she not look to make that a little fairer especially in areas where we need to encourage the front line staff? For example, health and care workers. It might make it easier to alleviate our challenges there were we to award higher pay increases to those sectors.

Deputy K.L. Moore:

In relation to the first part of that question, which was rather lengthy, I can only say that the figure quoted by the Deputy relates to an extremely small group of people of less than 5 and so it would be impossible for me to answer because that would be of an extremely personal nature, but it is an issue that we have most definitely seized upon and are aware of. One of other areas of relentless focus - I referred to one of them in my previous answer to the Constable of St. Brelade - is recruitment and retention. We have absolutely seized upon the need to stabilise our workforce and to ensure that we have a strong and continuous workforce especially in the critical areas of need which of course are education and healthcare.

7.3 Deputy M.R. Scott:

I am following up on the Constable of St. Brelade's question. In light of the recent announcement by the Chief Minister to prioritise looking into the support and supply chain resilience, does the Chief Minister accept there is a tension between resilience policy and competition policy and that supply chain resilience requires Government prioritisation over competition policy?

Deputy K.L. Moore:

Well, that is an extremely interesting question and a matter that we have discussed in fact. I would agree with the Deputy that competition can drive down prices and that is of course in all of our interests, and we are currently focused on those areas where we have some levers of control that can make the greatest impact in terms of the cost of living and prices that the consumers of Jersey are asked to pay.

7.3 Deputy M.R. Scott:

Might the Chief Minister consider that, in some cases, monopolies or sole trading rights can support supply chain resilience and will she be looking to her Minister for Economic Development, Tourism, Sport and Culture to urgently review any policy directions provided to the Ports of Jersey regarding proposals to promote competition in light of the need to prioritise supply chain and connectivity resilience?

Deputy K.L. Moore:

Well, as I think the Deputy alluded to, that is a matter for the Deputy Chief Minister in his role in Economic Development, Tourism, Sport and Culture. Of course, as I said in my previous answer, we are very focused on the issues of supply chains and if there is any lack of competition in any particular areas, we would most certainly be looking to regulations to require some element of price protection.

7.4 Deputy A. Howell:

Please can the Chief Minister explain to the many Islanders who support the Jersey independent lifeboat why the lifeboat has been prevented from operation for so long?

Deputy K.L. Moore:

Well, this has been a longstanding and unfortunate stream of events but this is something that we are most certainly hoping to see an end to and there are many people focused at the moment on seeing the Jersey Lifeboat Association return to the water. I can say to the Deputy that, along with the Deputy Chief Minister and an officer last month I believe, we met with the J.L.A. (Jersey Lifeboat Association) and heard some of their concerns and they too are very much focused on returning to the water. A process has been ongoing with some facilitated discussions and we look forward to those being finalised. They are very much in the final stages of that process.

7.4.1 Deputy A. Howell:

So please can the Chief Minister inform the Assembly of the precise date that we will once again have the Jersey lifeboat back in the water?

Deputy K.L. Moore:

As I said in my previous answer, those discussions are ongoing. They are in their final stages and we would hope that that conclusion will be reached swiftly.

7.5 Deputy S.Y. Mézec:

Following on from the line of questioning from the Constable of St. Brelade, could the Chief Minister confirm for Members, when she took office as Chief Minister, when she received her first briefing from officers about what contingency plans are in place in the Island if we face some sort of mass emergency of the type that has been discussed? When she was briefed on those plans, could she indicate whether she thought plans were adequate or not and if she sought improvements to those plans, what improvements were they?

Deputy K.L. Moore:

Among a great number of briefings in the early stages of Government in particular, I cannot recall any exact date without having that piece of information to hand. I must apologise to the Deputy for my failure of memory. However, it is of course a matter of great importance and one that I am assured we have good measures in place but one of course that we can always seek to improve and we are going that. That is one of the reasons why the Minister for Home Affairs has an updating of the Civil Contingencies Law in her brief and she is committed to that in her Ministerial plan and her delivery plan which is soon to be published.

7.5.1 Deputy S.Y. Mézec:

In seeking to give us confidence in those plans that are in place and the Chief Minister's familiarity with them, is she able to tell us things like what is in place to ensure that, if we faced some sort of geopolitical crisis and was cut off from Europe and the U.K., how many days worth of food we would be able to rely on, how many days worth of fuel would we be able to rely on and what is in place to supplement that in the event of an emergency where we were not able to self-sufficiently run ourselves for a prolonged period of time because of a crisis?

Deputy K.L. Moore:

Some of the more precise answers to that question are provided in the answer to a written question that the Constable of St. Brelade asked and that has been published with all the questions, and I would ask the Deputy to take a look. I am sure he will find it helpful. The Emergencies Council would gather if there was a state of emergency declared and there are various procedures in place that of course would unfold if that was the case. If a state of emergency is not declared then of course, and as we can see from recent events, we have a high level of preparedness and an extremely professional emergency services provision and we stand ready to work with our Island neighbours as well to ensure that we can respond to any emergency or difficulty that arises.

7.6 Deputy M. Tadier:

The Chief Minister has a wide portfolio so I am going to try my luck about the Tourist Information Centre again. If she can answer questions on lifeboats, I am sure she can answer questions on something that is fundamental to our economy. Will the Chief Minister take a personal interest in the closure of the Tourist Information Centre which also includes the redundancy of the staff there and the idea that the staff will not be replaced? They will be simply replaced by a digital hub. Would she look at this issue with the Minister for Economic Development, Tourism, Sport and Culture to find out why, 20 years ago, we had a very prominent walk-in centre in Liberation Square and now we have one that is in a bus station which is about to be closed, and whether this sends out the right kind of message for Jersey being open as a tourist centre?

[12:45]

Deputy K.L. Moore:

Thank you, Deputy, for the challenge which I of course will accept. My somewhat strategic role of course takes a great interest in many aspects of Island life and of course tourism is an extremely important part of Island life. We look forward to welcoming a constant stream of tourists particularly in the summer months but also in the shoulder months. I very much doubt there are many walking around the streets of St. Helier unfortunately due to our inclement weather. However, we do have of course arm's length organisations such as Visit Jersey who take decisions and I can only assume that that decision is somewhat in line with changing circumstances and changing attitudes towards communicating and receiving information. Of course we are now, as the most digitally-connected community in the world, all looking to iPads and devices to provide us with information as opposed to human contact. It is not always the best way but of course we have very well-trained staff in our hospitality businesses as well as the occasional by passers, I am sure, who are always happy to assist tourists with any information that they need.

The Bailiff:

I am afraid that brings the period of questions to the Chief Minister to an end. It is that time. Is the adjournment proposed?

LUNCHEON ADJOURNMENT PROPOSED

The Assembly stands adjourned until 2.15 p.m.

LUNCHEON ADJOURNMENT

[12:46]

[14:17]

The Bailiff:

Before we resume, I would like to inform Members that over the lunchtime adjournment I administered the oath of acting Greffier to Mr. Yannick Fillieul, so he is now able to act as Greffier in the absence of the Greffier and Deputy Greffier. **[Approbation]**

PUBLIC BUSINESS

8. Re-instatement of Senators (P.108/2022)

The Bailiff:

We now move to Public Business and the first item of Public Business is the Re-instatement of Senators, P.108, lodged by Deputy Gorst and the main respondent is the chair of the Privileges and Procedures Committee, the Connétable of St. Martin. Before we start, I would remind Members that this is a matter that relates to the alteration of the membership of the Assembly, and in accordance with Standing Order 89A, such matters require a majority of the elected Members of which the States are constituted to pass any such proposition or amendment, that is to say, 25 people or more must

vote pour. There are 2 amendments, one from Deputy Morel and one from Deputy Scott. Are you accepting any of these amendments, Deputy Gorst?

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

No, I am leaving it in the hands of the Assembly.

The Bailiff:

Very well, so we will take the amendments when we come to them. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion (a) that the office of Senator, elected on an Island-wide basis, should be reinstated in time for the general election in 2026; (b) to request that the Privileges and Procedures Committee engages with States Members, the public, and other individuals or bodies as it sees necessary, to develop proposals that will amend the electoral system so that Senators, elected on an Island-wide basis, are reinstated at the general election in 2026; and (c) that the proposals requested in (b) should be lodged in time for debate by the States Assembly no later than the end of July 2023, with consequential amending legislation being lodged in time for debate no later than December 2023.

8.1 Deputy I.J. Gorst:

Having sat through more debates on electoral reform than I care to remember, and I see the Greffier glance across, she also has sat through more debates than she cares to remember, it is with slight trepidation that I rise this afternoon. Because on the one hand I can see clearly why Members may wish, and I will come back to this later, to see the new system that was birthed at great pain over the, I would like to say years but probably decades since Clothier, to settle in further, but for my part my original proposition was lodged on 27th June 2022, and it is important to know that because there are timing issues with the proposal as it is currently drafted. Members will be very aware of that day because that was the day that this Assembly was sworn into office following the general election. I was pleased to concede after that lodging to the requests of P.P.C. to allow them to do further work. What that also meant was that this Assembly was able to focus on the other priorities that members of the public had communicated and discussed with Members on the doorstep. We were able to support the Chief Minister in her excellent 100-Day Plan and deliver quickly and strategically on behalf of Islanders' desires and the things that they had said were most important to them on the doorstep. We were able to deliver a mini-Budget putting money back into people's pockets within a matter of weeks of being elected. These are all things that this Assembly should be proud of. We have worked now and delivered a Government Plan for this year which again will be supporting Islanders' priorities and the things that they said were important to them. It is no surprise that the Assembly only this morning gave the Minister for Housing and Communities a hard time because one of the priorities that Islanders said they wanted to get to grips with was the cost of housing and the supply of housing, and this Assembly, the Minister for Housing and Communities, is making progress on those incredibly important priorities. Same with health and the amendments that this Assembly gave to the Government Plan, to prioritise health and to make sure that money was being used appropriately, but we cannot get away from the fact that at the election there was also disappointment at the new system of constituencies. But were people concerned and raising the problem of the new constituencies? Well on the one hand they were but the fundamental issue about electoral reform which was raised with me time and time again was the removal of the Island-wide mandate that we have referred to as Senators. I have worked with Deputy Farnham on this proposition and I am grateful to him for his support in that regard. So while it was right that I deferred my original proposition which meant that it had to be relogged, and I am grateful to the Greffier and her office for the work that they did there, it cannot be right that now we just let this issue drop off the agenda just in the same way that it is not right that we allow any of the other issues to drop off the agenda of the Government or of the Assembly. There are strategically-important issues which

must, in the words of the Chief Minister, have our relentless focus, and she is right to continue to encourage us to be focused on those issues. So despite a somewhat heavy heart, it is absolutely clear to me, and remains clear to me to this day, that Islanders want a return to an Island-wide mandate. Of course, as soon as we make that conclusion, then we have to ask ourselves: well what does that look like? Is it an Island-wide mandate for everyone that is not a Constable? Is it an Island-wide mandate sitting alongside the new constituencies? That is work which is quite detailed and technical work which is what I am in effect asking P.P.C. to undertake. It is for that reason that I think it is appropriate for the Assembly to opine upon the 2 amendments because, for my part, I would not wish to tie the hands of P.P.C. around which of those sorts of proposals that they were to deliver but simply recognising what I believe was the loud voice of the electorate and return to some form of Island-wide mandate. I know equally when we get involved in the cut and thrust and the very important urgent things that cross our desks, sometimes unfortunately, but we all need reminding of it, we need reminding of what we said to Islanders on the doorstep, what we said to Islanders in our manifestos, and what we said to Islanders in our hustings. So, as you know, Sir, all of the work again that the Greffe's team did in videoing the hustings is still available on the YouTube pages and I am sure that we remember what we said about the electoral system and the commitments that we gave to Islanders. Since then of course we have had the report of the election observers and we have had the report of the Opinions and Lifestyle Survey which again P.P.C. referenced in their comments. I am sure that we are going to hear contributions focused on both of those reports but I think it is important to remind ourselves of the nuances of those reports. There was indeed a small number of people that said the Island-wide mandate may have made some difference but the majority of people did not say that was why they did not vote. But that is a very different thing from those who did vote, voting for candidates who said that they would support the reintroduction of the Island-wide mandate. I think it is important that we acknowledge that particular nuance. I do not wish to speak for a long time in these opening comments but for me the democratic merits of the Senator are well-rehearsed, they are included in my report, and they, outwith what Islanders said to us at the election, are I think grounds sufficient for the reintroduction of the Island-wide mandate. Islanders did say that they felt that they were being disenfranchised by the removal of the Island-wide mandate. They had fewer people to vote for, they felt that the office of Senator was the most democratic and most accountable and it gave Islanders the greatest ability to shape their Assembly and Government and they wished to see it returned.

[14:30]

Of course, I am very conscious that the democratic merits of the office of Senator, some in parties may and, no doubt, will assert that all of those benefits around accountability, around the ability to shape government and policies can be delivered through party politics. We have heard individuals say that in this Assembly in the past, and no doubt we will hear it again today. That of course is a legitimate view, just as I said earlier. It is a legitimate view to allow the previously-agreed reforms to bed in. But as other Members gave commitments in their manifesto, I gave a commitment in mine to seek to have the Island-wide mandate reintroduced. So I come to timing and I know that the chair of P.P.C. is very conscious of the timescales which are now in the proposition, and perhaps I should put my hands up and apologise. When I first lodged this proposal in June of last year, July 2023 seemed a long way off. But as the Chief Minister is now keen to remind us, this Assembly has only 3½ years left to deliver actions on behalf of Islanders and it is quite right to say that July 2023 is approaching us very quickly. I know the words in black and white are what they say they are, and that is what one is asking the Assembly to vote upon, but I recognise that the Assembly would need to give P.P.C. a great deal of flexibility in that particular timeline. So I give that commitment here on the record on Hansard that I recognise that that flexibility for my part will be rightly forthcoming. Not wanting to tie the hands of P.P.C. as I said right at the start, I leave it to Members to make their decisions about the 2 amendments. I can see that there are strengths in those amendments and they might give confidence to some Members about a future shape of the Assembly but I am also mindful that it might be that P.P.C. wish to think about extending the Island-wide mandate beyond that which

was previously. I would not wish to tie their hands in those considerations because I know that some Members do wish to see us go in that direction. So I hope that this debate will not become personal, playing the person rather than the ball, as we have seen in some commentaries in the media in recent days about who got how many votes and under what mandate. This for me is an important constitutional matter. It fulfils a manifesto commitment, I know it fulfils a commitment that many Members of this Assembly made to their electorate, and so I will endeavour to deal with any issues that arise once we have got through the amendments in my summing up. Thank you.

The Bailiff:

Is the proposition seconded? [**Seconded**]

Deputy L.J. Farnham:

Before we start this debate, may I just raise what I believe is an urgent issue developing in some parts of the Island and it is for a ruling in relation to asking an urgent oral question as we speak? Flooding in certain parts of the Island is getting worse. I have been contacted by a number of Islanders with some quite concerning photographs and I think it needs to be brought to the attention very quickly of the Assembly and Ministers. There seems to be not a lot of communication, which is unlike the Government, I must say, and I wondered the process for asking an urgent oral question and perhaps as soon as that could be done. Thank you.

The Bailiff:

Deputy, it is for the Chair to determine whether or not of course a matter is sufficiently urgent. If you give 30 minutes' notice before the start of the meeting tomorrow of the question you would like to put and to who, then I can rule whether or not it is urgent and allow it to be put, as the case may be, but that is the way it operates under Standing Orders.

Deputy L.J. Farnham:

Thank you.

8.2 Re-instatement of Senators (P.108/2022): amendment (P.108/2022 Amd.)

The Bailiff:

There are 2 amendments. The first amendment is lodged by Deputy Morel. I ask the Greffier to read the amendment.

The Greffier of the States:

Page 2, paragraph (a) after the words "Island-wide basis," insert the words, "should sit alongside the office of Connétable and Deputy and". Page 2, paragraph (b) after the words "Island-wide basis" insert the words, "and sitting alongside Connétables and Deputies".

