

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 3rd DECEMBER 2020

PUBLIC BUSINESS - resumption	5
1. Composition and Election of the States: Proposed Changes (P.139/2020) - as amended - resumption	5
1.1 Deputy M.R. Le Hegarat of St. Helier:	5
1.1.1 Deputy G.J. Truscott of St. Brelade:	6
1.1.2 Deputy C.F. Labey of Grouville:	7
1.1.3 Connétable D.W. Mezbourian of St. Lawrence:	9
1.1.4 Deputy R.E. Huelin of St. Peter:	11
1.1.5 Deputy L.B.E. Ash of St. Clement:	11
1.1.6 Deputy J.A. Martin of St. Helier:	13
1.1.7 Senator K.L. Moore:	14
1.1.8 Connétable J. Le Bailly of St. Mary:	15
1.1.9 Deputy M. Tadier of St. Brelade:	15
1.1.10 Connétable K. Shenton-Stone of St. Martin:	18
1.1.11 Deputy J.H. Young of St. Brelade:	20
1.1.12 Deputy D. Johnson of St. Mary:	22
1.1.13 Connétable P.B. Le Sueur of Trinity:	23
1.1.14 Connétable M.K. Jackson of St. Brelade:	23
1.1.15 Deputy S.G. Luce of St. Martin:	24
1.1.16 Senator J.A.N. Le Fondré:	25
1.1.17 Deputy R.J. Ward of St. Helier:	27
1.1.18 Deputy J.H. Perchard of St. Saviour:	28
1.1.19 Deputy M.R. Higgins of St. Helier:	29
1.1.20 Deputy R. Labey:	31
LUNCHEON ADJOURNMENT PROPOSED	36
LUNCHEON ADJOURNMENT	36
APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS	36
2. Nomination of the Connétable of Grouville as a member of the Public Accounts Committee	36
2.1 Deputy I. Gardiner of St. Helier (Chair, Public Accounts Committee):	37
PUBLIC BUSINESS - resumption	37
3. CI Lottery: Allocation of 2019 Proceeds (P.141/2020)	37
3.1 Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):	37

3.2	CI Lottery: Allocation of 2019 Proceeds (P.141/2020): amendment (P.141/2020 Amd.)	38
	
3.2.1	Deputy G.C. Guida of St. Lawrence:.....	38
3.2.2	Deputy M. Tadier:.....	39
3.2.3	Senator L.J. Farnham:.....	40
3.2.4	Deputy J.H. Young:.....	41
3.2.5	Deputy L.M.C. Doublet of St. Saviour:.....	42
3.2.6	Deputy K.G. Pamplin of St. Saviour:.....	42
3.2.7	Deputy M.R. Higgins:.....	43
3.2.8	The Deputy of St. Mary:.....	44
3.2.9	Deputy K.F. Morel:.....	44
3.2.10	Senator S.C. Ferguson:.....	45
3.2.11	Senator T.A. Vallois:.....	45
3.2.12	Deputy R.J. Ward:.....	46
3.2.13	Deputy G.C. Guida:.....	47
3.3	CI Lottery: Allocation of 2019 Proceeds (P.141/2020) - as amended.....	49
3.3.1	Senator S.W. Pallett:.....	49
3.3.2	Deputy K.F. Morel:.....	51
3.3.3	Deputy K.G. Pamplin:.....	51
3.3.4	Senator L.J. Farnham:.....	52
4.	Jersey Heritage Trust: Amendments to Constitution (P.142/2020).....	55
4.1	Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):.....	56
4.1.1	The Deputy of St. Mary:.....	57
4.1.2	Deputy M. Tadier:.....	57
4.1.3	Senator L.J. Farnham:.....	58
5.	Draft Geographical Indications (Jersey) Regulations 202- (P.145/2020).....	59
5.1	The Connétable of St. Ouen (Assistant Minister for External Relations - <i>rapporteur</i>): .	60
6.	Social Security Medical Appeal Tribunal: appointment of Chair (P.150/2020).....	63
6.1	Deputy J.A. Martin (The Minister for Social Security):.....	63
6.1.1	The Deputy of St. Mary:.....	64
6.1.2	Deputy J.A. Martin:.....	64
7.	Jersey Employment and Discrimination Tribunal: appointment of members (P.151/2020).....	64
7.1	Deputy J.A. Martin (The Minister for Social Security):.....	65
8.	Social Security Tribunal: appointment of Chair (P.152/2020).....	65
8.1	Deputy J.A. Martin (The Minister for Social Security):.....	65
9.	Income Support Medical Appeal Tribunal: appointment of Chair (P.155/2020).....	65
9.1	Deputy J.A. Martin (The Minister for Social Security):.....	66
10.	Draft Amendment (No. 51) of the Standing Orders of the States of Jersey (P.153/2020).....	66
10.1	Deputy R. Labey (Chair, Privileges and Procedures Committee):.....	66
10.1.1	Deputy G.P. Southern:.....	67
10.1.2	Deputy R. Labey:.....	68

11. Draft Amendment (No. 52) of the Standing Orders of the States of Jersey (P.154/2020)	69
11.1 Deputy L.M.C. Doublet:	69
11.1.1 Deputy J.A. Martin:.....	70
11.1.2 Deputy M. Tadier:	70
11.1.3 The Deputy of St. Martin:	72
11.1.4 Deputy K.G. Pamplin:	72
11.1.5 The Connétable of St. Brelade:	73
11.1.6 Deputy L.B.E. Ash:	73
11.1.7 Connétable C.H. Taylor of St. John:	74
11.1.8 Deputy J.M. Maçon of St. Saviour:.....	74
11.1.9 The Deputy of St. Peter:.....	75
11.1.10 Deputy R.J. Ward:.....	75
11.1.11 Deputy J.H. Young:	75
11.1.12 Senator S.C. Ferguson:.....	75
11.1.13 The Deputy of St. Mary:	76
11.1.14 The Connétable of St. Mary:.....	76
11.1.15 Senator S.Y. Mézec:.....	76
11.1.16 Senator K.L. Moore:	76
11.1.17 Deputy I. Gardiner:	77
11.1.18 Deputy T. Pointon of St. John:.....	77
11.1.19 Deputy M.R. Higgins:.....	77
11.1.20 Deputy R. Labey:	78
11.1.21 Deputy L.M.C. Doublet:	78
12. Safe Singing during COVID-19 (P.159/2020).....	79
12.1 Deputy L.M.C. Doublet:	80
13. Draft Amendment (No. 49) of the Standing Orders of the States of Jersey (P.143/2020)	80
13.1 Deputy S.M. Wickenden:.....	80
13.1.1 Senator S.Y. Mézec:.....	81
13.1.2 Deputy G.C. Guida:.....	84
13.1.3 Deputy L.M.C. Doublet:	84
13.1.4 Deputy M. Tadier:	85
13.1.5 Deputy J.A. Martin:.....	86
Deputy R.J. Ward:	92
The Connétable of St. Ouen:	92
Deputy M.R. Higgins:	92
The Deputy of St. Peter:	93
Deputy S.M. Wickenden:	93
Deputy S.M. Wickenden:	94
Deputy R.J. Ward:	94
The Connétable of St. Ouen:	94
Senator K.L. Moore:.....	94
Deputy J.H. Perchard:	95
Deputy J.H. Young:.....	95
Deputy G.P. Southern:	95
Senator L.J. Farnham:	96
Deputy S.M. Wickenden:	96