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

I will pick up where Deputy Gorst started which was he said that he rose somewhat with trepidation because here he was presenting another proposition that sought to talk about the makeup of the Assembly. I agree with him in so many ways because even the little over 4 years that I have served as a States Member, I have already had too many debates about the makeup of this Assembly. As an Islander watching the States for the last come 17 years, since 2005 when Ministerial Government was brought in, as an Islander I was utterly fed up and sick of this Assembly talking about itself time after time after time. Perhaps it shows the long birth of Ministerial Government that has taken 17 years and here we are still talking about how we should be set up. In the debate that led to the changes that governed the most recent election, I ended up voting for those changes, and I was very, very caught between the 2 points; I did not know which way to go. I think it was Deputy Labey who at the end literally across the Chamber kind of pulling me over the line to vote for it because I did not know: is it the right way, should we stay with the way we are or should we make this kind of bold step forward? In the end I voted for it because I thought principally that the new larger constituencies

would be more competitive and would attract more candidates, and I do believe that is what happened in the election. I do believe they were more competitive and they attracted more candidates, and a wider range of candidates, and the more diverse makeup of this Assembly is testament to that. So, from that perspective, that vote was perhaps not a bad vote that I cast that day. But I did say one thing in that debate, as I expressed my indecision on the matter, I did say that I would not put up with - as much as one Member can hold back the Assembly - going back over this, making more changes, bringing back more debates to the Assembly about the makeup of this Assembly, believing that we need things to just settle down, we need to have things work for a while, for a period of 10, 15, 20 years. We cannot just keep every 3 or 4 years changing the Assembly again and again and again. So I said if there is to be a future change away from the system that we just ran in the last election, then that change needs to be backwards, it needs to be back to where we were: Senators, Deputies and Constables, rather than going forward again to another experimental time of trying something else afresh without knowing whether it will work or not. So, that is what my amendment seeks to do. Unlike Deputy Gorst, it does seek to tie the hands of P.P.C. somewhat because my amendment says, yes, let us look at reinstating Senators. There are many people on the doorsteps who told me why, and Deputy Gorst expressed that, why people want to see Senators in the States again, and I really understand that. I understand why people enjoyed that Island-wide vote but I believe strongly in Deputies and Connétables as well and I really absolutely do not believe in an Assembly made up of only Senators, only the Island-wide mandate. Some might say: "Well you can have Constables and Senators." You can but if I might steal a phrase from the early 2000s of the phrase taken from the early days of the internet, Constables are incredibly valuable and I voted for them to remain in this Chamber time and again. They focus on very local issues. The phrase I was thinking of was the "hyperlocal" so to speak. They are there for their parishioners day in, day out and they serve them incredibly well. Deputies take a step back from that hyperlocalism but they represent nowadays a district, sometimes it was a Parish, but they know where they are rooted. When a person from that district contacts them, they know as a Deputy it is their responsibility to get in touch and to speak to them. Senators do not have that level of accountability at a local level. We are seeing this in Guernsey, as I understand it, where it is only Island-wide mandate, they are rooted effectively nowhere in terms of local issues. We know that as much as we like to think of being a States Member or being a Minister or being a Scrutiny chair: "Oh, we are there for policy", there is a reality, we are not just here for policy, we deal with the local and the operational day in and day out. All Members of the Assembly do. I therefore feel really strongly that we need to keep Deputies and we need to keep Connétables in the Assembly. So this amendment is really simple, it does seek to tie the hands of P.P.C. should Deputy Gorst's proposition be adopted by this Assembly; it seeks to tie their hands by saying: "Yes, let us look at Senators, let us look at bringing back Senators, but we must keep Deputies and Constables in the Assembly as well." It does not say anything about districts, it could keep the current districts, it could go back to the old districts, it could create new districts. It does not talk anything about the constituencies but it does say there is huge value in having that 3-tier system. I think this is something that I believe Deputy Farnham has often said when he was defending Senators, we must remember we are a unicameral system. We have one Chamber that is trying to do a number of jobs and that is the reason why we have different types of Members. It is to go through the different types of jobs that this one Chamber does. We do not have an upper house where you perhaps would have your Senators or perhaps some would say your Constables could be there. We do not have that. We have here one Chamber and that is why we have a mix of different Members of this Chamber. So again I will not go on, I just hope the Assembly share my belief that Deputies and Constables both bring great value to this Assembly and that if we are to bring back Senators, it should be alongside Deputies and Constables and not instead of Deputies and Constables, and that is what my amendment seeks to do.

The Bailiff:

Is the amendment seconded? **[Seconded]**

Deputy M. Tadier:

It was a point of clarification rather than a wish to speak but I think the Deputy may have partly answered it in the last few remarks he mentioned. Does he have a vision if this amendment is successful as to what his preference is of whether - Deputies in particular because they are the only ones who are a moveable feast in that sense, Constables are fixed, Senators are fixed in their constituencies - what the constituencies might look like? Does he have a preference for, if Senators are re-instated, whether Deputies in the large constituencies are viable?

Deputy K.F. Morel:

I am, truly as I said, not seeking to tie the hands of P.P.C. in that regard. I think it could be done with the existing districts. I think there is value in many ways for these existing districts but equally you could go back to the system of before, you could create something new. I really am not trying to answer that question through this amendment. I am only saying if we bring back Senators we will keep Senators, Deputies and Constables. Thank you.

The Bailiff:

It has been seconded, so does any Member wish to speak on the amendment?

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

In relation to the first amendment, obviously this whole debate is about representation. When it comes to the question of how representative Senators were or could be, we need to recall that the question of elected representation requires a fine balance between ensuring the equity and equality of votes, the impact of these votes and the opportunity for the candidates themselves to make an impact. Although Senators guarantee a one-to-one equality for votes, Islanders are also guaranteed to have a significantly less influence in selecting the winning candidates than they were when this position was first introduced, particularly under our current first-past-the-post voting system, although that is something for another day.

[14:45]

The Island's population has grown significantly since the Senators were first introduced in the 1948 general election. We have gone from a population of 55,244 in 1951 to a population of 103,267 in 2021. The potential influence of one person's ballot would have in a Senatorial race has in theory significantly decreased. If Jersey were a constituency in the U.K. we would find ourselves at the upper end of the scale when it comes to population sizes. I would also like to note that the series of reforms for the Senators and the synchronising of elections by 2040 likely foreshadow the beginning of the end for this position through the gradual erosion of its unique qualities. When compared to Senators, the smaller areas and population sizes for Constables and Deputies also means that it is considerably easier to engage with every voter within the constituency and try to encourage them to vote for you. With a complete Island-wide mandate, we would lose some of that inherent competitiveness and we would need to undertake urgent work to address this. It limits the possibility that you can get in without the necessary scrutiny or challenges from the electorate that all candidates should face. Likewise, a smaller population and geography should make it easier for those from under-representative backgrounds to stand for election in Jersey. Nonetheless, we still need to do more to encourage greater diversity and opportunities for representation in Jersey and it appears that the smaller constituencies have helped to achieve this. I would just like to urge some caution in regards to the paragraph in the main report, Deputy Gorst's report, that suggests that we could either return the Senators as they used to be or have all Members elected on an Island-wide basis except for the Constables. Given the traditional boundaries of our Parishes, the latter approach would still bring about electoral disparity given the sizeable differences and population within each Parish. If Deputy Gorst wants to prioritise votes to be as equal as possible, then we would either need to maintain some district Deputies to balance out these inequalities or to copy the Guernsey model and ask Islanders to vote for 49 Members each. Although I am personally in favour of retaining the Constables, I would request that we leave that debate on this position for another time. I further should note that I do not believe that the model undertaken in Guernsey, that is, using a single referendum with instant runoff

voting to determine the final outcome, would be the way forward. We need to give this issue more time and more space within which to be discussed and considered. It cannot be solved with one ballot. Going back to my previous point, some Members may have noticed that some countries rely on using large constituencies for their general elections but these are often delivered either through more proportional voting systems and usually a list of candidates on specific platforms and party affiliations, limitations that I believe we should avoid if we want to encourage greater levels of political participation. We want independence and parties to have equality of opportunity. Our current system also ensures a greater level of equality in the selection of Members to positions of the Executive and of Scrutiny. There is no longer a question of whether Senators are more elite or more senior to other States Members and instead we can freely choose from any of our 49 Members who take positions of leadership. Standing for Senator was often a brave decision, yes, but by the time of the previous Assembly it was no longer indicative of absolute seniority. It is just as courageous to face a ballot when running for Deputy or Constable. Furthermore, the Chief Minister is usually the candidate who can develop the largest and most stable level of support within the Assembly because it is us Members who are responsible for placing them in that position and if they lose a majority of our support then we can remove them. They need to earn our trust and we should not let this principle be overridden. The Deputy, in the initial report, makes reference to the popular will helping to decide on the Executive but I would like to note that he himself is the only former Senator to have ever topped the polls and be subsequently elected Chief Minister or, in his case, be re-elected into this position. Had achieving the highest number of votes at a general election been a pre-condition of becoming Chief Minister, then perhaps we would instead be talking about the premierships of former Senator Stuart Syvret, former Senator Ian Le Marquand, former Senator now Deputy Bailhache and, as I have mentioned, former Senator now Deputy Gorst and former Senator Tracey Vallois in that order. I will leave it up to each of your imaginations to explore those counterfactual roles. Again, questions around how Island-wide voters can influence the formation of Assemblies and future Councils of Ministers is something that we can and should explore but it needs to consider the balance between a clear, popular will and the confidence of Members within the Assembly. A democratic history is one that values synthesis, consensus, deliberation and compromise and we should not sacrifice this for the imposition of a single defining political will no matter how charismatic such a will may be. It is, however, worth acknowledging the difficulty in squaring the loss of votes with the redistribution of district boundaries and ensuring that Islanders will be able to influence the future constitution of this Assembly. Given our small size, we should not shy away from bringing Islanders further into conversations around the issues of the day. Perhaps Islanders should be granted a greater level of influence in designing, for example, the Common Strategic Policies or by providing a clear steer on certain key issues. I am thinking out loud here, but we should consider ways to bring Islanders further into these conversations if we want to increase democratic engagement and turnout. These, I would say, are more my own views, I am not expressing on behalf of the committee; I have got another speech for that. In regards to the first amendment lodged by Deputy Morel, I believe that my reasons for rejecting the overall proposition tie directly to this, although I welcome the Deputy's clarity when it comes to where he stands on this issue. Again we should not tie P.P.C.'s hands to such a decision unless we have the evidence and the necessary deliberation with the public has taken place. Speaking as chair of P.P.C. in this part, furthermore, given our current work programme and the vital need to drive improved democratic engagement and participation in Jersey, I do not believe that the deadline of July 2023 is realisable; we have a massive work programme. We need more time to successfully deliver on these representative questions while also delivering on our current work programme on account of the available time and resources at our disposal.

8.2.3 Deputy A. Howell:

I have listened very carefully to the previous speakers but I too would like to say that when I was going round canvassing, people were very keen to have their Constable, they were very keen to have their Deputies and they were very sad that they were not allowed to have their Senators on an Island-wide vote. Many people on the doorstep were very cross and angry because they felt their democracy

had been halved. They only had 5 votes instead of 10 and that made a lot of difference to them. I believe that we could work this out. We could keep our Constables, we could keep our larger constituencies but if we took one Deputy from each of those, we could have 9 Senators. I am not being prescriptive but that was just one way round. I am supportive of having Senators because that is what my constituencies have said to me.

The Bailiff:

Could I just remind Members that this is a debate on Deputy Morel's amendment, not the general debate. It may be necessary to touch on the general debate in part but the important points of focus should be whether the amendment is accepted at this stage.

8.2.4 Deputy M.R. Scott:

Well I am pretty cool about Deputy Morel's amendment because I believe this is about numbers. It is very interesting to hear the chair of the P.P.C. talk about evidence because I do believe lots of evidence, it comprises of numbers, and there is lots of evidence out there about the numbers. Having looked at the previous objective of the P.P.C. in terms of evening out, counteracting the unequal voting power of the Constables, I did think of a possible solution which was weight of voting, but the more I thought of it, the more I discussed it with other States Members, I realised that you are going to have to have some Deputies somewhere to achieve reasonable size constituencies, particularly in St. Helier. I have perfect respect, as I have said before, for the Constable of St. Helier but I do believe it is a good thing to have Deputies in St. Helier too. So, I personally could be quite happy supporting Deputy Morel's amendment but I do believe, and I will be talking about the amendment that I am introducing, that there can be some work to be done that could improve things. There are some things I think that could be improved, questions about the numbers we end up with, but more importantly there is the timing issue that has been mentioned by the P.P.C. Again, there is that opportunity to vote for my amendment that increases the time that the P.P.C. will have to consider this amendment. So this is great because my amendment can either amend Deputy Morel's amendment to achieve that result or, if you do not particularly want Deputies, which I do, that you can reject that and just vote for my amendment; it will amend the main proposition. So I do hope States Members are clear about the benefits of my amendment. I did feel that I did need to just perhaps clarify something that was mentioned by the chair of the P.P.C. on behalf of the P.P.C. because it comes back to numbers. Some people may remember that I stood as a newcomer to politics in the very last Senatorial elections and I obtained 11,000 votes. I nearly had a seat [Approbation] ... thank you. I nearly had a seat but I lost by 123 votes and I know that some Senatorial candidates really thought I should not be challenging them because I did not have a history of being a Deputy. I had specific reasons for not wanting to stand as a Deputy at that time, and I will talk about that in respect of the main proposition, but I want to say my reasons were confirmed. Anyway, so it was not courageous of me, compared to standing for Senator. That was not courageous; same as standing for Deputy. No, it was not. But I do want to point out that I did get those votes. I used social media an awful lot and it worked for me, and I am happy to share tips if people want to go down that route. I think that there is a lot to be said for having an Island-wide mandate and that is why I did it. So I am supportive of this proposition and I will be voting for it.

8.2.5 Deputy M. Tadier:

I will speak to the amendment and I was moved to speak in order to react to some of the things that the mover of the amendment said. I think it started off quite well, basically saying the Assembly over the past few decades - certainly the past few decades, I think he said 17 years - when he was not a States Member for some of that time was fed up of listening to debates about ourselves. Okay, yes, I think that is probably absolutely correct. It does not mean that these kind of debates do not have their place but we have had a lot of them and that has certainly been called "navel-gazing" I think in the past, lots of different words and phrases for it. But he also said that he thought that the system should be in, which is a strong argument which is why he was convinced to go for it and that the current system had produced some good results. I think he meant objectively speaking rather than

necessarily personally, and that is no doubt something that will come out in the main debate. We will look at whether that is a valid argument; I have some sympathy for that. Then he said if we are to have changes then we should go backwards, not forwards and that for me is a *non sequitur*, it does not follow, that if we are going to make any changes and have Senators, we should therefore go back to what we had before. But then he went on to say that it might not be exactly what we had before, it could be that we keep some of the changes that we have had for Deputies in larger constituencies. So essentially what we are talking about with this amendment is do we keep Senators and Deputies and what kind of Deputies do we ... sorry, do we keep Constables and Deputies alongside Senators or do we not? He also talked about therefore he is not tying P.P.C.'s hands but exactly what this amendment does do if it is adopted is tie P.P.C.'s hands. Because it would seem to me, and I make no comment on ... I am happy to give way for a clarification.

Deputy K.F. Morel:

It was more a point of clarification, I think. I do not know how best to phrase it.

The Bailiff:

Well is it a point of clarification you are making of your own position?

Deputy K.F. Morel:

It is of my own position, yes.

[15:00]

The Bailiff:

Well of course you do get the last word.

Deputy K.F. Morel:

Yes, it was just that ...

Deputy M. Tadier:

I am happy to accept the intervention.

Deputy K.F. Morel:

It is just because I said I was tying P.P.C.'s hands, not that I was not tying P.P.C.'s hands. I said I was.

The Bailiff:

The point of clarification is that the ...