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS..... 97
14. Deputy R. Labey (Chair, Privileges and Procedures Committee): 97
ADJOURNMENT..... 98

[9:30]

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

The Bailiff:

Before we continue with the debate, Members will be aware that by reason of Deputy Perchard's appointment as Assistant Minister, a vacancy has arisen with the Public Accounts Committee. I am minded to allow nominations to be taken for that replacement this afternoon as probably a first item of business if the progress of work permits but I wanted to let Members know that now so people can consider that between now and immediately after lunch.

Deputy R. Labey of St. Helier:

I wonder if we should talk about whether we are going to get through all the business that is on the Order Paper today and, if not, whether we should make provision sooner rather than later, especially with those with childcare issues. I have not taken soundings from Members, it is a bit difficult at the moment, but the option is of course we could work later this evening or we could agree to meet tomorrow, Friday.

The Bailiff:

Well can I make the suggestion, Deputy, that, now you have raised the point, obviously Members can either give indications in the chat or send you emails or otherwise and you can get a flavour of the Assembly. If you wish to raise it again at some point between our items of business during the course of the morning, then that would be appropriate to do that I think.

Deputy R. Labey:

Very good, Sir, I am obliged. Thank you.

PUBLIC BUSINESS - resumption

1. Composition and Election of the States: Proposed Changes (P.139/2020) - as amended - resumption

The Bailiff:

The debate resumes. At the moment I only have one individual who has indicated a desire to speak but I am moderately confident that that list will extend fairly broadly in time to come, so I call upon

1.1 Deputy M.R. Le Hegarat of St. Helier:

I just wanted to highlight a couple of concerns which Members made yesterday in relation to representation and the size of the constituencies that they may find themselves in. When I decided to stand for District 3 and 4 I was aware that it was a large geographical area going from Victoria Avenue, up Mont Cochon, all the way north bordering with St. Lawrence, across St. Helier, all the way to La Pouquelaye and north to Sion, including First Tower, Rouge Bouillon, Gloucester Street, Aquila Road, *et cetera, et cetera*. I am not in the bracket of calling myself a wealthy person. When I was nominated for election in April, that meant I had to stand down from my role which I played within the Chief Minister's Department so I therefore went without pay for 6 weeks, so therefore funding for me was obviously important because I did not have an endless pot. So I ordered, like everyone else, my leaflets to the number that I thought was going to be sufficient for delivery to the households. I also had a number of posters which my husband kindly distributed at various locations around the Parish. I had no help, with the exception of a very nice ex-police colleague who helped me within the First Tower area, and my husband taking a day off to drive me into the northern parts of the district. Because, of course, as you might appreciate it, there are lots of houses and it is not always possible to drive yourself and be able to jump out and just abandon your vehicle wherever you choose. I did much walking during the 6 weeks and I bumped into a number of my canvassing

colleagues and the one I remember the most is probably Deputy Higgins because we seemed to be in the same location at the same time and spent many hours chatting, parking ourselves on people's walls. So I think the idea that this is all going to be very expensive and nobody is going to be able to afford it I think is probably a little bit of a myth. So of course I have not stood for Island-wide election and I am sure those individuals who stood for that position, some will have spent very different amounts of money. It would be probably quite interesting to see or work out their cost per their vote maybe just to see how that was done. What I do think though is that this proposition, and it is known across the Assembly and within my Parish, I did have reservations about losing the Constables. This has kept the Constables so for me the individual Parishes have their personal representative. What does this constituency mean whereby we have people maybe joining together in our northern or western Parishes? Having worked in some of those locations, I can say that certainly from honorary policing this is exceptionally good and they work exceptionally well together, and I would not expect anything different from any representatives within this Assembly. I think this may benefit the Assembly and the Island people of Jersey in that people may be working more closely together. It is not by fluke that I sit next to my colleague, Deputy Ahier. We chose to sit next to each other in this Assembly because we work closely together as representatives within that district. But also if I am unable to attend a meeting he will say to me: "Well I am going so I will make sure that you are up to speed and I will send your apologies." I think all of us that work in with others within our districts do exactly that. I attend as many of the events as I possibly can within St. Helier and of course with such a large Parish there are many events. Of course it is not just events within my own district but it is the broad events which happen in St. Helier, from the switching on the lights to Liberation Day and the Christmas lunches, which unfortunately we will all miss this year. So I think, from a team-working perspective, it may be of benefit and people may work closer together. We will have emails, we all have phones and our parishioners can easily get hold of us. I think I am a team player and I work closely as I can with everybody. I do not always vote with my district Deputies, I try and see their point of view, and I have to say Deputy Ahier has been lobbying me for some time in relation to the Constables but he has not won his way. I can say I am happy to support this now and I am sure he is happy that I am going to too. Of course I also work with the Health Panel and we work exceptionally well as a team, so, for me, I think this may be a very bonus thing in relation to working together.

1.1.1 Deputy G.J. Truscott of St. Brelade:

Well, one could argue, and one is going to argue, that west is best and these proposals that P.P.C. (Privileges and Procedures Committee) have put forward are not really going to change much for St. Brelade. We are going to gain a Deputy, which is no bad thing, and we retain our Constable, so all is well in the shire of St. Brelade. Logistics have been mentioned. Plainly Guernsey have just managed to hold an Island-wide mandate and I think their candidates, 119 of them, managed to get elected on that basis. Yes, St. Brelade is a large Parish and there are an awful lot of doors to knock on but it is all doable and I think we can learn lessons from what happened in Guernsey inasmuch as they held "meet the candidates" sessions. I think there was a great deal more social media interaction as well, we could hold more hustings, there are many ways around these things.