Deputy M. Tadier:

Well that is valid because I would not want to continue the whole of this debate misrepresenting, so that is useful. It does exactly tie P.P.C.'s hands but he said in terms of the Deputies it does not tie their hands because he is leaving it up to them to decide whether we go back to old Deputies or new Deputies. I think this is where we have got an issue because it is quite unhelpful philosophically and semantically that we are using the same word "Deputy" to describe a different role to one which never existed in the past ever because those of us who are Deputies might as well not be Deputies, our roles have changed. The former Deputies were all within Parish boundaries and they were either representing an entire Parish, as in the case of Grouville, or wherever else, or they were representing part of a Parish such as in St. Brelade, St. Saviour or St. Helier, so there has been a fundamental shift. When we talk about "Deputy", to use a mathematical term, where we might have had X, Y and Z before, we have now got a system of X being the Constables, Y, Senators have been removed from the equation, and the Z that was Deputies before, now becomes A, shall we say, so we are not comparing apples and pears. I hope I am not losing Members in saying this. It is absolutely fundamentally important that we look at this issue because the argument that was put forward for

creating the new larger constituencies which were amalgams, and Senator Bailhache will remember, as he was Senator at the time, the whole idea that the new big districts were sold to us either with or without the addition of Constables was that they were to be in part a compensation for the loss of Senators. So I think it is absolutely fundamental that if Senators are being reintroduced we know exactly what kind of Deputies we are reintroducing and whether we ... so this is what we are debating today. Unfortunately, it does not give P.P.C. the option which I think some members of the public want. I probably accept, although I have got to be careful not to paint myself into a corner here, that on balance a majority of the voting public want to see some kind of Island-wide mandate maintained. That is not an argument necessarily for doing it; there will be counterarguments again. But what they do not tell us is whether they want everyone in the States to have an Island-wide mandate, whether they would just like Senators and Constables, which is certainly some of the representations that we have had via emails that do say that. Others think that we should have smaller constituencies within the Parishes alongside going back. There might even be others out there who think that we should bring back Jurats and Rectors. So, I guess to come full circle, what I am saying is that I am not sure whether the amendment that the Deputy has put forward is a safeguarding mechanism to say that if we have Senators then it must only be alongside Deputies and Constables which, again, I do not see the logic there, I do not see the causal link. We could have Senators without Deputies and/or without Constables; that is entirely possible. By acquiescing to this amendment here we are tying the hands of P.P.C. to look at all of their options. Lastly, it is interesting that we talk about conservators, and we think that traditionally this is a conservative Assembly, but conservatives of course want to maintain the status quo. We have got some individuals in this Assembly who seem to, I think, want to go back. - that is why I mentioned Jurats and Rectors - I am sure if things were better in the days of the Jurats, the Rectors and the Constables, those pesky Constables of course who are the democratic mandate to represent the people rather than the church or the court. But this is where we find ourselves, instead of having conservatives here, we have got restorationists, I think they should be called, who want to restore what we had in the past. I think this amendment, although I understand why it is being brought, does not really help clarify anything. It just muddies the water even more, so that is why I will not be supporting this amendment.

8.2.6 Deputy L.J. Farnham:

The amendment is perhaps a little bit ahead of its time insofar as I would see this as being part of any future debate as to what system we end up in. I know Deputy Gorst was very careful in ensuring the proposition was worded to ask the Assembly to restore the principle of an Island-wide mandate, whether that be sitting alongside Deputies and Constables, as an all Island-wide mandate. It was something I was discussing with my good friend the Constable of St. Peter earlier and that is something I think I could support, is an all Island-wide mandate, but that is a debate for another day. I just want to urge Members to remember this is about the principle of an Island-wide mandate. I do not like to disagree with my former colleague because he never disagreed with me in the past, especially when he was head of the Economic Affairs Scrutiny Panel, but I just want to remind Members that this is a debate about returning the principle of an Island-wide vote. How we do that is very much for debate in the future should that succeed. I very much hope that Deputy Morel, even if he is unsuccessful in this vote, would still support the proposition to return the principle of an Island-wide mandate and then bring this argument back at a later date.

8.2.7 Deputy P.F.C. Ozouf:

I rise as a Member who has served as a St. Helier Deputy, who then served 3 terms as a Senator, and then retired. Now I am back, unexpectedly, as a Deputy of St. Saviour. Since 1999 and all the years that I served until 2018, this Assembly spent more weeks and months I think on the subject of its composition than virtually any other matter - I will be corrected if I am wrong - but the composition of the States, improving the electoral system, making it fairer in terms of the amount of votes people have, a proportionate and fair system dealing with the unfair system that we had, and eventually a decision was taken that resulted in the super-constituencies, and the Assembly that I look around me

as a result of the last votes has happened. I wish to signal that I will not be voting for Deputy Gorst's proposition in the approval sense. I do not know yet whether or not I am going to abstain or vote against. I may be persuaded to vote for Deputy Morel's proposition on a precautionary basis but the fundamental thing I want to say is that whatever this amendment is about should be about improving democracy and looking at how democracy connects with what voters and our Island community want. People in Jersey do not vote in sufficient numbers compared to other places. We have a job of work to do to improve that democratic turnout. The arrangements that all of us have now been elected on, and certainly I can say for all of the Deputies, has been legitimate, it has been fair. There was a proper contest in all of the Deputorial seats. I think, as I look around this Assembly, there is not a single Member I would say that has not had to earn and argue and deserves to be here representing their respective communities, and also having what I think, as a St. Saviour Deputy, a direct connection with a community, and I am very happy to be a St. Saviour Deputy. It is a much better system because there are 5 of us with our Constable. I think that the people that come to the individual Deputies now have a certain link between Deputies, 2 of us are Ministers, one is Assistant Minister, Scrutiny, and a Constable, and they now feel that there is a connection between the people that are the policymakers, that decide things that matter to their lives, they can approach. I am not at all convinced that a debate about ... I certainly think the Constables and Deputies should stay but I am really concerned that the people of Jersey who have put us here as a result of the election last year, want action on their priorities and on the things that matter. The cost-of-living crisis, the recruitment crisis, the hospital, they want to have a meaningful connection between the people they vote and an ability to hold them to account. Here we are again doing what we did in the 19 years that I was here, is talking about our composition and how we got here and a better way or something. Frankly, I really think that this is not the right debate to be had at this time. I think that we should be as an Assembly, an Assembly that has elected a Government with Scrutiny, we should be using the time, the valuable time, time is money, resource - and time is the most expensive resource - on the issues that are the priorities that we need to fix in Jersey because that is what democracy is about. I am going to out of probably an abundance of caution ... because I want to keep Deputies and Constables. I think the issue of Senators is simply people do not like change. I was of a view that Senators should be kept but when the facts change I can sometimes change my mind like all people do. I do not know whether this Assembly ... I do not know what the public of the Island think now they have experienced super-constituencies in a more meaningful way, that have a fair proportion of electors to vote in a much more meaningful way. I think that it is just crazy for us to be taking up time and resource and asking P.P.C. to do more navel-gazing, as the public call it. They are right about ourselves, rather than focusing on the reason why democracies are in theory working, which is doing what the people that put us here want us to do. So I have to say out of an abundance of caution I might vote for Deputy Morel but I am not going to speak in every single amendment. I simply think that the public are in no mood, certainly from the people that I speak to in St. Saviour, to change the St. Saviour 5 voting, that has been an improvement. So they like their Deputies and they want to keep their Constable I think; certainly the ones I have spoken to. I have heard nobody talking about anything else apart from getting to deal with the housing crisis, the cost-of-living crisis, control of public expenditure, keeping taxes low, getting the economy going and all the rest of it. On that note, I will listen to Deputy Morel's summing up. I hope we are not going to spend all day here talking about this, all day and then lots more debates in the next year about something which we simply should not be doing because that is time spent on not doing the things that we should be doing which is improving public policy, holding Ministers to account, talking about policies and preparing our Island for a rapidly-changing world.

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

I am going to be very quick. It is about my experience during the election of going door to door and what I learnt from the parishioners. I learnt that they wanted to retain the Constables but I also learnt that they were very keen on the Island-wide mandate and it was a significant issue to them. It was probably, I would say, 75 per cent of the people that I called on raised the issue of the Island-wide

mandate and having lost it. But they were quite clearly split into 2 groups. There were those who wished a return to, let us say, the previous system where we had Senators, Deputies and Constables, and there were also an equal number who wanted to see something that was a hybrid of the Guernsey system. They mentioned the Guernsey elections and they wanted to see 37 Island-wide Members, be they called Senators - they may or not be called Senators - and the 12 Constables. So, unfortunately, this amendment puts restrictions on P.P.C. that personally I cannot accept. Therefore, regretfully, I will not be supporting it, and I would ask other Members not to do so. Thank you very much.

8.2.9 Connétable A.N. Jehan of St. John:

I can confirm that the 2 District 3 Deputies who have spoken to date are correct in their assertion that on the doorsteps in St. John the topic of Island-wide representation was raised many times. While it was a topic raised by many, it paled into insignificance compared to other subjects such as the hospital, health service, road safety, especially speeding vehicles, and housing for both young and old, to name just a few.

[15:15]

I would like to remind Members that Islanders were given an option to retain Senators in the referendum held just under 10 years ago. We are just 29 weeks since the last election and if the Deputy had not delayed the debate, we would have debated this just days after that election. Why are we not giving this new solution time to settle in? We have our most diverse Assembly to date. The chair of P.P.C. said we need to do more to engage at grassroots. Well, what are we doing? I can tell you in District 3 we have 4 excellent Deputies and I am pleased that they will all join me on 8th February at our next Parish Assembly for a question-and-answer session. This is something I used to do with the Parish Deputy and it is all about increasing engagement. I would recommend it to others. We really do need to give this model time to settle and time to see if it works. While I enjoyed an excellent relationship with my previous Parish Deputy, I now have 4 Deputies who I can speak to and refer parishioners to if necessary, each with different experience, different areas of interest. Some people say they feel disenfranchised with no representative but equally I have had people who have been encouraged by having the 4 Deputies that they can reach out to at their disposal. I would remind Members that under 20 per cent - under 20 per cent - of people voted to retain Senators in the 2013 referendum, yet it was this Assembly that rejected their views. While the vote was close between A and B, when it came to the transferable votes, the vast majority of C supporters voted to retain the Constables and have larger districts. In St. John only 5 people transferred their vote from C to A and in the original vote option B in St. John got exactly the same amount of votes as A and C combined. We often say we do not have data to make decisions. Well, on the rare occasion we went to a referendum Members of this Assembly continually ignored the result until the vote last year. Deputy Scott spoke about numbers and evidence. I have just provided some. We have the evidence from the public and if we want to change then we should give the public the opportunity to decide, and that should not be done until we have given this solution the opportunity to work. Senator Gorst mentioned disappointment at the last election. I would like to take him back to the elections of 2014 and 2018. I worked on campaigns in both of those elections and I can tell you there was lots more disappointment then than this time around. The public were disappointed because their voice had been ignored. We heard about the 3 per cent from the survey who went out who did not vote because of Senators. I lost count of the people who told me they would never ever vote again because this Assembly ignored their voice. We cannot be doing that. While fully respecting my friend Deputy Morel who has brought this amendment I cannot agree with him about moving backwards. We have to move forwards. If we do not move forwards let us stand still, but please do not move backwards. So I am sorry to disappoint Deputy Tadier but I am not a restoration member. The solution that I personally favour would be to have 36 Members elected with an Island-wide mandate and with a parochial voice retained by the Constable. That is not before us so I will be rejecting the amendment and I will be rejecting the proposition.

8.2.10 Deputy S.Y. Mézec:

Hear, hear to the Constable of St. John. I enjoyed that speech so much, I hope I can hear it again word for word in the debate on the main proposition. I think it is in order if it is technically a new debate; or maybe I am wrong there. The greatest virtue of this amendment is that it does provide certainty, but the greatest vice of this amendment is that it provides certainty; certainty that we will be going backwards if this amendment and then an amended proposition is adopted. I just want to state some facts about our old electoral system that some Members may not know about. That old system of having Constables, Deputies and Senators was not created organically at a grassroots level by the people of Jersey. It was created by the British Home Office in 1947 when they provided a report to this Island after the Second World War for reforming our democracy. The system that we have now is the culmination of efforts of the people of Jersey. It is something that occurred through the work of the Electoral Commission chaired by Deputy Bailhache that had numerous submissions to it, and it was one which was essentially endorsed in a public referendum; a referendum in which 80 per cent of those voting voted to scrap what was then the current system, which this amendment would seek us more or less to go back to. The old system given to us by the British Home Office is a system that makes no sense in terms of the workings of this Assembly as a body. It does not make sense to have the membership of this Assembly established from one moment in time on the election, to then say: "On this bench you are going to be called that, on these benches you will be called something different and then on those benches you will be called something different." We are Members of the States Assembly and we have exactly the job, the same responsibilities, the same privileges, the same pay, the same everything. The reason that those categories of Members were suggested by the British Home Office and why the role of Senator was created in the first place; the role of Senator was not created to be the senior Members of the Assembly expected to take on the senior committee presidencies. It was essentially created to be a retirement home for the Jurats who were to be phased out of this Assembly. Previously they had been in the Assembly as of rights by being elected court officials and it was proposed to move over and Jurats would initially be eligible for both roles, but that was to be phased out. They were not created for any beneficial purpose for democracy or for anything like that and it was strange that the role continued to exist 70 years later. After mass consultation exercises, first by the Clothier review and then by the Electoral Commission and the referendum that took place afterwards, a view was reached that we could change our electoral system to something which made more sense. I have got to say, of all this talk about allowing the new system to bed in, my first impressions of sitting in an Assembly, I think this is a much better Assembly than the ones we have had previously just in how it works. There is still plenty of political disagreements and we will have those arguments as robustly as we like, but I personally do not feel an "us and them" on these benches like I did when I sat over there - opposite the Chamber from my party colleagues who I was not allowed to sit with - surrounded by Members whose views I did not agree with; and there was a category of Members who sat here who were different. There is no need for it. It does not enhance the work of this Assembly. When we cast our votes on propositions in here that should be us trying to reflect the will of the people who we represent, and you do not need to categorise Members separately for that, you do not need to say there will be a bench over there where Members will sit for 4 years after that one moment in time at an election where they are elected one way. What I think voters really want is to see a connection between what they vote for and what they get, and having had Senators in a previous iteration it really does not make an impact because in the old system there were only 8 so they were never a majority on anything, and on some of the key votes in that Assembly they were split 50:50. The vote for Chief Minister in 2018 was split 50:50, therefore, all of those thousands of votes that people cast at their election time, in determining who was our Chief Minister those votes were useless. That election was determined by the Deputies then. So having a system like we have now where there is greater equity in those Deputies' districts makes more sense. It means this Assembly is more representative, it means we are more likely to reach decisions that are in line with what the public think, rather than having one block of Members elected under a block vote system, which is not proportionate and nowhere near as democratic as other voting systems anyway, and providing an "us and them" in this Chamber that provides no

practical benefit for our ability to do this work. So I really do not want to spend a lot of time on this debate because it is a distraction from those really important issues that affect people's livelihoods that they would much prefer that we would be dealing with. To go around this merry-go-round again, talking about an issue, people making all sorts of unsubstantiated statements about what the public do or do not think all based on anecdote, which is worthless compared to empirical data, and the empirical data we have from that 2013 referendum says this is all right. So I hope Members will reject this amendment because in the proposer's own words it is about going backwards. When we get to the main proposition I hope we will reject it as well and we will instead focus our time on dealing with the issues that matter to the people who voted for us, in the fairest and most democratic election that has ever taken place in this Island's history.

8.2.11 Deputy R.S. Kovacs:

I will be very short because what I kind of wanted to say has been summarised already, mainly by my party there. I also enjoyed the speech of the Constable of St. John and I am very glad to say that I can fully agree with my St. Saviour colleague, Deputy Ozouf. We should not spend time wasting more time in debates that are not focused on the important matters for this Assembly. I agree with the comments from P.P.C. saying that we should leave more time to embed what has just been put in place, which brought a more diverse Assembly than ever I have seen. Ultimately with the proposition in or not I think P.P.C. will focus any way in finding what people had said they want, an Island-wide voice for them, and that should be done in their own time until the next elections with proper consultation from the public and they should have the ultimate say of what they want to see from us.

8.2.12 Deputy E. Millar:

I would just like to make one point because the Constable of St. John has said quite rightly that St. John now has 4 Deputies. District 3, which is Trinity, St. John and St. Lawrence, and I believe - I cannot remember the number - but St. Ouen, St. Mary and St. Peter, those of us who represent those areas find that quite hard going, the canvassing. Constable Stone mentioned I think in her speech, the idea that someone could knock on every door in their district. Now, I have no doubt that canvassing in St. Helier is hard work, but it does benefit from a degree of concentration of houses in a smaller area. I know that has its own issues when we are not talking about the issues of politicians and canvassing, but when you are trying to canvas in areas as geographically wide as Trinity, St. John and St. Lawrence ... any of those Members who walked along Route d'Ebenezer trying to cover the traffic whizzing by with no pavements, trying to get to a number of houses stretched along a mile or half a mile, however long that stretch is, it felt like taking your life in your hands. You simply cannot reach every door in those 3 Parishes on 2 feet, in fact you need a car and you do need to walk quite a long way. It is very, very difficult. We will come back to it in the main debate but I know that there are some people in those Parishes who feel very keenly what they see as the loss of their Deputy. I discussed this with many people and many of them are just not convinced that they have not lost something by not having the Deputy of St. John or the Deputy of Trinity or the 2 Deputies in St. Lawrence. Explaining to them that they now have 4 Deputies really cuts no ice, and the fact that I believe the Parishes have not put the names of the 4 Deputies on their boards in the Parish Hall is perhaps evidence of the fact that the Parishes themselves struggle to deal with the fact that they now have 4 Deputies and not just one or 2. It is a challenge in the sense that you can only be in one place at one time. At the remembrance weekend in November I went to 2 coffee mornings and 3 church services. I had very little time off that weekend, and none of those involved St. Lawrence so, Constable of St. Lawrence, I am very sorry about that, but it is a case of how do you spread yourself among 3 Parishes. Deputy Ozouf talked about the Parish and the Parish response. He represents one Parish. Deputy Tadier said that there is a tradition of representing a Parish or even a part of a Parish. Representing 3 Parishes is a challenge. Those of us who represent 3 Parishes or 2 Parishes are trying very hard to make that work but I personally constantly feel a sense of inadequacy that I cannot be in 3 places at once. So I would just like to leave that point.

[15:30]

8.2.13 Deputy K.L. Moore:

I hope I will be almost as brief as the report to this amendment, because I think Deputy Morel should be applauded for his concise approach and I wish more people could do the same. Simply put, while I understand and I heard also the warm thoughts with regard to the Senators, that is a matter of debate for the final part of this debate. Deputy Morel has in bringing this amendment simply brought a safety mechanism and I for one, having spoken to some of my Guernsey colleagues who despite our surprise that their election did seem to work in electing so many people to an Island-wide mandate, in essence it is not widely thought to have been the best possible outcome for the Island at all. I think they mourn the loss of their constituencies and we will probably see change in Guernsey. So I would agree wholeheartedly with the chair of P.P.C. who suggests that we should allow this system - which I have to say I am something of a fan - to bed in somewhat and let us give it a chance. Deputy Morel is just providing a safety mechanism for that opportunity if Deputy Gorst is successful in his final part of the debate.

8.2.14 Deputy J. Renouf:

I am going to take a slightly different position because when I saw this amendment I must admit I was surprised. The Assembly and indeed the Island spent the best part of 20 years from the Clothier Report in 2002 engaged a long running series of attempts to reform the electoral system, and they could not agree until the 2019 reforms that got us where we are today. I say they could not agree but throughout that time they were almost united in one crucial regard; the existing system was not working. Report after report highlighted the problems: a biased voting system, an overly complex system, multiple types of Members elected on different mandates but having exactly the same functions once they arrived in the Assembly, and so on. If there is a need for change, why backwards? What is the problem that this amendment sets out to solve? I genuinely do not know. I have the greatest respect for Deputy Morel but I do believe that he has failed to make a powerful case for the failure that he is trying to correct. These amendments, and indeed the proposition, have in my mind a fundamental problem. We are taking a single part of the electoral system and fiddling with them out of context. We are attempting to tie the hands of P.P.C. in a way that assumes that some issues are so settled they need no further consideration. It says that the Senators question is settled but, as Deputy Ozouf said, we just do not know that it is. We really do not. We certainly do not know that the public are crying out for the return of the old system or a variation of it. As the Constable of St. John and Deputy Mézec have reminded us, when a referendum was held in 2013 only 20 per cent of voters chose an option to preserve the Senators; 80 per cent wanted change. It may have been 10 years ago but one thing you can say with some certainty is that it is very, very hard to argue that that vote suggests an overwhelming public support for the old system. If we pass this amendment we would be throwing the one big gain of the last election, and we did - as the Deputy acknowledged - achieve some big gains. We had many more competitive elections, we did gain more diverse representation; why would we throw them out or risk throwing them out? Is there a cry in the Island to return to the previous system? I cannot see it. I cannot see why we would want to go back to the future. I think if the Assembly passes this amendment and then the proposition the reaction in the Island will be one of absolute and complete bemusement.

8.2.15 Deputy M.B. Andrews:

During my experience in June it was very interesting to be speaking to my constituents, and on a daily basis there would be maybe 6 or 7 people who would be responding saying that they missed not having the opportunity to vote for up to 8 individual candidates for the position of Senator. Now, of course this is a constitutional reform and it means that we will be reverting back to having 3 different positions in our legislature, however, my view really is that is quite unconventional but I think moving forward I would like to see us be devolving powers within our legislature, and I do also believe that we should have one position within the States Assembly. I am a person who does not believe that the Connétables should remain in the Assembly longer term. However, I also feel that this should be something for the public to have a say on. I think that is only fair because again it is

such a huge constitutional amendment that we would be looking to bring forward. But from a legislative Assembly perspective I think it is important that we have Members who are more politically broad. It is quite difficult having to try and balance being a constituency Deputy but also having to be a Member in the national legislature. I think in future it would be to find a balance between the devolvement of powers and having more people have a say at a decentralised level where decision-making processes will be more informed, because I think with us within the legislature we are very much occupied with the politically broad issues. We do not really have the time in some cases to then focus on our constituency work. I have absolutely been ensuring that I have tried to find that balance but I think it has become very difficult. But when you even compare our legislature compared to other legislatures in the world, having 3 different positions is again something that is a bit of an oddity, and I do believe moving forward there should only be one position. I know there is the potentiality of having 2, that was what was originally brought forward, and in this case there will be 3 that will be remaining the case for Deputy Morel's amendment, but I do not think that really is something that I could be supportive of. However, I think it is also commendable that Deputy Morel has considered this option and I think there will be some Members of the electorate who will be supportive of this amendment that he has brought forward before the Assembly, and also other Members too. That is all I have to say about that, so thank you.

8.2.16 Deputy I. Gardiner of St. Helier North:

I was listening to the speeches and I was thinking at which part of the debate I will speak. I will speak once and I have decided to speak now because the conversation and speeches took me back to my previous career where I was a group facilitator and we worked with change. One of the exercises that I asked groups to do when we worked with change to do 5 changes in their appearance. Somebody took earrings, somebody changed their hair, and after 5 changes had been done I took a minute and asked: "Okay, can you do 5 changes again?" without specifying new changes, old changes. Guess what happened with the majority of the groups? They basically returned everything to what was before, so the 5 changes they had done had very quickly gone back. This is why I really respect and work well with Deputy Morel but for me this tendency to go back, it is habit, it is convenience, we know that it is happening, but I am not sure if that is the right move. I definitely agree with everyone who says that Islanders do care about Senators, they like Senators, it is a different connection. But for me to put tradition over democracy, or habit or convenience, it is not the right place. It was a democratic decision through the referendum; it was a democratic decision through the States. The States Members for me - and I always told that to my parishioners - with equal size electorate, equal power, is the perfect democracy. We could get it as perfect as we could during the last Assembly. I would consider Island-wide vote for Senators but it is a different conversation and we do not have for everyone, and I do not want to restrict anyone's hands, but I definitely think going back is not the right thing. I would rather look forward and I will be voting against.

8.2.17 Deputy C.F. Labey of Grouville and St. Martin:

I too am only going to speak once in this debate, and I did not really know when to speak so I thought I will air my views now. For those that do not know it, I have in the past brought propositions forward when the original proposition to lob off 4 Senatorial seats was presented, so I am in favour of the Island-wide mandate. It is the most democratic, the most accountable and the most equitable. The public got - like it or not - disenfranchised when this Assembly chose to remove initially 4 seats and latterly a further 8 seats. They were disenfranchised. This was the number one topic on the doorstep. On the doors that I knocked - and it might not be the same in St. Helier but it certainly was in Grouville and St. Martin - it was the number one issue. People felt hard done by that their votes over the years had been removed. We had gone from 14 votes in my constituency to 4. Now, that is a huge amount when this Assembly has not dropped in number by any considerable number; by 3 I think we have dropped in number. So the public feel disenfranchised and it is for that reason that I will be supporting Deputy Morel because I believe that the 3 different roles are very different. The Island-wide mandate is a strategic mandate, it is a very different mandate to that dealing with

constituents on a daily basis. I see Deputy Mézec shaking his head but I have been doing this job for 20 years and it is my experience ... I have seen the committee system, I have seen the Ministerial system, so I believe I speak from a degree of experience and I believe that the role of Senator is different to that of Deputy and it is different to that of Constable. I am afraid I am going to have to disagree slightly - well not slightly - with the Constable of St. John. I believe that the referendum that was held 10 years ago was something of a fudge. A referendum should give a clear question with a yes or no answer, not a range of opinions where the electorate go in and choose which option they would like. It should be a yes or no. I am going to vote for this and if P.P.C. want to take this further I believe the time might be right in this next term or after, but I think we need to put to the public: "Do you want to lose the Island-wide mandate: yes or no? Do you want super-constituencies for your Deputies: yes or no? Do you want to get rid of the Constables out of the States Assembly: yes or no?" That is what a referendum is; a clear question with a yes or no answer. I believe the turnout last time ... while I applaud the diversity of this Assembly, but the Assemblies have changed over time. We do get different people coming in and it is always very refreshing, but I believe despite the changes that were made last time turnout was down, so we might feel better but the electorate did not. It did not get the electorate out voting because, as I say, they had seen their votes go from 14 to 10 to 4.

[15:45]

That cannot be right without asking them a few simple questions. I also agree with Deputy Millar who spoke of the unfairness, the inequity of the system in that some Deputies are representing one Parish or one constituency, others have to represent 2 or 3. Well, I do not believe that is fair. So I think I am going to leave it there. It is never a right time to discuss and debate things and there are always more important things but I think we need to look to ourselves periodically and we must achieve the best for the electorate. So I will be voting against because that was a very clear message to me on the doorstep that my electorate did not want to lose the Island-wide mandate.

8.2.18 Connétable D. Johnson of St. Mary:

I am pleased to follow Deputy Labey, many of whose arguments I agree with. The crucial point is that at the election my constituents did believe they were largely unfranchised, and surely the main function of any election is to establish some form of connect between the electorate and those in office. When we had Senators the constituents at least had the knowledge that they were voting for 8 people and they had a chance of having some input. In the present system, depending on who your candidates were, you might have no one who might end up in high office and that surely is very much a disconnect. So on that item alone I think I am obliged to follow the wishes of my constituents and seek the return of the Senators in some form. I do not see that necessarily as a going back exercise. Deputy Morel has put in a qualification to make sure other offices are held but they do not have to be in the same proportions and it is not for this Assembly today to limit the scope of what P.P.C. might advise, so there is scope for amendment there. We can have the best of both worlds. I also make the other point that several Deputies have referred to the task they have of balancing their commitments within the Assembly. If you have a constituency where you are lucky enough to have your Deputies as Ministers, whether it is Chief Minister, the Minister for Treasury and Resources or others, they have an important role to play in the Island and I simply do question whether it is right for their time to be spent on what are really constituency matters as opposed to those of the Island, and as a result the Island must be suffering. So I shall be supporting the main amendment and Deputy Morel's amendment.

The Bailiff:

Thank you very much, Connétable. Does any other Member wish to speak on the amendment? If no other Member wishes to speak then I close the debate and call upon Deputy Morel to respond.

8.2.19 Deputy K.F. Morel:

I would like to thank all Members who have spoken. It was a really interesting debate and it is nice when things are not driven by Government or not by Government or it is just a free debate where people can say what they think. A really good example of that is the Connétable of St. John and myself who in general are quite close politically but we diverge massively on this issue. The reason I have brought the amendment, I think it did get lost in there somewhere, it is very simple, it is a safeguard. I think Deputy Tadier used that word "safeguard". It is a safeguard. I looked at the original proposition from Deputy Gorst and can see, having been knocking on doors in St. Lawrence, St. John and Trinity and how strong the desire was to bring back an Island-wide mandate of some sort, I can see how it is quite likely in my mind that Deputy Gorst's proposition would go through, and for good reasons because people on the doorsteps were certainly telling me - and I spoke to other Deputies in my district who heard the same - that they would like to see the Island-wide mandate back again. The safeguard bit comes from that I am incredibly concerned, I would go so far as to say terrified, of an only Island-wide mandate Assembly. The Chief Minister was absolutely correct that in Guernsey I do not think it is going as well as people initially thought on the day of election when I think there was such huge relief that they managed to co-ordinate one election with 100 or so candidates that it was just deemed a success. But the reality is since then problems have arisen and what people are discovering is that there is a lack of representation for particular district constituency issues. That is just missing now in Guernsey. So this amendment is not designed to support nor go against Deputy Gorst's proposition, it is designed to do neither; it is just designed to safeguard against the future possibility of P.P.C. coming back and saying: "Well Deputy Gorst's proposition was passed so here is our proposals for an all Island-wide Assembly." That would really, really concern me because I think it would be incredibly worrisome. Of course I could leave it until then before trying to defend against that position but I thought, no, the best thing is get in now and say: "Look, if we want to support Deputy Gorst feel free to do so but let us do so in a way which is not moving further in that direction" which I think would be an enormous experiment at the expense of Islanders. So that is all this is; it is a safeguard. Simple. It is neither for nor against Deputy Gorst's proposition but in the event that his proposition passes, if it is amended by this then at least we know we will be keeping that element of representation by constituency through Deputies and Constables, those positions will not be threatened. That is what this does. A couple of things I wanted to pick up on which are less to do with my amendment and more to do with just responding. Deputy Tadier, absolutely right when he characterised Jersey is often characterised as a conservative Island, but then he ended up talking about the restoration in terms of my amendment and I thought, actually, Jersey is more of a restorationist Island. If we go back to Charles II then that is rather than conservative perhaps restoration and perhaps this amendment is in the spirit of restoration in that respect. So I thought that was a really interesting observation by Deputy Tadier. I thought it was really important to say to Deputy Renouf that I am not seeking to correct a failure here, I am seeking to pre-empt a catastrophe and avert that catastrophe. That is what I am seeking to do. There is no failure that I am trying to correct. Like I said, it is a safeguard. I also wanted to say that I think it is really important, and this perhaps is to do with Deputy Gorst's proposition rather than my amendment, but I think it is really important that when you look at the Opinions and Lifestyle Survey the number one reason that those people who did not vote gave for not voting was their belief that it would not make a difference. That is 30 per cent of people who said: "I did not vote because I do not think it would make a difference." No amount of fiddling with this Assembly is ever going to change that. The only thing that will change that is us and our successors by engaging with the public, by working for the public, by providing a relentless focus on the things which matter to the public. We know at the moment that is housing, healthcare and the cost of living and that is what we are focusing on, and it is by succeeding in those areas that we will change some of that 30 per cent. The next highest was 28 per cent of those who did not vote said that they did not vote because they do not trust the political system. Again, that is on us. No amount of fiddling around the edges with the makeup of this Assembly is ever going to change that. It is us; we grow trust in the electorate. It is interesting that despite what I heard on the doorstep, which was time and again ... well, I suppose that is the point that most people who said: "We want the Island-wide mandate back" were not necessarily going to

not vote because of it. It was only a very, very small section of people who wanted the Island-wide mandate back and were so incensed by it they said they would not vote, and that did come in at 3 per cent, those who said that they did not vote. Obviously it is really sad and when I was faced with that on the doorsteps I told them: “Just vote, you must vote, that is the most important thing.” I still maintain it is one of the political lessons that I was taught at a young age by my mother, no matter what you do, you vote. I stick by that. Even if you go in there and draw a big cross against the whole paper and spoil your ballot you made the effort and you vote. I am really pleased that people on all sides of the Assembly I expect would support that. So from the Assembly’s perspective, if you back my amendment you are backing a safeguard, you are not backing something which aims to correct a failure, you are not promoting a particular way forward, what you are saying is: “We do not want to move towards an Assembly of an all Island-wide mandate.” You are saying constituencies matter and we want to safeguard that, and that is what a vote for this amendment will do, to safeguard constituencies and local representations through Deputies and Constables.