[9:45]

Surely, yes, candidates will have to print more posters but really I do not see it as an issue and I think we can all do things that make it totally doable. I am sure there are going to be some of my constituents, and probably many Islanders as well, that are going to lament the loss of the Senatorial candidates. It is the most democratically elected Member of the Assembly, it is a position of gravitas, the candidates have passed the 12-Parish scrutiny, so to speak, they have been rubberstamped by the Island and I think it will be a great shame to lose that post in the Assembly, they are senior politicians. It has proven over time in ministerial government that not all, sadly, and I think there were a few cases this time where some Senators, though I felt should have been on the Council of Ministers and

certainly one should have been possibly Chief Minister, did not make it to the Council of Ministers but nevertheless they still have the authority of the Island when they speak in the Assembly. When I say people are going to be slightly underwhelmed by what is being proposed, currently in St. Brelade we can vote in 8 Senators, we can vote in 2 Deputies and a Constable. I just remind everyone and cast your memories back to 2018 and there was very nearly an election for Constable in St. Brelade, and I am sure everybody remembers due to a paper malfunction it did not happen but it just shows that elections could and should happen for the Constable seat. So 11 votes that we can vote into the Assembly and what is being proposed now by P.P.C. is a total of 5, so we are down 6. I am not sure, and you can understand why people are going to be feeling: “Well, is that progress?” One could argue that it is not and, to me, if we are looking at compromises in the course of equality of voting then that is something that should be taken into account. I am like a number of Members, I am sorry we did not have more time to consult with this one. I think we could have looked at the Guernsey model of the Island-wide, perhaps we are an election or 2 away from that happening. I, like Deputy Russell Labey, have concerns of the size of the ballot. It could have been something like 150 could have been standing and the logistics of that with 40,000 more population in Jersey, I think, would have made it very, very difficult to achieve a satisfactory election. So I would not call it a giant leap forward, I consider this going forward as a step forward. As I say, I am going to lament the loss of the Senator and we will just have to see. I will be listening to everybody else as we go during the day. There was one other thing I just wanted to touch on, going through my notes, and it is not how we are elected, it is what happens after the election, the business end, the 4 years after the election, the work that is done in the Assembly, the things that we achieve as an Assembly that will ignite the electorate, that will turn on the people of Jersey to what is happening in the Chamber. I can give, and I did last time in the P.126, things that I gave. So population; we have been calling for population control for the best part of 3 decades, 30 years trying to get a population control in place. You can wonder why, and only now we are kind of making moves towards it; our electorate are feeling so disenchanted. The new hospital started 8 years ago. £50 million nearly spent, not a spade in the ground, and again you can wonder why our electorates are a bit disenchanted. We have got public assets, and I will quote Fort Regent left to deteriorate - no money invested - things like that. The business end is the important end that we really should be addressing. I will be listening to how the debate goes on during the rest of this session. I am still on the fence; there is every chance I could be though.

1.1.2 Deputy C.F. Labey of Grouville:

The famous words I was not going to speak, but I wanted just to put a few of my thoughts and considerations on record because you cannot win in my position being a single-seated Deputy; I am damned if I do, damned if I do not. But I just wanted to approach this issue as a more holistic look at what these changes could mean and I would like Members to consider the broader picture. I head up an Island identity project, many of you will know that. I have not gone out to consultation yet so it is in the making at the minute. So I think it would be quite remiss of me not to have a view, not to point a few things out about our Island identity and what a proposition such as this will do because I feel it is going to change our political landscape in more ways than one. It is going to change things politically, and this might all sound a bit odd, -well of course it is going to - but it is going to change the political landscape irreversibly and we need to consider that very, very carefully. This saying that has been ringing in my ears as the debate has gone on and on and on, and I think it was when Senator Mézec mentioned these sets of proposals are mathematically good. They may be mathematically good but I could not help but feel ... this saying kept on coming up in my mind about someone that knows the price of everything and the value of nothing. I would just like to express a few things because, as I say, or I should have said at the beginning, I want to put a few of my thoughts on record because unfortunately I have to leave the Assembly later on this morning because I agreed to give a speech at an important event. I know this is very important but I did anticipate day 4 we might be over debating ourselves again. So if you just bear with me, and I am coming from this from

an Island identity perspective, I would just like to bring us back to what all our roles mean, the subtleties, the nuances with them. The Constables' role. The Constables are the figure in each of our 12 Parishes, they run the municipality, and so they should. Politically they should be holding every now and again, they are bolted on to, if you like, their usual Parish Assemblies where they re-elect a Vingtenier, they should be considering debating or discussing with their parishioners some of the issues that we bring into the States. The Code of 1771 illustrated this really well and I feel that is a wonderful opportunity for grass-roots politics to take place, to reinvigorate the Parish Assembly so that people ... it can be on whatever issue. Should we increase the rate of G.S.T. (goods and services tax) so people can come, be informed, learn more, discuss and vote. Those votes are meant to be taken by the Constable to the Parish Assembly and they vote accordingly. The Senators' role is obviously the Island-wide mandate and the most democratically elected seat. Historically the Senators, what is now Ministers, previously presidents, would be predominantly taken from the Senatorial benches because they could regard things holistically, far more holistically than a Parish Deputy, for example, so on Island-wide issues, the benches for these roles were predominantly filled by Senators. The Parish Deputy or Deputies, depending on your population, is a mixture of the Senatorial and the community so I find that my role, I spend probably a third with my areas of responsibility in Government, I spend a third looking and considering the States Assembly work and a third in the community. You have to be quite orderly to split your time in such a manner but I enjoy that work, I enjoy the community work. So to go up, it is a consideration, do I want to be a Senator? Well obviously this might not be applicable another time but I have always felt I really enjoy what I do in the Parish. I really enjoy sitting there with proof-readers of the Parish magazine, I enjoy helping out with the Grouville Battle of Flowers, I enjoy the Parish groups, chairing the Community Support Group and other things in the Parish. I feel these kind of things keep my feet firmly on the ground because people offer their opinions whereas they might not if it meant they have got to pick up the phone or write an email to me. So I just wanted to highlight the difference in the roles and which is why I voted for John Le Fondré's amendment to this proposition because I always felt that we should not have reduced the number of Senators. If anything, we should have increased the number according to the population increases and indeed I brought 2 - not one but 2 - propositions to this Assembly to fight for that. The first one was a tied vote, the second one I think I lost by 3 or 4 votes, so it is what it is. So those are the differences in those roles and I think they, each of them, bring something different to the Assembly if we were a little more disciplined in how we administrate them and how we set about our business. That was the first thing. The speech so far that has chimed with me best was that of Deputy Morel yesterday because he, like me, feels, I think, that the Island will lose something. We will lose something; in fact, I think we will lose quite a lot. We will lose the Parish boundaries. Members may feel that because the Constables are in the States at the moment, then that is fine, we have retained the Parishes, but in actual fact with the majority of people coming in from super-constituencies or these merged Parishes, I think if we bring these changes in, the Constables will be on borrowed time. It will only be a matter of time before they are voted out of the States. Some may feel that that is a way forward, that is absolutely fine, but as long as we are doing this with our eyes open. We are going to lose the Island-wide mandate, we are going to merge country Parishes, and so we are supposedly making these changes, we are supposedly making these changes for equality but we have not got equality.