The Bailiff:

Before we move to the vote, Deputy Gardiner, am I right in saying it was your computer that made an unscheduled intervention into the debate?

Deputy K.F. Morel:

May I call for the appel as well?

The Bailiff:

Very well, the appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting and Members to vote in the usual way. The vote is on of course Deputy Morel’s amendment. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The amendment has been defeated:

POUR: 22		CONTRE: 24		ABSTAIN: 1
Connétable of St. Lawrence		Connétable of St. Helier		Deputy I.J. Gorst
Connétable of Trinity		Connétable of St. Brelade		
Connétable of St. Clement		Connétable of St. Peter		
Connétable of Grouville		Connétable of St. Martin		
Connétable of St. Ouen		Connétable of St. John		
Connétable of St. Mary		Deputy G.P. Southern		
Connétable of St. Saviour		Deputy M. Tadier		
Deputy C.F. Labey		Deputy L.M.C. Doublet		
Deputy S.G. Luce		Deputy M.R. Le Hegarat		
Deputy K.F. Morel		Deputy S.M. Ahier		
Deputy K.L. Moore		Deputy R.J. Ward		
Deputy P.F.C. Ozouf		Deputy C.S. Alves		
Deputy Sir P.M. Bailhache		Deputy I. Gardiner		
Deputy H.M. Miles		Deputy L.J. Farnham		
Deputy M.R. Scott		Deputy S.Y. Mézec		
Deputy R.E. Binet		Deputy T.A. Coles		
Deputy H.L. Jeune		Deputy D.J. Warr		

Deputy M.E. Millar		Deputy J. Renouf		
Deputy A. Howell		Deputy C.D. Curtis		
Deputy M.R. Ferey		Deputy L.V. Feltham		
Deputy B. Ward		Deputy R.S. Kovacs		
Deputy K.M. Wilson		Deputy A.F. Curtis		
		Deputy L.K.F. Stephenson		
		Deputy M.B. Andrews		

8.3 Re-instatement of Senators (P.108/2022): second amendment (P.108/2022 Amd.(2))

The Bailiff:

We now move on to the next amendment, lodged by Deputy Scott, and I ask the Greffier to read that amendment.

The Greffier of the States:

Page 2, paragraph (a), after the words ‘in 2026’, insert the words “, along with an adjustment in the number of Deputies so that the total number of States Members should either remain the same or decrease after reinstatement of the office of Senator”. Page 2, paragraph (b), after the words “in 2026” insert the words “, with consideration being given by the Privileges and Procedures Committee to the following supporting proposals for changes to the electoral system and the way public elections are funded: (i) changes to the distribution of Deputies across the new constituencies along with the possibility of introducing proportionate voting in the States Assembly for Connétables to reflect the number of voters in the Parish each Connétable represents; and (ii) a change in the public funding and prescribed conduct of electoral campaigns for the public office of Connétable, Deputy or Senator to enable candidates to compete on a relatively level playing field regardless of political affiliations, personal finances or disability including: a. a review of current publicly sponsored delivery of campaign literature with a view to increasing the word count of individual manifestos and encouraging the use of shared word count by candidates who are members of publicly declared political alliances; and b. the establishment of a candidate deposit system or other system of fixed contributions that allows deposits or contributions to be waived where candidates can provide public evidence of significant voter support. Page 2, paragraph (c), substitute 2024 for any reference to 2023.

8.3.1 Deputy M.R. Scott:

The extent to which the Chamber has emptied makes me wonder how much Deputies do want to listen to this, or indeed to the electorate. Starting from the top, what are we trying to solve? That was the question that was asked by Deputy Renouf, and I would say it is the voter and the candidate experience. That is why this main proposition has been brought and this is really why I am bringing this amendment too. I will apologise to the Chief Minister about the amount of detail in my report, although I have to confess that when anybody does not like detail I sometimes feel uncomfortable about that.

[16:00]

It is a bit like being sold a Hoover and saying it is okay not to have the instruction manual. I too have spoken with Guernsey colleagues and have been very interested to know what worked before they changed the system and what did not, and what works and does not work now. I think it is a piece of work that I do believe the P.P.C. should be doing in any event, and in the context of this particular main proposition there is a bit of work to do, a bit of refinement to do. There was this kind of expression of wish or suggestion that the current constitutional changes should be allowed to bed in,

and I think that basically that is a really kind of strange way to respond to what really has been feedback in terms of the electoral turnout. I think that when it comes to data, and indeed data is key ... to be perfectly honest I was not originally going to bring this amendment. I am interested in data, I am interested in democracy. You know what I was going to do? Go straight for a referendum. That option is still available to be, it will still be, but I did consider this proposition, I did consider, well, if States Members wanted to avoid a referendum and wanted to support this main proposition based on the feedback they had got from the electorate, based on the feedback the electorate showed us in terms of the turnout. I heard somebody today - the Dean of Jersey - talk about looking at things with fresh eyes. I believe that the States Assembly is now constituted the way that it is because the electorate wanted us to look at things with fresh eyes. Indeed the Council of Ministers has taken the opportunity to look at certain previous States Assembly decisions with fresh eyes, because why else are we looking at that hospital again? So I think it is about time we did think about what message was coming back from the electorate in the last election. Did they support a party political system? No, but there were plenty of voters who supported Reform in the Parish of St. Helier. No problem there. I personally see advantages in political parties in terms of giving candidate support, and I also do believe that independents have a place in the Assembly too and should not be shoved out because basically they have been told: "You should not be here because you are not part of political parties and we want a system that favours us." However, that is a decision that is to be made in terms of the main proposition in terms of whether you decide whether or not to vote for it. The P.P.C. has expressed a concern that they would not have enough time to look at the proposition if it were enacted. My amendment comes in 2 parts and one of them gives the P.P.C. extra time to look at the proposition, and I do commit right now to the States Assembly to take this proposition in 2 parts because basically if you generally feel, yes, you are in support of Senators being reinstated in one shape or form ... and I think Deputy Gorst has made it quite clear that he was attempting to give the P.P.C. a certain degree of flexibility here, then this amendment will give them the extra time to do that. But the other part of the amendment was really very much in favour of ensuring that if the main proposition was supported that we did not go back, that we learnt the lessons and built on the previous work of the P.P.C., that there can be an advantage in terms of things like the aggregation of Parishes that were identified in the districts, that if you bring in Senators that you will perhaps need to redistribute Deputies across districts. But I would like to come back to my colleague, Deputy Millar, talking a bit about this experience. Is this system better for everyone? I heard Deputy Mézec saying what sense it made but, do you know what, I think having 5 Parish representatives for one Parish with no clear kind of who is responsible for what in a Parish and how you co-ordinate and how you communicate when you are all doing different things. Here am I, I am also the chair of the Economic and International Affairs Panel and I have also got a whole backlog of emails to deal with, with traffic problems in my own Parish, for which I will apologise to my constituents right now, and I hope this debate will explain part of the problem, that there is no clear kind of like priority in terms of my mandate at the moment, and they had no choice. I had no choice. The previous States Assembly took it away, and on the basis of what? On the basis of no referendum? On the basis of a 2013 referendum that did what? It only gave the electorate the ability to support Senators if they supported the status quo. It had been pointed out that the status quo - and I do hope everybody is listening to this who mentioned the 2013 referendum as some sort of beacon of democracy - they could only support the Senators being in the States Assembly if they supported an unfair district representation system. Well it was not good enough, was it? Why can we not just admit it? We have got fresh eyes, we were put there to change things. Sorry if I got a bit passionate there. This amendment gives the P.P.C. the opportunity to do a bit more work, working on that feedback. A couple of concerns in terms of the main proposition, as I mentioned in terms of Deputy Morel's proposition, is that it was not particularly clear that we did not want numbers to be increased in the States Assembly. The reason I suggest that we perhaps should not do, is having 49 elected Members in the States Assembly currently costs the taxpayer £25 million annually. So you have got to ask: how are we delivering? Are we good value for money? Do they really want more for us or do they just want us to do a better job, and perhaps that would help if our mandates were clearer, as well as addressing some of these

issues about how they feel disenfranchised from not having so many votes. The P.P.C., I do believe, are up to the job. I know that they did have a work programme but I do believe that our job as the States Assembly is to say: "Awfully sorry about this but we did not get it right." A bit like that hospital business: "I am really sorry but we would like to encourage you to have a look at it again." The issue of campaign costs, that was something that I did suggest that the P.P.C. look at because that was one of the things that I was thinking about. Was this an advantage in terms of how the system changed because nobody had to pay for the cost of being a Senator as opposed to being a Deputy? In fact I did speak to colleagues in Guernsey about that particular point because, as you know, they are all under an Island-wide mandate. What I found really interesting there was that they have a much lower electoral spending limit. It is achievable, I know it is achievable; I was one of the lowest spenders in terms of Senatorial campaign. That might not have helped my campaign but the question is should democracy be saying: "Yes, yes, you can spend all this money and basically that is what buys the votes." I really do think that it would be a really great thing for the P.P.C. to look at this, so that was really the other part of my amendment. So it was date and it was looking at these issues to make the experience a bit better for candidates, another experience that was nightmarish for many and I certainly found it ... Deputy Mézec himself, I have heard him here say twice that he really did not want to revisit the experience of standing as a Senator again. I would like to support him there because I did think it was a bit of a daunting experience too, even though I was the newcomer. There were far too many hustings. I was a newcomer to politics, I was spending so much time just drafting speeches and revising them for all these hustings as I galloped around every Parish with a band of 16 other candidates. Maybe it would have been better if we had just had one in each of the districts that now exists thanks to the P.P.C. We already know that in the last election quite a few of the Deputies expressed a concern about the way in which the hustings were organised. So here is a wonderful opportunity for us to revisit with fresh eyes what has gone on so far and what the electorate want from us now, and I believe that a certain amount of that is building trust. I believe a certain amount of that is just listening to this. In the absence of the proper data that we could get in a referendum that is properly constructed then we do have that choice to do that in this way now and to do it in a way where we solve some of these other experiences too. So I do urge the States Assembly, whether or not they are ultimately going to support the main proposition, to support my amendment so that we can improve the electoral experience for both candidates and voters alike and Members of the P.P.C. when they look at these matters too. Thank you.

The Bailiff:

Is the amendment seconded? **[Amended]**

8.3.2 The Connétable of St. Martin:

Speaking to the second amendment, and as the Deputy will see, I have really considered her detailed position which has been lodged by Deputy Scott. So in response to the Deputy's first paragraph, I agree that the question of the size of the Assembly should always be considered when altering the type of Members that sit within it. Perhaps it could be considered as part of our wider engagement alongside, for example, first-past-the-post, although I would urge caution before any Member or commentator suggests looking at business rather than politics in its areas of research in order to find answers to this question. For paragraph (b) I would like to ask the Deputy whether she can point to any jurisdiction or Parliament where proportionate voting exists in any legislative capacity. The decision to award particular Members additional votes would destroy one of the absolutely fundamental principles of an elected Parliament which is the equality of all of its Members when it comes to speaking and voting. The question of equal representation lies in the distribution of the constituencies that Members represent, not in the disenfranchisement and erosion of the equality that every member of any Parliament should have. It is clear that there remain issues around the question of the equity of each Islander's vote that still need to be addressed but it does not lie in the disenfranchising and limiting the impact of the votes of Members. Nobody should be guaranteed an explicit preference and if we have concerns over the size of the population then we should look at

the distribution of seats with the aim to ensure that we match populations to the smallest constituency and not develop a quagmire of compromise. Furthermore, the Deputy's use of voters rather than population is equally risky or troubling. Every Member of this Assembly is in here not just to represent those who voted for them, or even those who voted at the election. We are all here to represent every Islander within our respective Parishes and districts. If we no longer claim to represent those in our constituency so that we see those who voted as the ones with legitimate claims and concerns then we immediately forfeit our legitimacy to the rest of the constituency. If the Constables are to be active within the Assembly we need to ensure that they are treated the same way as Deputies and that the distribution of elected Deputies is able to resolve this problem.

[16:15]

I agree with the Deputy's request in paragraph (b)(ii) to look at creating a level playing field and wish to note that we are looking to engage with this issue through both P.P.C. and its diversity forum. This is a crucial issue to ensure that anyone on this Island can stand for election, regardless of their affiliations, finances or disability. In regards to paragraph (b)(i)a. I agree with the Deputy that we need to look at manifestos and how campaign literature is to be delivered and how it could be improved. I also believe that more work needs to be done around the clarity of political alliances so as to ensure that we do not develop a grey area in our legislation around organisations that look at parties, that speak like parties, that vote like parties and that campaign like parties, but do not register as parties. As for paragraph (b)(ii)b. I cannot support this on the grounds that firstly there is no guarantee that those who start the campaign period in a strong position will end the campaign period as the elected Member. Secondly, the elimination of deposits where candidates can provide public evidence of voter support may encourage candidates to begin campaigning before the election period begins or use it to encourage rival candidates to stand down on the premise that since they do not have to pay a deposit there is no chance of them being beaten. Every candidate should enter our elections in the same way that everyone else does. I am also sceptical of how such a system would be achieved or how it could be accurately verified and publicly disclosed. The secret ballot is at the heart of our electoral process and there are good reasons for it to remain secret. Nonetheless, we do need to do more to provide assistance for those on low incomes or with disabilities who wish to stand for election. Finally, I welcome the Deputy's change of deadline to July 2024 which I believe better reflects the task before us. I would ask that she and all other Members continue to provide their thoughts and recommendations on these matters. It is for these reasons that I have outlined that I unfortunately cannot support the Deputy's amendment.

The Bailiff:

Thank you very much, Connétable. Does any other Member wish to speak on the second amendment? If no other Member wishes to speak then I close the debate and call upon Deputy Scott to respond.

8.3.3 Deputy M.R. Scott:

Thank you very much to the president of the P.P.C. for giving me her response.

The Bailiff:

It is the chair of P.P.C.

Deputy M.R. Scott:

Sorry, Sir. Sorry, yes, it is the chair of the P.P.C. The P.P.C. have clearly done a lot of work just simply considering my amendment. I very much appreciate the thoughts that they have given back. I am curious though because have they rejected the whole of my amendment? I believe they agreed with some parts of it and I did say I would be bringing this amendment in parts. One of those parts was indeed to do with the amount of time to give the P.P.C. itself time to consider the main proposition if it was passed. You will have to forgive my ... am I allowed to ask the president ...

The Bailiff:

No.

Deputy M.R. Scott:

No, I cannot, okay. I do find myself somewhat confused by this response and I will continue to take this. I am sure if the chair of the P.P.C. would like to speak and she will say ...

The Bailiff:

If the chair of P.P.C. can ask for a point of clarification.

The Connétable of St. Martin:

Yes.

The Bailiff:

Because you can give a point of clarification but there is no opportunity for a second speech.