[10:00]

Day one, we have not got equality because we are making exceptions for the Constables. But we also have not got equality, have we? Some of the rural Deputies will be serving 3 different Parishes, they will be attending, because rural Deputies do this, 3 different Parish Assemblies. They will be doing everything times whatever the amount of Parishes have been merged with them, yet, the urban Parishes just have one Parish to serve. So, the equality, we might gain something from some of the seats in certain Parishes, which could have been alleviated quite easily by giving more Deputies to certain Parishes, as the Chief Minister tried to do. We could have gone down the Clothier route,

which at the very least respected the Parish boundaries. But it seems to be, I am sure Deputy Labey is going to be successful today, he has tried hard enough to bring this about and obviously it will be the Assembly that decides. But I just wanted to make those few comments, those few observations before we go to the vote.

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

I was somewhat taken aback last week when during question time the chair of P.P.C. referred to me as his nemesis. That was, if I recall correctly, in reference to the P.P.C. debate on reform, P.126/2019, which was held earlier this year and which we know the Assembly rejected by 26 votes to 20. I took it that he viewed me, following that debate, as either a longstanding rival or, perhaps more worryingly, an arch enemy, both being descriptions of nemesis. With regard to P.139 though, he will find me far more amenable towards him as I have to acknowledge the undoubted U-turn that he and his committee have made, that is, by retaining in P.139 the 12 Parish Connétables. That is undoubtedly a compromise, a word we have heard many times during this debate and during the amendments. Compromise is about making concessions or, in other words, it is the act of giving up something. Clearly, this P.P.C. has given up the fight to remove the Connétables, historically the longest-standing Members, from the States Assembly. I hope that decision was prompted not only by the fierce defence put up by Members of the need to retain them as full voting Members of the States during the debate earlier this year but also in recognition of the 2 referenda that expressed the opinion that the Connétable should be retained as a Member of the States. Indeed, the Draft States of Jersey (Amendment No. 7) Law 201-, which was P.64/2013, proposed changes to the States Assembly based on the outcome of the 2013 referendum. It was debated on 16th July 2013 and the minutes of the States Assembly records that the principles were rejected, so the several amendments were therefore not debated. But had P.64 been approved, we would have had today an Assembly that consisted of 42 States Members with the abolition of the Senators. However, the retention of the Connétables would have been strengthened as they would have been elected as full Members of the States, playing an active role in the work of the Assembly and with the words “by virtue of their office” being removed. The Connétables would therefore have been elected directly to the States and would no longer have been Members by virtue of their office as we are now. I would like the chairman of P.P.C. in his summing up to confirm that, should P.139 be approved, it is the intention of P.P.C. to amend the States of Jersey Law to give effect to the Connétable being elected as a full Member of the States of Jersey as proposed in P.64. That guarantee will, I am sure, give some comfort and reassurance to those Members who were wary and mindful that a future P.P.C. and, indeed, of course, any individual Member, may take a different view and attempt to remove the Connétables as Members of this Assembly. We have just heard of course from the Deputy of Grouville who has forecast that, should P.139 be successful today, will inevitably happen. But I applaud the chairman of P.P.C. and his committee members in now recognising and respecting the views of Islanders and parishioners, expressed both during the consultation they undertook for P.126, as well as the referenda of 2013 and 2014. Notwithstanding that the amendment for the referendum was rejected by the Assembly yesterday, we know that the public have already expressed their opinion twice in favour of the retention of the Connétables in the States Assembly but of course their expressed opinion included the removal of the Senators. The public though has spoken and P.139 clearly supports those 2 referenda in that respect. In 2010, the then P.P.C. brought to the Assembly a proposal to reduce the number of Senators. I remember well, not only the debate, but also it seemed to me the sudden realisation by some Members at the time that the Island-wide mandate was vulnerable and could be reduced in number. I remember the sudden urgency led by a then longstanding Senator to persuade Members to reject the proposition, not only during the debate was he trying to persuade them, but also in the confines of the coffee room. In that debate I spoke against P.P.C. as it was my contention then, and remains so now, that the role of Senator is the most democratic within this Assembly. Who can argue with validity that an Island-wide mandate has less relevance than that of a Connétable or Deputy? But now, 10 years on, a new P.P.C. are making that

argument with this proposition. For the avoidance of doubt, if P.139 is successful today, we will lose the role of Senator. As the Deputy of Grouville has just said, our entire political landscape will change beyond recognition. The role of Senator was mentioned in one of the amendments that we debated yesterday. It was described in that amendment as the most democratic and accountable States role, and I quote: “It is well placed to take unprejudiced and impartial views of all Island issues without being conflicted by Parish or constituency pressures.” The amendment also made clear to us, by retaining the role of Senator, it would clearly prevent elections being dominated by local or single constituency issues. As we know, many working environments have changed since the COVID-19 virus hit our shores and obviously the States Assembly is no different in that respect. Our now accepted and well-run hybrid system appears to be effective but I am sure that I am not the only Member who misses the now old way of us all being and debating in the States Chamber because, when we are all present physically in the Chamber, it is completely different to our virtual meetings. We are able then together to sense the nuances of a Member’s speech. We can access their body language, we can read their expressions and, ultimately, we can, I suggest, read clearly the way in which the Assembly is leaning in their deliberations. That is not so easy to do virtually; however, I do get the sense with this proposition that Members may well favour it. That is not to say that they do so for, in my view, the right reasons. I have heard Members say during this main proposition, and indeed during some of the amendments, that we should be making change because it is overdue. We should be making change because it is overdue. I think if I understood correctly that yesterday Deputy Ahier suggested that as the last major change to the constitution of the Assembly was made in 1948 we should be today supporting change. In my opinion, though, change should be made only if it is for the betterment of all possible outcomes and not because, despite many attempts for change, few have been successful. In his opening words yesterday, the chairman of P.P.C. told us that the fundamental principle of why change is necessary is that, and I quote: “The vast majority of the people of Jersey desire electoral change.” That assertion was debunked yesterday in the excellent speech of Deputy Guida when he spoke to one of the amendments. Referring to the current chat on social media and even mainstream media comment, we were left in no doubt that the vast majority of the people of Jersey are not at this time calling for electoral change via those or any other outlets of which I am aware. However, we know that the public spoke in 2013 and 2014 when the referenda showed that change was wanted. As I said earlier, had the then States Assembly voted for that change after the first referendum, our Assembly would be filled today with 42 Members comprising of 30 Deputies elected in 6 large districts and the 12 Connétables; we would have lost the Senators. In 2013 I voted for option B in the referendum but committed publicly that I would vote for whichever option was successful and subsequently taken to the States. On 16th July 2013 I did just that, being one of the 21 Members to vote in favour of P.64. Yet, to the dismay of the public, 28 Members voted against the expressed will of the public and we have heard over the past 2 days of debate of the detrimental effect that has had upon the relationship between the public and this Assembly. Who can blame them for feeling then, and probably still now, that they were let down, they were ignored and disregarded by 28 of their elected representatives? We know that the trust that there was once between the public and the Assembly was damaged, damaged possibly beyond what many may have imagined would be the outcome of them voting against the will of the people. But that was then and although P.139 is similar it is also different in that it proposes a further 7 Deputies, albeit elected in 9 districts as opposed to 6. That increase in numbers may be what will decide many to vote for this today. However, despite the retention of the Connétables in this proposition, I cannot vote for it. That is not because I am afraid to compromise; I did that in 2013 when I voted for the outcome of the referendum which included the removal of the Island-wide mandate. Before I continue, I would just like to refer Members to the Scrutiny report S.R.6/2017. In that they recommended that proposals for reform should actively engage with the public in advance of any debate. They also told us that, given that any desire for equal voting power and the desire to retain the Connétables are, on the face of it, mutually incompatible, the then Scrutiny Panel considered that some principles needed to be