Deputy M.R. Scott:

Thank you. I am happy to give way, Sir.

The Connétable of St. Martin:

I am sorry, Sir, I should have probably clarified at the beginning of the speech that this was my view. I do not know how the rest of the P.P.C. are voting.

The Bailiff:

Thank you very much, chair of the P.P.C. Yes, Deputy Scott, please continue.

Deputy M.R. Scott:

Sir, I am not sure if I should continue rather than start again. I thought I was responding to the ... right, sorry, Sir, about my confusion. I am going to take this proposition in parts. I believe that when you go through it that in response to the Constable of St. Martin's speech, the first actual paragraph offers the P.P.C. more time to consider the amendment, so that I believe that I have had agreement on. I very much respect and, no, I cannot say in which jurisdiction am I aware of things like the proportional voting of Constables or similar officers taking part or even the single transferrable vote. I am not too aware of too many jurisdictions that have multi-representative constituencies either because basically there was a report at the time the Electoral Commission considered these issues; that very much said this does not work very well without the single transferrable vote. I think there is an element of right-sizing to be considered as well. Jersey is not a big community. There this sort of discussion like I am going to ... there is going to be an amendment that is going to deprive whole swathes of the community of representation. In Guernsey they more or less worked out that they are not a big community. Even now Jersey is not really any bigger than my home town of Guildford where I was born. Sometimes I think we do have to try and right-size our aspirations and our spending and think about that in terms of representation too. It is good to know that there is some support for the idea that the P.P.C. might look at the idea of public funding. I have just thrown out ideas. As I have subsequently found out from my research in Guernsey, it is much easily solvable by just reducing the electoral limit so that you do not give wealthier candidates a greater advantage. I hope that they will consider that if the main proposition is carried. On that basis I will ask to vote ...

The Bailiff:

I beg your pardon?

Deputy M.R. Scott:

I am sorry, I just was going to call for the appel but suggest we did it in parts.

The Bailiff:

We have just been discussing that, presumably you would like 3 separate votes on perhaps 1, 2 and 3.

Deputy M.R. Scott:

I think on the first paragraph relating to page 2, paragraph 8, on (i), (ii) and a. and b. Is that possible, Sir?

The Bailiff:

I am sorry, you are asking for 6 different votes, Deputy, is that what you ...

Deputy M.R. Scott:

No, it is 5; happy to reduce it to 3, Sir.

The Bailiff:

I think the only way that you can divide it up is in the numbered paragraphs that exist in the proposition itself. They stand alone naturally but the rest do not, it seems to me and it is difficult to break it down without qualifying which part the governing paragraph, for example, in 2(ii), relates to, (i), (ii), a. or b.

Deputy M.R. Scott:

Okay, 2 parts.

The Bailiff:

I think it will be 3 separate votes, 1, 2 and 3. Would that be ...

Deputy M.R. Scott:

Yes, sure.

The Bailiff:

Very well. The appel is called for, I invite Members to return to their seats. The vote is on the first paragraph of the second amendment, namely page 2, paragraph (a) and I ask the Greffier to open the voting and Members to vote. I am sorry, Members can pause their button. We are going to have to stop the vote because we have a technical difficulty. We may have to reboot the system or something of that nature. If you would chat very quietly among yourselves for a moment, we will return as soon as we are able to do so when we can resume normal service. Very well, we will now try the voting system. The vote is on the first paragraph of the proposed second amendment and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The paragraph 1 has been defeated:

POUR: 11		CONTRE: 34		ABSTAIN: 1
Connétable of St. Lawrence		Connétable of St. Helier		Deputy I.J. Gorst
Connétable of St. Brelade		Connétable of Trinity		
Connétable of St. Saviour		Connétable of St. Peter		
Deputy C.F. Labey		Connétable of St. Martin		
Deputy S.G. Luce		Connétable of St. John		
Deputy P.F.C. Ozouf		Connétable of St. Clement		
Deputy M.R. Scott		Connétable of Grouville		
Deputy R.E. Binet		Connétable of St. Ouen		

Deputy H.L. Jeune		Connétable of St. Mary		
Deputy A. Howell		Deputy G.P. Southern		
Deputy B. Ward		Deputy M. Tadier		
		Deputy L.M.C. Doublet		
		Deputy K.F. Morel		
		Deputy M.R. Le Hegarat		
		Deputy S.M. Ahier		
		Deputy R.J. Ward		
		Deputy C.S. Alves		
		Deputy I. Gardiner		
		Deputy L.J. Farnham		
		Deputy S.Y. Mézec		
		Deputy Sir P.M. Bailhache		
		Deputy T.A. Coles		
		Deputy D.J. Warr		
		Deputy H.M. Miles		
		Deputy J. Renouf		
		Deputy C.D. Curtis		
		Deputy L.V. Feltham		
		Deputy M.E. Millar		
		Deputy M.R. Ferey		
		Deputy R.S. Kovacs		
		Deputy A.F. Curtis		
		Deputy K.M. Wilson		
		Deputy L.K.F. Stephenson		
		Deputy M.B. Andrews		

We now open the voting on the second part of the amendment and I ask the Greffier to open the voting and Members to vote in the normal way. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting and paragraph 2 has been defeated:

POUR: 3		CONTRE: 40		ABSTAIN: 1
Deputy L.M.C. Doublet		Connétable of St. Helier		Deputy I.J. Gorst
Deputy M.R. Scott		Connétable of St. Lawrence		
Deputy B. Ward		Connétable of St. Brelade		
		Connétable of Trinity		
		Connétable of St. Peter		

		Connétable of St. Martin		
		Connétable of St. John		
		Connétable of St. Clement		
		Connétable of Grouville		
		Connétable of St. Ouen		
		Connétable of St. Mary		
		Connétable of St. Saviour		
		Deputy G.P. Southern		
		Deputy C.F. Labey		
		Deputy M. Tadier		
		Deputy S.G. Luce		
		Deputy K.F. Morel		
		Deputy M.R. Le Hegarat		
		Deputy S.M. Ahier		
		Deputy R.J. Ward		
		Deputy C.S. Alves		
		Deputy L.J. Farnham		
		Deputy S.Y. Mézec		
		Deputy P.F.C. Ozouf		
		Deputy Sir P.M. Bailhache		
		Deputy T.A. Coles		
		Deputy D.J. Warr		
		Deputy H.M. Miles		
		Deputy J. Renouf		
		Deputy C.D. Curtis		
		Deputy L.V. Feltham		
		Deputy R.E. Binet		
		Deputy H.L. Jeune		
		Deputy M.E. Millar		
		Deputy M.R. Ferey		
		Deputy R.S. Kovacs		
		Deputy A.F. Curtis		
		Deputy K.M. Wilson		
		Deputy L.K.F. Stephenson		
		Deputy M.B. Andrews		

The Bailiff:

The final vote then is on the third amendment, that is the one changing the date from 2023 to 2024 and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. That amendment also has been defeated:

POUR: 12		CONTRE: 33		ABSTAIN: 1
Connétable of St. Helier		Connétable of St. Lawrence		Deputy I.J. Gorst
Connétable of St. Brelade		Connétable of Trinity		
Connétable of St. Martin		Connétable of St. Peter		
Deputy C.F. Labey		Connétable of St. John		
Deputy P.F.C. Ozouf		Connétable of St. Clement		
Deputy M.R. Scott		Connétable of Grouville		
Deputy R.E. Binet		Connétable of St. Ouen		
Deputy H.L. Jeune		Connétable of St. Mary		
Deputy A. Howell		Connétable of St. Saviour		
Deputy A.F. Curtis		Deputy G.P. Southern		
Deputy B. Ward		Deputy M. Tadier		
Deputy K.M. Wilson		Deputy S.G. Luce		
		Deputy L.M.C. Doublet		
		Deputy K.F. Morel		
		Deputy M.R. Le Hegarat		
		Deputy S.M. Ahier		
		Deputy R.J. Ward		
		Deputy C.S. Alves		
		Deputy I. Gardiner		
		Deputy L.J. Farnham		
		Deputy S.Y. Mézec		
		Deputy Sir P.M. Bailhache		
		Deputy T.A. Coles		
		Deputy D.J. Warr		
		Deputy H.M. Miles		
		Deputy J. Renouf		
		Deputy C.D. Curtis		
		Deputy L.V. Feltham		
		Deputy M.E. Millar		
		Deputy M.R. Ferey		
		Deputy R.S. Kovacs		

		Deputy L.K.F. Stephenson		
		Deputy M.B. Andrews		

8.4 Re-instatement of Senators (P.108/2022) - resumption

The Bailiff:

We now resume a debate on the main proposition and does any Member wish to speak on the proposition?

8.4.1 Deputy R.J. Ward:

I thought I would speak at the beginning because I want to speak positively on this topic. We went through an election, it was my second election; very different experience in many ways. You get used to knocking on doors after the first time round and it does not become ... I do say to new candidates, and you would probably agree, that one of the most fearing things is to knock on your first door and not know what is behind there and what you are going to get. After a while you get sort of more relaxed with it and you get perhaps even better at it, one might say; I hope so. What you get is you get a gauge of some form of the sort of topic that is important to people. One of the first things I would like to say is we have a very different and diverse community on Jersey and I am very proud of that and it is a very good thing. Therefore, you will get diverse views and you will get diverse views in different parts of the Island. I can say that the loss of Senators was not one of the main things that I was talked to about. It was so many other things; it was housing, it was about the cost of living and the challenges people are facing just making ends meet. It is about the concerns they have, that people might not make ends meet and what are they going to do?

[16:30]

It was about the quality of the housing they were living in. It was about whether their children have a school to go to that is within walking distance. It was about the quality of the air that they were breathing. Those concerns and many others came up on the doorstep and that is one of the things you learn on the doorstep, you have to adapt quickly. If you only talk about one topic you lose very rapidly the interest of the person that you are talking to and of course the topic of party politics came up. The second time round it was a lot easier, a lot easier and much better and a really positive topic to talk about and that was a good thing. But one of the things that was really important, and I think that came across on the doorstep the second time round, is that I had engaged with a lot of these people as much as I could that I was knocking on the doors of because I knew them in my constituency. We had drop-in sessions regularly and people may not have even come and spoken to you and a number of people said to me: "I never spoke to you but I have seen you in Springfield, seen you sat there on your own, lonely." **[Laughter]** No, they have said: "I have seen you, like a huge queue of people who are desperate to speak to you because you are so popular." But it was a really nice thing to encounter. I would mention that and I start speaking on that because this is the key to where we are. What we have at the moment is the most diverse Assembly we have ever had, so why is that so important? We keep using this phrase but I want to talk just briefly about why that is important. It is important to me because I learn every day from that. I learn every day from my colleagues who give me a different view of the world that I do not have. I have a view of the world and I am increasingly aware of my unconscious bias the way I see the world. We need that because we have to cope with the world. We have to have some sort of prejudice in us to make sense of the world but that does not have to drive where we are. It is only through that experience of difference that we understand all the world and that is why it is so important that we have that diversity. In the last change to the election we increased the diversity in this Assembly. The next step is to take that, prove its value and go back to the electorate for communities that are not voting, are not engaging, the genuinely disenfranchised on our Island, and say to them: "Look, when that changed we have this and now and this is valuable to you." I agree with Deputy Morel, the most important thing that you

can do is to vote. What do we have to do to do that? I do not think we should be talking about going backwards and talking about Senators and about Island-wide votes in the way that we are. I believe, and I agree with the comments paper of P.P.C., that we need to give this another run through and we need to prove its value. I would suggest we would need to do the following to do that. One of the key things, and I have mentioned this so many times, is about resourcing for Deputies. I believe that if we had a place where people knew where their Deputies would be, constituency officers, staff, so that every single member of that constituency knows where to see their Deputy, when they can see their Deputy, and the help that they can get. Then they would see the job that we do. I would like to make a public apology to the person who saw me walking my dog one morning and said: "Oh, you Deputies do not do anything." I said: "I am sorry, what time do you think I started work this morning?" They obviously caught me at the wrong time. I found myself saying: "Actually I was up at 7.30 this morning answering emails, and the poor dog in the pouring rain [he quite enjoys the rain] I was thinking it was the only time I could get him out and before I go to the next meeting I am doing. I am out until this evening." So I gave this little mini lecture, which was the wrong thing to do, but why is that image of us there? It is there because there is not that contact and there is not that direct contact with us in our constituencies, and we cannot be seen to be in one place and knowing where we are. Now Island-wide mandates is not going to improve that. It is going to make people more detached from their local representatives. This mish-mash of 3 different types of - thankfully that has not been voted for - States Member perhaps with different roles and different powers and different importance, that is a very, very confused democracy. The reality is that all of our votes are equal in this Assembly and that is such an important principle that we have. There are some things that we have to do in the next few years to prove the value of this system. One of the things we have to do is stop re-writing the electoral registers every 3 years because we are wiping people from those registers and they are not registering again. I will tell you one of the things that I had the conversation with a lot in our constituencies, and I know others did in their constituencies, is: "Oh, but I cannot vote" and I said: "Well, you can vote." "No, because I am not entitled, I have not been here 10 years." "You only have to be here 2 years to vote." "Really?" "Yes, you do. There you go, you can go on to the website and you can register." I had that conversation I think more times than I had any conversation about whether Senators were the most important thing in returning them. So what we are saying is we are going to step back to a system because of voices that were heard. I am not saying that those voices are not there. Absolutely not. But again I start from where I began with this speech. There is diversity on this Island and you will get a different view depending on where you look. But we are not going to make a step forward by making that step back until we solve the other problems. The only way to do that is to go through the system and let it run through again. There were some issues with the changes. They did happen during a time of COVID. During the most difficult 2 years that I think many of us have for many a moon. This Assembly and everything we have done here and working online. I know some people are fans of it. Deputy Southern a huge fan of online working [Laughter] but the rest of us had to cope with it.

The Bailiff:

That is not misleading the Assembly, is it?

Deputy R.J. Ward:

You can say that, but I certainly cannot. But this wider perspective on what democracy is is really important. It is not simply about being able to vote for more faces. It is about being able to vote in an enriched way. For those that you know in your constituency. You know the role that they are taking on. You know what you can go to and you know that you can be truly representative in this Assembly. Again, I have said this before and I am going to say it again, we have a wonderfully direct democracy. I can come to this Assembly and I have many times, and I may have annoyed some Ministers but there you go, and I can bring a proposition. We have to decide whether that proposition becomes legislation and law and happens in this Assembly. That does not happen in many places in the world. If I was an M.P. (Member of Parliament) in the U.K. there is zero chance of me bringing

anything to the Commons whereas here we can do it. That link to that direct democracy in equal size constituencies, equal numbers. We represent equal numbers of people. That is the key. If we do that then we can genuinely say that we have a democratic process that has value and we can then, when we knock on the doors, say to people: “Why should I vote?” “Because we have a democratic process that has value and we can go through it” and that is the really important point that we have to make with this. If we go back and say Senators, we will go Island-wide vote, we could lose the connection that, to be quite frank, we are only just really starting to make with what we have now. The constituency drop-ins, I was asked 2 questions from constituency questions this week and I have done it before because people come to me and say ... and I think I do not know the answer, you know what, I will go and ask in the Assembly. Let us go for it. That is direct democracy. Somebody can come and stand in my constituency or take the time out of their lives to come and see me and ask me a question that can be in this Assembly. That is direct democracy. That is wonderful. We can do that but where do we do it? We do not have offices, we use ... I would like to say thank you to the Salvation Army café and the One Stop Coffee Shop and to the Springfield Café, although I made a desperate error there by putting it on a Saturday morning. So some of them are not happening because of the football. Being a season ticket holder myself I realised I made a huge error but we shall solve that problem. We can now run 3 constituency drop-ins every other week. There are 5 us and we can share them and we can share the burden. It is not a burden, that is the wrong word. We can share the experience. We can share that need to be there if something comes up. So if somebody has a child, they have children they have to look after, they can still do that and we can still get this process going on. That is about inclusion of people and the differences that we see. So there are so many valuable things from the system that we have now that we can develop further and they can be stronger and they can be richer and we could be better as a democracy. But we cannot do that if we throw it all away. Controversially, my colleagues might have a go at me for this, if we went to all-Island Senators personally I do not have a huge problem with that because I think as a party we would do really well because we are building and we are building and we are building and we are communicating. We have huge events going in the next years. Fine. Then we may well get an overall mandate. But I am not so sure that is what is wanted. I think that localism, even on a small Island, is really quite important. But if you go for Senators and you just have a few you are going to lose that. You are going to dilute it in the name of just voting for more people. What I would say to people if they are worried about covering their constituencies is start now. You have 3½ years to go and knock on every single door and be around in your constituency. For those who are taking on a Ministerial post I am afraid you have taken on ... I am sorry, but I have to say this. You have decided to take on that Ministerial post so you have to balance the workload. There are many of us who take on a lot of Scrutiny as well and we have to balance the workload. There are a number of cases in central St. Helier, we have lots and lots of cases to deal with and we take on that workload. That is part of the job. So the solution to this is simple. Leave where we are. Let us run it through and we have 3 ½ years to prove our value as a political structure on this Island with what we have got now, to resource it properly so that people can expect to know where I am, when I am there and what I can do to assist them with the assistance of staff, if necessary, so that we can provide a service which is about knowing the genuine views of the people of this Island and knowing how to help them to have the best possible lives they have. I genuinely do not believe that is going to happen simply by going back to Senators. So I urge people, let us leave this now. Let us let it go, let us move forward and let us carry on with the system that we have now and let us give it another run through and let us really throw ourselves into it and let us commit to our roles and let us work in our constituencies. I urge Members to reject this proposition.

8.4.2 Deputy M.R. Le Hegarat:

I was challenged on the doorsteps at the last election by a number of people in northern St. Helier and what they were challenging me on was the fact that I had removed their Island-wide mandate of Senators and I had to explain to them why I had done that. The reason I had done that was because in the election previously in 2018 I had been quite aware that the residents wanted to keep the

Constables. So I voted during the last term of office for the Constables to remain within this Assembly. So I explained that to those people on the doorstep. Obviously there were lots of other topics but this was one. So I explained that I wanted to keep the Constables because I valued the fact that they are the people that run the Parishes and that all of the honorary roles that go with that, which we do not pay for as an Island, we would lose or it was my fear that we would lose them, and my colleagues in the Assembly that served with me previously will know that that is why I wanted to keep them. No bones about it. So, why did I then vote to remove Senators from the Assembly? That was because St. Helier was under-represented across the board and the only way I felt that St. Helier would be represented equally with its votes like the rest of the Island was by removing the Senators and forming districts, and that is what happened. So we ended up with districts. I am fully aware of what people have said in relation to the fact that they may have 3 Parishes or 2 Parishes or whatever, but at the end of this we all represent the same or equivalent numbers of residents. So this is not about whether you have one Parish, 2 Parishes, 3 Parishes. This is about the amount of people you represent within your district and, yes, there may be small differentials but effectively that is how many we all represent, and I fully appreciate that. It is a challenge. It is a challenge for us all. It was a very different election for even those of us in northern St. Helier and those in the central district because our district significantly changed. So from being a district that had quite a lot of town district, as in close homes together, we suddenly found ourselves in northern St. Helier to the east with significant challenges because it is all rural as opposed to having the opportunity of more closer communities. So that is why I did not vote for the last 2 amendments because I do not want to go back to being single Parishes, single representation. I wanted to ensure that St. Helier does not lose its equal opportunity of votes because that is what is important. I do not know, is it 36,000? I cannot remember but a very high proportion of Jersey's population live in St. Helier. So for me, it was critical to ensure that we still had all of those representations.

[16:45]

I will vote for the original proposition that has been brought by Deputy Gorst because I do believe, and it was quite clear to me, that the people I spoke to do want Island-wide representation. So I am happy, as a member of P.P.C., to look at that and see whether there are ways of us moving this forward. But as I said, I could not vote for the other 2 because I do not want to go backwards. We must go forwards. If that means 37 representatives Island-wide then so be it. But I think it has to be staying that everybody has equality of voting and not going backwards.

8.4.3 The Connétable of St. Martin:

I apologise to the Assembly for standing up yet again this afternoon to make a speech. I wish to thank Deputy Gorst and, informally, Deputy Farnham for bringing this proposition to the Assembly. Although some may disagree, it is healthy for a democratically-elected Assembly to reflect on and understand how it can become more representative for those who elected it and how we can improve the quality of and potentially expand democracy in Jersey. I also commend both Deputy Gorst and Deputy Farnham for seeking to follow through on one of their manifesto promises. I would also like to thank Deputy Gorst for agreeing to delay the proposition from its original debate date of 13th September 2022. As noted in our comments paper, the Privileges and Procedures Committee is itself neutral on this proposition. However, as I have stated before, I will be personally voting against this proposition and its amendments on the grounds that I believe it would hinder the work of the committee in responding to the concerns outlined by Deputy Gorst and I would urge Members to provide P.P.C. with the freedom it needs to deliver on this work without any foregone conclusions by rejecting the proposition and its amendments. This does not mean at all that we are ignoring the issue, but we need to get this right and we should not tie ourselves to a specific outcome before we are certain of what direction we and the Island wish to go in. We need information to make informed decisions in order to prove to both current Islanders and our future generations that we make our decisions as carefully as possible. It is why the States Greffe has been running a series of focus groups in collaboration with Professor Christopher Pich of Nottingham Trent University on the

election. Likewise, there are a considerable number of other items related to electoral reform that may need to be considered before we make such an important decision, including the proportionality of votes, the administration of our new political parties and so on. The question of whether to return the Island-wide mandate is far more than a simple yes or no decision. As outlined in our comments paper, we believe that it would be suitable to allow our current electoral system to bed in. Concerns were raised by the 2018 Electoral Observers Mission around the design of the previous system. The 2022 Mission was positive of the changes we have made. Not only do we not want to make any sudden reactive choices or confuse or frustrate potential voters by immediately making more radical changes but we do not want to do this without sufficient evidence. As noted in our comments paper, the Jersey Opinion and Lifestyle Survey found that only 3 per cent of those surveyed considered the electoral changes to have influenced their intention to vote. Members have perhaps noticed the impact on the Assembly from the loss of Senators has been seemingly minimal. The quality of our debates, our reports, our propositions, our amendments, and so on, have not suffered. Likewise, Members appear to be acutely aware of the local issues faced by their constituents and there is a considerable need for this. After all, smaller constituencies should naturally imply a closer relationship between the elected representative and those they represent. I believe that this is a good thing. The call from former Senators for resources like constituency officers demonstrates their understanding of the need for community and constituency engagement, something that I, as a Constable, and thereby something that I am implicitly tied to, am delighted to see. In turn, I do not believe that our Government has been made any less legitimate than previous ones that included the Senators. The most recent elections appear to have provided a more immediately equal playing field for candidates across a range of backgrounds and certainly in the Deputies case, and as experienced by the Constables of Grouville and St. Mary, a considerable level of competition. The last election was perhaps the most competitive in the Island's history and that is what we want to encourage. If you stand for election you want to do so with a chance that you will be elected against the incumbent. With the Senators there were doubts around the level of competitiveness but now with the current system and the demonstration of electoral vulnerability provided by none of the candidates ballot option it is clear that there are opportunities for competitive multi-candidate elections in Jersey. Something that I hope will help to drive up engagement in future elections. As we saw with the face of many Members of the previous Government, there should be no guarantee of return if the electors are unsatisfied with you. Indeed, I believe that none of the candidates option has been a useful way of showing Islanders that they can stand for Constable and get elected, that you cannot simply breeze into this post, and I hope to see every election contested come 2026. I also think it is useful at this point to state that although I have never been a Senator I have a very strong and long familial link to the role of Senator. My father having been a Senator for about 35 years and one of my brothers for 6 years. So I do have a deep affection for this role. I was 11 years old when my father became a Senator and 11 years old when I first visited this Assembly. I acknowledge Deputy Gorst's concerns regarding the views of the public on Senators and I would like to note that I too had a number of parishioners approaching me during the election and since on this matter. I acknowledge the views expressed by Islanders on this issue and they should not be ignored. Likewise, I myself have previously expressed reservations about the current system and, as I noted at my hustings, as already stated, I have sympathies towards the Senatorial role. As both their Constable and as chair of P.P.C., I need to ensure that parishioners and Islanders are not ignored or alienated. However, I need to make it clear that we simply do not know how representative these views were of the Island as a whole. We have no clear data on this issue, no clear way of knowing whether we heard a majority or even a plurality of Islanders' views on this issue. Likewise, we do not know how these views have shifted since the electoral system was used given that these conversations were largely held before the election itself took place and before we know the result. We do not know how certain views have changed following the election and the settling in of new Members. We have to be careful here, we cannot disenfranchise either side of this issue and hence I repeat my urge for caution. I would like to remind the Assembly that the committee fully intends to undertake further public engagement and outreach in order to investigate, understand and develop consensus-led conclusions on this issue. As

I said in my nomination speech to become chair of P.P.C., I believe that we should give all Islanders a chance to discuss, consider and shape Jersey's electoral system in a way that satisfies both Islanders and international standards on diversity and inclusion. We should not tie our hands today before Islanders have had the opportunity to speak both for and against. We need to allow Islanders a time and the space needed to deliberate on these matters and not just confine them to the election period. Agreeing to bring back the Senators now would rob P.P.C. and Islanders of the agency needed to do this work. As I said in my nomination speech, we need to be inclusive. I believe there is merit in working with groups such as the Youth Parliament, Youth Assembly and many other bodies, in order to deliver on this work and I would encourage Members to use this debate as an opportunity to express their thoughts on this new system. How it compares to the old and what could be improved. We also quite simply need more time. P.P.C. has a considerable work programme to get through during this Assembly's term and I do not want to see the committee tied down in a way that negatively impacts on the quality of this work. Given our continuously low voter turnout we need to have the space and the time that will make Islanders feel empowered and assured. Of course Deputy Gorst may argue that by listening to those who told us that they want Senators back this would be a way to achieve this. But we need to do more than that if we want to build a better democracy and a more engaged society. I can promise both the Deputy and the wider Assembly that the question of the Senators will not be buried but we cannot risk getting this wrong and we cannot tie our hands so early on in this process.

8.4.4 Deputy E. Millar:

I am sure I am not alone in saying that during the campaign period I spoke to many hundreds of people and, as the Constable of St. John said, in St. John, St. Lawrence and Trinity the issues that came up regularly were housing and how people are going to house their children and keep the children in the Island, long-term care - perhaps because that is an interest of mine - and the hospital. But the issue about the loss of Senators was one that was very, very keenly felt and it came up time and time again. Of all the people that I spoke to, there was only one person who said: "Well I think I kind of understand why they have done it, why they have taken Senators away" and I tried numerous times to explain to people what we were doing, and it was exactly as Deputy Le Hegarat says, to try and ensure a consistent and even number of voters for each States Member. But most people find it very difficult to get their heads round. One person I know, because I saw him on the day of the election, told me very early on that he was not going to vote. He was so angry he was not going to vote as a protest and, as Deputy Morel says, I tried to persuade him that that was not the right thing to do. I saw him the day of the election and he had his one paper to vote for Constable and he insisted. That is somebody who is a public servant of decades' experience, who has voted his entire life; he was so angry. People in other districts have said to me they were angry, they felt disenfranchised. Having said all of that I find it really something ... it is really quite ironic that if we were trying to increase the vote that in the Parishes where there was most resistance in the multi-district Parishes that we were still returned with very large numbers in comparison to the numbers voting in St. Helier. There is a dividing line in here about that. I am not saying that to make any kind of point other than we do need to engage with people all over the Island to ensure that people do come out to vote. I agree with a lot of what Deputy Ward said and I think engagement is a huge part. We need to try to be engaging with people to get them to vote, to understand the importance of voting. A couple of people have mentioned this morning the electoral register. I do not believe the fact that we do not have one was due to political interference. But it is important that we do look at how we record voters. I think asking voters to register every year is not helpful. There was one door I knocked on and a relatively young woman came to the door and said: "Oh, I cannot vote, I am not on the register." And I said: "You have still got plenty of time to register" and she said: "No, no, we do not go on the register because we do not want to do jury service." I had to bite my tongue very hard not to say: "Well that is 2 civic duties you are neglecting then." But that was certainly the words that went through my head. I was told anecdotally as viscount that there were people who did not register because they did not want to do jury service. I think that is shameful and we have to, I think,

try to engage with the public about the importance of both voting and jury service. I would just make that plug for the courts. But the level of anger and despair that I encountered very early, from the very start of campaigning, led me to write in my written leaflet that I was subsequently delivering, putting through the doors, in my manifesto, that I would campaign for the return of Senators and/or the Island-wide mandate. Though I have not had to campaign because Deputy Gorst has brought forward a proposition but as a manifesto commitment I will be supporting this proposition.

8.4.5 Deputy L.J. Farnham:

Can I just start briefly going back to the referendum which many of us were involved in and many of us campaigned for a different type of referendum? Deputy Carolyn Labey talked about having fairly straightforward questions, yes or no. The last referendum gave a package of 3 options and you had no choice in them. They were not yes or no. Actually options A, B and C: A was to remove Constables and Senators, 42 Members; B was a variation of what we have now with a slightly different makeup of the constituencies and 12 Constables; and option C was for change but not this change and pretty much kept with the model we have been working with. Although option C went out in the first round, option B had less votes than option A and option C combined so it was a real mess to be honest, and I think that is why ultimately the States Assembly did not approve it. It is only to say that 80 per cent of Islanders at the referendum, which had about a 26 per cent turnout, voted against Senators, well that is not ... let us just say it can be interpreted in a number of different ways; an example of which I have just given.

[17:00]

The role of Senator, if you go right back to the beginning, was never designed to be a senior or a superior role. It was quite simply because, and some Members will know that it was established after the Second World War as part of a Royal Commission that came over to the Island in 1947, 1948 and so we ... as you know, our unique cameral system we do not have as yet, and the Constable of St. Helier is not here. We do not have parish councils, town councils, county councils, city councils, we do not have an upper house, we do not have devolved assemblies, we have this States Assembly, which is why we have different types of representation. The Constables represent the municipal interests, the Parish interests. In the larger Parishes that is broken down for the Deputies represent their constituents. Then we have the Senators who represented the Island interests and could operate through the legislature without fear or favour of being in breach of constituency issues. That is, I think, having served as a Deputy and a Senator, some of the biggest challenges being faced in the current system because suddenly ... well, it is a bit untidy insofar as in St. Helier there are 3 districts, so some for the St. Helier Deputies are representing a part of a Parish. There are some Parishes that have 4 or 5 Deputies representing one Parish, there are districts where you have 3 Deputies representing 2 Parishes, and then you have 4 Deputies representing 3 Parishes. The Parishes I represent, the majority of the people that I represent, friends, families, constituents, are not happy with the situation because not only have they lost their Senators but they have lost their Parish Deputies. Despite our very best intentions of the 4 Deputies in our district trying to work together, 3 of them hold very busy Ministerial positions. I work across a number of committees but I have to say I am doing a lot less than I was doing as part of the Government. So with the best will in the world it is difficult to collaborate, to organise ourselves and I think, if we are honest, that is perhaps a similar situation to what Deputies working across other Parishes are finding. That is just one of the issues that I feel perhaps is not quite right with the current system. I also feel that the Island-wide vote sort of united Islanders because all Islanders could select their Island-wide representatives. That was always, always, going back to all the elections I can remember, not only standing in, but I have always voted, and family, grandparents and great-grandparents have always voted over here, was something that I think united the Island and we sort of lost that. Having said that, I do quite like the feel of the new Assembly but we have to remember the rationale for the different types of Member to create that balance. Many Members have said we need time to bed this and I am not sure why we need time to bed it. It is here and we are all working within it, we are all relatively intelligent people,

I would like to think. I get a feel that some of us will like it, and some of us will not quite like it, but many of us are all entrenched in our views. I am probably guilty of that. I have always campaigned to keep the Island-wide mandate, and I think it is one of the most important issues. It is at the heart of our democracy, the heart of our Island life, and we are not wasting time discussing it, that is a bit of a red herring, I think. Members said we should be discussing other things, we are talking about ourselves again, because this privilege we have to govern ourselves is important and we should never shy away from speaking about it and debating it. The move to this type of electoral system that has given us this Assembly, I consider that to be a retrograde step. I did not consider it to be a move forward; I considered it to be a move backwards, so I am going to argue that we move forward and reinstate Senators. We have been very, very careful, as I have said earlier, to make this debate about the principle of having an Island-wide mandate which I hope Members support because if we agree it today, then there will be a lot of work, a lot more debate, that we will have to come back with a solution that delivers the Island-wide debate. That is where the amendments of Deputy Scott and Deputy Morel, and such similar ideas and suggestions and views and opinions of Members, will go into the pot but I am confident and convinced that we will, if we support the proposition today of Deputy Gorst, to agree to the principle of restoring the Island-wide mandate which is the fairest and the most democratically-elected Member of this Assembly, it is a position that can work for the Island's interests without fear or favour of being in breach of Parish interests. I say that because I remember when I was Deputy of St. Saviour No. 2 District, there were various pressures in the Parish that we resisted as Deputies to protect our Parish but arguably were not in the Island-wide interest. It could be argued that that has contributed to, for example, the housing shortage to date because in the urban areas of some of the town Parishes we protected green areas far longer than we should have done, but that is just an example. I will of course be supporting the amendment to introduce the principle to reintroduce Senators for the reasons I have maintained and I hope Members do the same.