established to create a framework endorsed by the public before moving to any set of reform proposals.

[10:15]

This P.P.C. has failed to do that. They have not come up with principles to create a framework which could be endorsed by the public before they have brought this P.139 proposition. We know that this proposition, if passed, will lead to the demise of the Parish system, ably argued yesterday by Deputy Morel, and we have just heard to the same effect from the Deputy of Grouville. But why can I not vote for this? Well I said a moment ago it is because I support the Island-wide mandate. I cannot in all conscience vote today to remove that Island-wide mandate, a mandate which, to many, will always be the most democratic vote that we have. Why would I want to disenfranchise myself by removing 8 votes that I currently hold and am able to use? So I cannot vote to remove the Island-wide mandate, to me it is the most democratic vote that we have. In closing, I do not think that my words in this debate will prove to be the downfall of his proposition. I will not today be nemesis to Deputy Labey. Conversely, I think that that distinction will fall today to him for surely if we lose the right to vote on an all-Island mandate, he will undoubtedly have been nemesis to the role of the Senator.

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

I propose taking a slightly different tack. Like Deputy Guida, I did not put myself up for election to be a politician. I wanted to use whatever experience I have gained in my life to try and help and, as Deputy Guida said, manage the Island and support my Parish; the Parish I love. We are in the privileged position of being custodians of this unique Island to protect and hopefully enhance the lives and livelihoods of our fellow residents. It is a job that requires many skills - so it should be - when asked to administer the privilege we have in writing our own laws and setting our own taxes. It is a responsibility I am honoured to hold but in a small Island community about the size of a small U.K. (United Kingdom) council, this is not about politics. It is about getting together as one community to do what is required: represent those we serve. I say this, and I alluded to it yesterday in my short referendum speech, that while we are now into our third day of playing politics, those that we serve are preparing for grim news. We are near a lockdown, the livelihoods of those we are elected to protect will be suffering from health, mental health, financial health, deeply concerned about how and with whom they will spend Christmas. Indeed, many will be worrying what money they will have to spend on Christmas for their families while, what have we been doing? Yes, we have been navel-gazing in the Assembly. Yesterday I had huge excitement of those that feel victory is in their grasp, my greatest day in this Chamber. Let me tell you, this debate got no mention on either ITV or BBC News last night. Let me tell you also, social media, normally the bane of our lives, is silent on this subject. We have been told continually during the last 2 days how the Island is desperate for this change. I hate to break it to you but during this pandemic, and in particular this week, they could not care less. I will go on to say, it is insensitive of us in having this debate at this time. Feedback overnight from my Parish is that we are not fit for purpose. On this subject it is possible to agree. We have received plenty of conflicting views about the efficacy of the 2013 referendum; however, one thing that cannot be denied is the total lack of consultation leading up to this debate. I accept that can only be put down to the COVID pandemic. This is quite rightly front and centre of all our lives and I suggest the Island will accuse us of sneaking this in under the radar. We had the option to ask the Island's opinion, the ultimate in consultation, when the pandemic is over which would have slightly redeemed ourselves. We turned down the Constable of Grouville's ideal proposition. Unbelievable. We can redeem this embarrassing situation, show some respect to the Islanders we serve and do what is the right thing anyway, get on and vote this out, then we can return immediately to what we should be doing, protecting Islanders' lives and livelihoods.