8.4.6 Deputy M.R. Scott:

The Privileges and Procedures Committee expressed the view that the changes introduced by the last States Assembly be bedded in. I prefer for myself, my fellow States Members, my constituents, and the Island-wide electorate a bed that is better made and offers better support to everyone. I have mentioned how I stood in the 2018 Senatorial elections as a newcomer to politics and the choice that it gave me and that it gave to members of the electorate. I do not believe that in these changes that are being put forward that anyone is suggesting that there should not be district representation, so I do believe that Deputy Rob Ward's concerns that there will not be that engagement are not well supported by this proposition, particularly when you do have the Constables here. I do not believe that these changes, while you retain the Constables, are possible in terms of maths and district representation without retaining some Deputies. The real focus of my support of this amendment comes down to 2 things and it is evidence and it is trust; electoral trust. We have statistics that show the States Assembly continues to be the least trusted of public institutions. It is clear that the referendum that was held in the Island, as has been pointed out already, was not well-constructed, another bed that was not particularly well made, and it tied the electorate's hands. I keep hearing about States Members not wanting to have their hands tied; I really do think we should think about the position of our electorate and how we tie their hands. It forced voters into an option either of accepting a status quo with a larger number of States Members, an unequal Parish representation, while retaining the Senators, or to do something different. The process by which the referendum was constructed was not constructed either ... I am not saying it is a bad process, it was not transparent, that affects electoral trust as well. The States Assembly, the former States Assembly which we are not, made the deliberate decision to deprive the electorate of a direct voice in a major constitutional matter. I believe that affected the trust of the electorate. This was on the advice of the former P.P.C. chair at the time who insisted the States Assembly had adequate competency in the matter. I do believe that States Members must know the difference between a straw poll that is conducted in a pub, on the doorsteps, as opposed to the actual validity of a properly-conducted referendum that really does take account of the views of the electorate without confusing them. This was on the

advice of the former P.P.C. chair at the time and when they were saying: “Right, okay, we should be revisiting those decisions” it is quite clear that the States Assembly do think that we should be revisiting decisions and looking at them, as I say, housing, the hospital. I personally witnessed the verbal assurances given by the former somewhat theatrical P.P.C. chair whose audience is in public roadshows in all the Parishes. He is not on the Benches anymore, and I am not going to read anything into that, but he basically was saying that the changes proposed by his committee would improve Jersey’s abysmal electoral turnout compared to other jurisdictions and would give voters better choice. The publication of electoral statistics of Jersey’s turnout and the statistics showing trust do not really support that conclusion. There is a small nudging of the dial. I agree that it is a little bit better but we still remain the least - and I do not think this is a badge of honour - the least trusted public institution. Too much money is going on multi-Member district representation under the current system and not enough on supporting States Members generally, so I support Deputy Rob Ward in that concern that really we could do with more money on supporting us or in our duties as States Members but this multi-Member district representation where we are now looking for various constituency officers, where we have still got to sort out how we distribute workloads within Parishes and co-ordinate with Constables, that is going to involve a bit of investment and resources too. It creates duplication of extra effort on communication and it enables States Members in districts not to own issues. I am not saying that there are any easy solutions but I do not think this is a bed that I am sleeping in that comfortably at night. We are doing the very things our committees are demanding that the public sector should not do: working in silos, not being adequately co-ordinated, and not really being clear about mandates and responsibility. A report commissioned by the former Electoral Commission reported one positive aspect of this system for political party domination though, which is that tactical advantage of jointly canvassing in specific areas makes it easier to go door-knocking in groups, it saves printing costs to promote more than one candidate on a single leaflet in a single district. They can also argue electors who support a particular party candidate get 2 or more for the price of one, as indeed happened in my Parish. That tactic generally returns greater numbers of party representatives in a single district and therefore more in the States Assembly than the tactic. I did in fact come across a question not so long ago when I was attending a school about the fact that the actual young voter could not vote for Reform in a particular Parish, that could be regarded as tactical. I think that is unfortunate. I would prefer a system that builds trust in the States Assembly rather than make a bed in one that does not. So, in short, having a number of people representing a district all at the same time does kind of raise questions, although in one way it is easier for party politics, it can perhaps not work so well in other ways. The truth is, as supported by data from the last election, and in fact as can be seen in many small jurisdictions, our electorate has not shown much appetite for a political party system. It is a common feature in small jurisdictions and is evidenced even now by a States Assembly dominated by independents.

[17:15]

Rather than acknowledging that is what the public may want, some people who are members of political parties may be saying that the public have not got it right. Again, I do not believe it is our job to turn back in these situations and say to the public: “No, this is the way that we want to do things.” It is all very well for commentators to say: “Right, you guys should all group in political parties” when in fact that takes time, effort and it may not be the most efficient way for individuals to operate or indeed sustainable. That is a word that comes a lot in this States Assembly these days, sustainable in terms of funds within this very small community, the size of my birthplace, Guildford. It is about economies of scale and it also raises an issue which will always be there in the background, whether it is desirable in all of this to have political donors calling the shots, but anyway we decided not to look at that issue. So, if this proposition is defeated, questions of confirmational bias on this matter and self-interest on the part of Deputies will remain. The matter will not be put to bed. We have seen what happened in Guernsey after its States Members ignored the simple fact that the Island of Guernsey is of a small size, as are we. I will consider seeking a referendum on this issue during the life of this States Assembly if this vote is not carried because I do think that will make things

much clearer on the electorate's position on Senators than the 1983 referendum allowed voters to be. That is not because I do not support democracy, it is because I do.

8.4.7 The Connétable of St. John:

Members will be pleased to know that I will not be repeating my earlier words, so apologies to Deputy Mézec. **[Laughter]** Apologies. I did not want to interrupt Deputy Farnham but I would like to point out that the last referendum was in 2014 and not 2013, and it had one simple question. While I am sure most of us would agree the 2013 referendum could and should have been clearer, it was what it was. Importantly, it was approved by this Assembly. At times, we have to show leadership and leadership comes in many guises. Leadership is not about making a kneejerk response. Certainly, at times it does not include being populist. It is about making decisions for the whole Island rather than a few. We have heard about the northern and western Parishes but little from elsewhere. It is about making decisions and giving those decisions a fair chance of succeeding. What was the Deputy and his colleague thinking when committing to lodging a proposal at the very earliest opportunity? Both are seasoned politicians and seasoned campaigners. Both would have known the timetable for the Government Plan, a timetable shortened by those who voted to extend the last term. As I say, Deputy Gorst is an experienced politician who has more than enough experience to amend his own proposition to allow P.P.C. sufficient time to come back to the Assembly instead of delaying the debate but not extending the time limit given to P.P.C. Can anyone seriously think that this proposal is genuinely deliverable in the time allowed? The Deputy has said he is happy if it takes longer but as we are always reminded, and I will remind him, we have to vote on the words in front of us. We heard in earlier debates about how difficult it was to cover a district of 3 Parishes efficiently. I have managed campaigns for Senator, Deputy and Constable and for a referendum. In terms of turnout, my record of a campaign I have managed had a turnout of over 80 per cent, a by-election. It is up to the candidates to choose how they want to engage with the public and, if they want to have a hustings, where and when. It is absolutely the same with districts. You are not obliged to follow the others. You can be creative and engage with constituents in many, many ways. Again, I would urge Members to give the current system time to bed in. We have heard from some that they are not sure what areas they should look after in their district. Deputy Farnham said: "Why do we need time? I always campaign for Senators." Well, I ask him and others to give it time. I would encourage Deputies and districts, if they have not already, that they get together and agree what areas that they will lead on and work together, whatever their political views, to ensure that the constituents receive the best level of representation possible. Earlier today we received an email and were asked to update our surgeries and drop-in dates. Anyone taking a quick look at gov.je website tells you that some districts are doing well and others can improve. I would echo the comments of the chair of P.P.C. We should all hope that all seats will be contested in 2026. While it is an enormous privilege to be elected unopposed, it is a whole lot better when people take the time and effort to come out and vote for you. Let us work together and put all our efforts in engaging with the community, increasing voter turnout, before we change the system again. I urge Members to reject this proposition.

8.4.8 Deputy M. Tadier:

I will keep well within the time limit and I apologise to those Members to whom I said I am probably not going to speak in this part of the debate because everything, I am sure, has been said in the last 2 decades. Sometimes something happens, though, and it might be a sign of me getting older, and I will not say getting more mature. Does it ever happen that you suddenly have a memory that comes back of something that your parents said to you when you were younger, those stories which they seem to repeat all the time? Indeed, something happened like that. That is what happened during this debate. I am reminded of a story that my dad told me about when he was young and he left home. He got married, I think, but used to go back home to see his father. I think, as was the tradition, when he left home he got a pat on the back and said: "You know, son, just wait and see, you are always welcome here but remember, you do not live here anymore. You have to leave. You have to stand on your own 2 feet." He told me the story about when he grew a beard. It is probably quite

topical at this time of year. I sometimes like to grow a beard around Christmas time, shave it off again in January. He was telling me that he grew his first beard and he went home to see his dad and his dad said: "What on earth is that on your face?" He did not like it at all. It was like that for a few months. Then one day he turned up and the beard had gone, and he said: "Louis, why did you shave your beard off? It suited you." **[Laughter]** I thank you for that inspiration. That is exactly what I am thinking here. When I hear arguments about letting things bed in, I think it is really important to listen to arguments and to test them. I think letting something bed in is not a categorical argument to do something in its own right. It is not a sufficient condition to do it. But I think we should listen to that and I would say let us imagine we are not talking about electoral reform. Let us imagine we were debating a different policy today and it was to do with the business community or it was to do with a new tax that we had brought in for whatever reason. It could have been an environmental tax; it could have been a tax break for whichever section of society. It is reasonable to say first of all we want a good enough lead-in period. We want to make sure that people understand it, and you do not change it until you know whether it has achieved part of what it was seeking to do. So I think it is legitimate - and you can use a different term - to let something bed in. I know even during this election there were members of the public in our constituency who did not understand it. One thing that I recall in particular was I knocked on a door. It was somebody I knew for a long time, and I said: "Do you know who you are voting for?" He says: "Yes, I know who I am voting for. I am voting for you and I am voting for Deputy Scott." I said: "Oh, that is good, I think those are good choices, definitely one of them is a good choice." I said: "I think that is good. I think Moz is good." I said: "So you are not voting for the other Reform candidate?" and he said: "Well, no, I can only vote for the 2 of you." I said: "No, you can vote, we have a new system now and you can vote for 4 people. You can vote for who you want but there is a second candidate and there are other good candidates who are available, I am sure, but certainly we have 2 that we are putting up." So he said: "Oh, good, now I will vote for 3" and maybe he voted for one more on top of that, we do not know. So even with the ... and you cannot fault the Greffe for that. You cannot fault the media, I do not think, in this instance for there not being enough information around. It is just we have to remember that not everybody lives and breathes politics, and certainly not the slightly more esoteric parts of politics to do with voting systems and changes. People generally are creatures of habit and when they get used to a system they tend to go with it. I am sorry if I embarrassed anyone, I hope I did not, but that was a true story of something that happened. I saw that across the constituency and I heard anecdotes from other campaigners in the Island. So I do think the idea of some kind of stability for a period ... I can just imagine people coming back and saying: "What, you have changed it again? So now how many Deputies can we vote for? Is it 3? How many Senators can we vote for?" I think this brings me on to the other issue is that we do not know what we are voting for today, even if this proposition were to be successful. What is it that we are voting for, Island-wide voting? That is what we have heard from some people on the doorstep, and certainly I have heard people saying: "I think everybody in that Assembly should have an Island-wide mandate." So are we going to have 49 Senators? Are we going to have 37 Senators and 12 Constables? Are we going to have 12 Senators and 37 Deputies? Are we going to have 8 Senators, 12 Constables and 29 Deputies in large constituencies or are we going to have 6 Senators, 12 Constables and 31 Deputies? Because that is what we did have. We did have 12 and then 6, and 6, and then for a period we had 4 Senators. Does anyone remember that, the 4 Senators? Does anyone have the commemorative plate of that election where you only had 4 Senators? I think Senator Farnham was one of the successful candidates in that election. But 12 Constables and maybe 34 Deputies but in large constituencies, or go back and you can have all of the above but with Deputies in smaller constituencies, as it was in the past. Or you can have 12 Senators but elected for 8 years, because originally when Senators were brought in they were brought in for 9 years, and then it was reduced to 6 years. So maybe we could have 12 Senators but elected in 2 tranches of 6 for a period of 4, and then 4, or we could have 8 overlapping so that there are **[Laughter]** ... no, it sounds ridiculous but this is what we used to have. We had a system whereby you would elect some Senators for 6 years and then halfway through they would face an election. Then you can add something else into the mix, so maybe P.P.C., because I do not

think you have anything else to do during this term, you could maybe look at that. Maybe you could look at bringing back separate election dates for Senators so that you could have an election for your 12 or 39 or, indeed, 49 Senators, whatever you decide, complete *carte blanche* here, Constable and panel and committee, you can do whatever you like. Maybe then we have a Deputies election whereby the Senators who were not successful could then go and stand for either Deputy or Constable in the smaller constituencies, which we have not necessarily drawn up yet. That is great, is it not? I am sure with any of those ideas the committee could make something work. I am going to leave it there, and there is a risk when you speak at this time in a debate that tomorrow one would have slept on it. You forget what has been said. You maybe get lobbied. So I simply ask if you have not remembered anything else from what I have said today, just remember my dad's beard. My granddad might not have liked it initially but after a while he got used to it and in the end he says: "Why did you change it? It suited you." Maybe the current electoral system that we have with the Constables and the larger constituencies, maybe it will suit us and maybe it suits our constituents as well, and maybe it is the things that we do as Constables and Deputies in this Assembly that are more important than how we get there.

The Bailiff:

It is that time where I ask Members whether they wish to continue or whether they wish to adjourn until tomorrow morning. If it assists, I have one Member registering a desire to speak and obviously there will be the response from Deputy Gorst. I wonder if it would help Members if anyone else who is intending to speak could put their lights on, just so that we get an idea. Well, there are at least another 4 in addition to the one, so that is another 5 people to speak. So, can I suggest the adjournment is proposed?

Deputy K.L. Moore:

May I propose the adjournment?

The Bailiff:

Very well, the adjournment is proposed. The assembly stands adjourned until 9.30 a.m. tomorrow.

ADJOURNMENT

[17:29]