1.1.5 Deputy L.B.E. Ash of St. Clement:

Normally I would say I was pleased to follow Deputy Huelin, or the Deputy of St. Peter to give him his more formal title, but I know he is a dyed-in-the-wool opponent of electoral reform so his speech was probably fitting for that cause. I would like to start by saying that I thought there were some tremendous amendments put into this electoral debate and a lot of thought that has gone into it and fair play to all of those that brought them. I could in fact have voted for many of them. I did not because I felt that P.P.C.'s proposition has the best chance of success. I suppose, to be honest, if it is not successful, I think the chance of real electoral reform taking place in the foreseeable future becomes very, very dim indeed. To misquote Sir Edward Gray, I feel that if this is not passed, the electoral reform lights will go out all over Jersey and we may not see them lit again for some time. To that end, I would ask Deputy Higgins, who brought one of these excellent amendments, to reconsider what he suggested on that day about not being able to vote for this as his proposition was merely a matter of the maths which can be addressed at a later date by Boundaries Commissions that we will, I must bring that point up, have to have those because it will fluctuate. As we get more properties being built somewhere, they will fluctuate. If you have one Parish that went down to 500 people, things would have to be looked at, so you do need an Electoral Boundaries Commission. I think we could look at that again, Deputy Higgins, if we can get this through. If we do not get it through, then the imbalance may well remain for many, many years. One of the great criticisms, and it is often put across with a sneer, is it not: "Well of course the States have not voted this. Turkeys are not going to vote for Christmas." Well, I would like to pay tribute to Deputy Labey and P.P.C. because I think they have come up with Jersey's very, very first vegan electoral reform, a reform where the turkeys can vote for Christmas. I feel it is a wonderful compromise he has come up with. We have a proposal that satisfies ... there are 2 main views here, are there not? There are 2 main views, and I think I probably share both views, so it is obviously something I quite like, but one view is that we have electoral districts that are unproportionate to population. That needed to be remedied. But there were also people who said: "Well the Parishes should be represented." Now by having this, where we retain the Constables, each Parish will still be represented by their own representative and by putting the other boundaries in place we will have a fair and proportionate system. Someone said to me the other day - and I think it was meant to be a bit of a criticism, but they had a point - they said we would have a system similar to the U.K. with an elected body and an unelected body, the only difference being that they would sit in the same Chamber. To an extent, it is a point, and it is a valid one, but the only point I would point out is that in the House of Lords they are not voted in. Everybody is entitled, should they wish to, to challenge a Constable in an election and that is the big fundamental difference of this. I cannot agree with Deputy Labey's assertion about - I know he was putting it forward with the best of motives - but his assertion that by having Senators it dilutes the available talent who could become Chief Minister because I just do not think it does. There is no rule that you have to be a Senator and I think we only have to look at a lot of the so-called portfolios now to see Deputies have them. The Minister for Treasury and Resources is a Deputy, the Minister for Social Security is a Deputy, the Minister for Home Affairs is a Deputy and the new Minister for Children and Housing is also a Deputy. So I do not think we need to think that you could not be, if you are not a Senator ... which is another reason in my mind why they are superfluous really. That whole process is superfluous because there is no reason why we should not have one single class of Member or 2, if we are having Constables. I also think Senator Farnham was given rather a rough time on his proposition and I think it is slightly harsh because, similar to the Deputy of St. Peter, he has made no secret whatsoever of nailing his colours to the mast on this. He was merely following his conscience and, let us face it, the times he has stopped just short of insisting that any change would have to be approved by Snow White and at least 5 of the dwarfs. Deputy Guida argued for smaller constituencies and that is not a bad idea. If we had a party system where someone said the other day, blue or red, go for it, we could have that, and you would have 48 separate constituencies, I guess, of around 2,000 people in each. A very good idea. Now let us say you had that. Let us say we had St. Clement in 4, St. Clement West, East, North, St. Clement South, all of 2,500, St. Mary would still not have its own constituency. Under that it still would not have ... I do not mean to bash

St. Mary here but everyone seems to bring them up as one of the reasons but it still would not have its own constituency. So that just shows, even if we had smaller constituencies, it still would not be big enough to fit in there, so that is something for people to think of. I agree with Senator Mézec, or the leader of the Opposition, as I believe he now likes to style himself, him and his party, a fine body of men and woman that they are, the political equivalent of Last of the Summer Wine but that is for another day. But I do agree with him when he says that it is a compromise. But I would like to say to him as well is that many of the best decisions are compromises, they work best as compromises. Let us look at the fact that if, when David Cameron went to Europe and asked that the U.K. could have control over their borders, had Europe been able to compromise and say: “Yes, okay, you are an Island, you are a slightly different case, you can have control of your borders” we would not be where we are now as far as Brexit is concerned. So, I think this is a very decent compromise and can provide us with a much-enhanced electoral system. In closing, I would ask Members of this Assembly, if we limited voters to men over the age of 21 or, let us say, property owners only, would they be happy with that? Would they vote for that? Though I never like to second-guess the Assembly but my belief is they would 100 per cent reject such systems but some of those systems, in fact both of those systems, have existed before people cried foul. Why did they cry foul? Because they were fundamentally unfair and undemocratic, as is the current boundary system. It is time today to remedy that.

1.1.6 Deputy J.A. Martin of St. Helier:

It is always a pleasure to follow Deputy Ash. I would just like to state for the record, I have been in very many debates on reform, I have been in many debates on whether the Bailiff - sorry, Sir, but I will mention this - that you are in the Chair or not. I am not a reformer necessarily, I voted for and I voted against, and I have faced my electorate every election after and we have good discussions. But they do discuss this topic, they are very interested. Yesterday, I say to the Deputy of St. Peter, maybe not so interested, we know they have got lots of worries. But this was brought up at the beginning of the debate, if this is not done today, if we do not make a decision, the middle of next year is just too near the next election so we have to do it, we have to make a decision. It is not really about us, we can work, or anybody should be able to work, in the system that the people want and that this Assembly decides.

[10:30]

We will work a district, we will find our way around, and the people will either decide they want us or they do not, it is quite simple. I just put that out there. I do not like the talk of Senator Farnham. As he said to me privately the other day, he likes it better when we are on the same side, and on this one we are not. I am not going to fall out with Senator Farnham and he is not going to fall out with me. But I believe, like some of the people who have spoken, like the Constable of St. Lawrence, they passionately believe about the Island-wide mandate and it is not to block change. I say I did believe in the Island-wide mandate until we mucked it up. We used to elect 6 Senators every 3 years for a 6-year term at a different time. It was relevant. People stepped up. You did your training, let us say, in a lot of Deputy seats, and you stepped up. You stepped up as well because you got extra, you got an extra-long term when it was ... 8 years would be too much, but it was 3 and 3 then. You would also be going for one of the top jobs and maybe not got in that top job first. You might be Minister for Treasury and Resources; in the next 3 years, you would be going for Chief Minister. So it is not about that it is not relevant, it just does not work. It is lucky that we have some good candidates who have always been Senators. What happens when they leave? Do Deputies really want to step up? Do you want to chance it? Well, most people will not. I have total respect for people who say we are losing the Island-wide mandate and we have not done Guernsey. We will have to wait and see. Guernsey has just changed to all-island wide. I do not think it was the best option, otherwise I could have amended one of these propositions. But I think I deal there with the Island-wide mandate, and I absolutely respect people who think that it should stay, but it is not as

relevant as it used to be. That brings me to the bigger districts, and that also brings on I think it was Deputy Ash. Yes, there are Deputies now who make good Ministers and a good Deputy out of one of the bigger districts or even one of the Constables could be Chief Minister. It is about when you have been elected out there, and that is the difference. People elect us to be in this Assembly. When we are in, we have to rely on the other 48 Members to give us a job we apply for. That is the way it works. But if I thought a candidate was better for Chief Minister or a Minister than somebody who had taken the Island-wide mandate, I would vote for them. That is my right because I have been put in the Assembly and I have exactly the same vote as everybody else. I look at the way these districts are and I just cannot understand where people are saying it is the death of the Parish system. If I just take Districts 7, 8 and 9, that is 11 people representing Deputies and then 3 Constables. Let us say St. Mary, St. Ouen and St. Peter. The 4 Deputies get to work with 3 Constables. They get to step outside of the smaller Parish and hopefully they will, but the main job for the Constable is to do the Parish work. But I go back to ... and I am sorry if at the beginning of the week I did upset some Constables in the smaller Parishes. What I was trying to say is how we get elected, whether thousands of votes, 10 votes on a nomination paper or only a few hundred like myself, we are exactly the same. We have one vote and I think we all need to do what is best for the whole Island, obviously having an eye on our Parish. That is what we do. So what I was trying to say to the Constable is this gives the Constables extra people to work with. It makes it look - well, it will be - that you are listening to the public and it gives you a bigger mandate because you will be working with Deputies who represent 3 different Parishes. I hope as well it will bring those Constables together more. It will just make it better because if you get it right in those Parishes, it has to be right for the Island. But if you look, and I think it was my Constable, the Constable of St. Helier who said we are town and country. We are still only 11 representatives in Town; 11 and the Constable. So we are not outweighing the country. In fact, I think in Town we make policies because we have an eye on the rest of the Island. My Constable has absolutely always said: "Let us build in St. Helier and the surrounding areas because I want to keep our Island as beautiful as possible for the beautiful country Parishes and what they add." I think we need and I would love to see it, I would love to see a bit more of that coming back the other way. I know that most of the Parishes want to do this. Today I say I think the Senators are completely split on this vote. I think the Deputies are more, the numbers, but at the end of the day the Constables are either going to carry this vote or they are going to lose this vote for P.P.C. I really implore them to just think they have that one vote, however they get to this Assembly; one vote to make the lives of every Islander better, not just in their small Parish. Let these people get an even amount of people they can elect and work with them. It is not the end of the Parish system. It is an enhancement and absolutely, please, if you are really not sure, please, please, vote for it. It will be a breath of fresh air and we absolutely need electoral reform after all these years. I will leave it there.

1.1.7 Senator K.L. Moore:

I did want to speak briefly today because I feel that I have followed the progress of where we are and how we have got here very closely, having sat in and observed both the run-up to the publishing of the Clothier report to sitting in the press conference when Sir Cecil talked us through the report, along with the other panel members. It is a day I remember clearly, though, of course, it was 20 years ago this Tuesday. Yes, the timing is difficult but, as the previous speaker has just outlined, it is imperative that after these 20 years of discussion and much debate and consideration that we should take this compromise position very seriously because it is one of the last opportunities that we will have if we want to see a new kind of election in 2022. I most certainly would like to see a better kind of election in 2022. This is not because we are worn down; most certainly not. The Island has conducted referenda, MORI polls and much debate in the intervening period, and I think, as the Constable of St. Lawrence said, the P.P.C. should be applauded for their efforts in driving this compromise and grasping the nettle. We have all seen many previous chairs of P.P.C. exasperated and worn down. I particularly remember the great passion that both the Constable of St. Helier and the previous

Constable of St. Mary put into proposals that they brought to the Assembly, which sadly faltered. Today is a good day for compromise and it is, as Senator Mézec said, a mathematically good compromise. Despite the maintenance of the Constables, which is absolutely right and proper even under the eyes of the Venice Commission, there is a place for that tradition and it is important and valid. I will go back to that shortly. As a Senator now and as somebody who has previously been a Parish Deputy, I did want to talk about the difference between those 2 roles. There is no difference. We are, at the end of the day, representatives of the people who have put us here, and we all have a single vote in this Chamber. Again, as the previous speaker has just said, that vote places us on absolutely equal points in this Assembly, yet we have all been elected in so many different ways and have very varying mandates. Therefore, it is my view that achieving a district representation following Parish boundaries, which I think is exceptionally important, is the most equitable way to do this and to move forward because we will have a similar balanced mandate for our equal votes in this Assembly. We could look at alternatives. We could perhaps have a poll for the Chief Minister on the day of the general election. I think, if I remember correctly, that Deputy Labey himself has brought that proposal to this Assembly before, or to a previous Assembly, and perhaps he could try to do that again. There are many ways that we can continue to engage with the public and to drive their interest in local politics, which I certainly think has been piqued most recently. I really remain very hopeful that we will see improved voter turnout at the next elections because that is what this is all about. It is about engaging with the public and delivering what the public wish to see for the future of our Island through the actions and deliberations of this Assembly. We have seen in recent times how out of kilter that can sometimes be and, of course, Members have talked of the previous response to a referendum that was thrown out by a previous Assembly. In following the Parish boundaries, the districts will retain the importance of parochial life in Island life, but also in retaining the role of the Constable we can secure that important and historic role that we have seen for many, many centuries. I do not agree with those who say this will be the death knell of the Constables. It most certainly will not, unless, of course, the Constables allow it to be so. But in doing this, there is an opportunity for them to do some really good work to maintain their Parish Assemblies, to give new life and take on new opportunities as they appear over time to maintain the relevance of their most historic office. So, I look at this as an opportunity and I look at this as an opportunity to reinvigorate our electoral system and to rejuvenate it, and I look forward to seeing how it will develop further into the future.

1.1.8 Connétable J. Le Bailly of St. Mary:

Having finally got back to the proposition by P.P.C., the proposals offered are not the perfect solution in order to rectify the equality vote. We all know that this means at the moment St. Mary has an advantage due to having a small population, but there is no need to further divide up the Island into constituencies. Could P.P.C. look at the possibility of rectifying the difference across the Island using a simple mathematical formula, whereby a vote of one, representing the St. Mary electorate, would be multiplied by the electorate of each Parish to get the equal vote? This could be amended annually. This also means that Members could be added or reduced but the equality vote would remain. This would mean that the total vote in the Assembly would be more than the number of Members in the Assembly, but that would not be a bad thing as it would give a greater difference in the actual vote between a *pour* vote and a *contre* vote. This is yet another muddled proposition by P.P.C. as it tries to address too many issues all at once: the equal vote, the number of Members, introducing large constituencies, and, of course, scrapping the most respected position of Senators. This is something that the public do not want.

[10:45]

They want the Senator role to be reinstated to 12. If this proposal wins the day, it will receive the wrath of the public. Please, Members, vote this out. It is not a public priority.

1.1.9 Deputy M. Tadier of St. Brelade:

I take a slight risk in opening my speech in this way by reading a passage from the Gospel of Luke. I say that because the last time I think I quoted Jesus in the Assembly it saw me getting kicked out, but at least I know there is no risk of doing that today because I am not in the Assembly already. I do not think that there will be anything objectionable in the speech I make, hopefully, certainly not in the reference to the Good Book. The part I want to reference - and you will see the relevance of it, it is not just gratuitous Bible quoting for no reason - the context is in Luke 15-2 when Jesus is talking to what the Pharisees called sinners. The Pharisees and teachers of the law are critical of him, saying: "This man welcomes sinners and eats with them." Then Jesus responds to them because he can hear these criticisms coming. He says: "Suppose one of you has 100 sheep and loses one of them. Doesn't he leave the 99 in the open country and go after the lost sheep until he finds it? When he finds it, he joyfully puts it on his shoulders and goes home, and then he calls his friends and neighbours together and he says: 'Rejoice with me, I have found the lost sheep'." He finishes by saying: "I tell you that in the same way there will be more rejoicing in heaven over one sinner who repents than over 99 righteous persons who do not need to repent." Now, that is a parable and, as we know, parables were taught in order to try and unlock some greater or perhaps parallel truth to a problem that people might have been grappling with. I look at it this way. I look at it that we have been grappling with the issue of electoral reform for decades and some of us have been doing it longer than others. For some, it might be the second time already even in this term that they have been dealing with that. I see some criticism because there are some who I would call Pharisees in the Assembly, who say: "There is no problem. We have a great system. The people who want to engage with the system can already engage." Yet Deputy Labey - and I am by no means comparing him to a Christ-like figure, although he is quite compelling in some of his oratory from time to time - has been going out there, talking to the sinners and the lost sheep who are not interested in voting. He has been cavorting with the radicals and the reformers of all descriptions, who want to try and upset our cosy little club that we have in a system which works oh so well. But in fact we know that the system does not work so well and it needs fundamental change. The lost sheep that I am talking about, I guess, and the ones that I want to focus on and congratulate, are not the people in the Assembly now or going before us who have always campaigned for electoral reform, whatever that electoral reform might be, but it is the ones who have changed their minds. It is the ones who have said: "You know what, I am not going to go off and pursue my own agenda. I am not going to ramble around the countryside on my own because I think there is value in working collectively, in coming back into the fold, listening to what the shepherd - in this case Deputy Labey - has to say and working constructively, because that is when we are better. We are stronger together when we all work together." I have heard comments, which I think the Constable of St. Helier has quite rightly critiqued, that I find deplorable. Again, this is coming back to the pharisaic comments, which is saying: "Those who do not vote do not deserve to be represented" and saying: "Maybe we should seek distribution on the basis of those who bother to vote rather than population." I have always disagreed with that because population is the absolute number. We represent the populations in our constituencies irrespective if they vote. Some will be too young to vote; we still have to represent them. We go and talk to children in schools if we are invited to do so and we do not say: "I am not talking to them because they are not old enough to vote." They are part of our system and they are part of our fold in that sense. So, I congratulate those who have been magnanimous enough to look past their own particular idea, and I include myself in that, not to congratulate myself but to highlight during this speech that this particular reform is about amendment. I could have used this speech to critique P.P.C.'s proposals if I wanted to, but we have to look at the bigger picture in this. We have to look past our own opinions and look at the bigger picture. I would add at this point that this is a technically different decision we are making today, not simply because of the subject but because of the way the vote works. Your vote, our vote, will only be counted in this debate if you vote in favour. Members who do not vote in favour are an irrelevance in this particular debate. It is the 25, if we can get them, who do vote positively in this debate, and this is about being positive during the debate and about being positive in our contribution, and the one thing we have to contribute is our vote. I was

disappointed with Deputy Carolyn Labey because I know she has been working hard on the identity project. I fundamentally do not think she gets it, and this is one of the reasons that when I was at Culture I was slightly hesitant to join. I wanted to see what that brought. I think identity, when we talk about it as an Island community, is a very difficult one. I was impressed when I heard Nicola Sturgeon talking this week at her party conference. One of the things that stuck with me is she said: "We are a country which is comfortable with our multiple identities." She recognises the fact that there is not such a thing as a single identity which we can try and impose on a community, saying: "This is what Jersey is. This is the way it should be. Jersey is all about the Parishes. Jersey is about the districts and the Deputies." No, that is not what it is about. Jersey is an Island full of multiple identities which come together to make a gestalt identity. We need to listen to all of those and we need to go out into the community and listen to those who do not normally have a voice, who are not engaging with our system. I agree with Senator Moore when she says that this does not need to be the death knell of the Parishes at all. It is the opposite, and I think there is double logic and doublespeak being used here because this reinforces the importance of the Parishes in our Assembly. From now on, the Constables will be the voice of the Parish, the only voice, but there will also be other people around them to support them. They will be in the States Assembly de facto, without having to seek a separate election. That is a compromise many of us have had to make because ideologically it is not personal against the Constables. There were 2 issues. One is the disproportionality and one is the principle that only people who have been elected to office directly should be serving in the Assembly. But we are willing to put that aside because we realise that the bigger prize is much more valuable than our own personal opinions. St. Mary still has special pleading, if you like. St. Mary will still be the smallest constituency in the Island and it will still have a special place in our Assembly because we recognise, if we pass this today, that yes, St. Mary does need to be represented. It is a historical Parish like any other and it will still have its voice. But it will still have the ability to vote for a wider range of Deputies who can represent them in a bigger constituency. What is not to like about that? I would say there is no excuse for people not to vote for this now because it ticks all the boxes and it just needs a little bit of compromise. For me, option B was a lot worse than what is on the table. It was not just technically what was being proposed in the distribution because it did make it worse, and Dr. Renwick in his analysis pointed that out. But there was not the same honesty there that we have seen from P.P.C. I think P.P.C.'s approach has been refreshing in this. They have not tried to spin it. They have been truthful. They have said to us quite openly: "Yes, this is not perfect." It does not fully deal with voter equity but it is an effort, and I acknowledge their effort, and what they have tried to do here in bringing people together and giving us something positive to vote for today. I would say on a personal note that I have given Deputy Labey quite a hard time. I had to struggle myself with this and I have also had robust discussions internally in the party, as you might expect, to find out what our position should be on this. But we want to take the issue forward because even though we know we could quite happily continue to knock on doors, which is what we do best in small constituencies, press the flesh and pound the pavement, so to speak, and get turnout, it is looking at the bigger picture, saying no, what best serves the Island has to be greater equality. Now, quickly addressing the issue of the Senators, the Constable of ... **[Interruption]**

The Bailiff:

I am sorry, someone appears to have their microphone on. **[Interruption]** Excuse me, somebody appears to have their microphone turned on and their conversation is audible. Could they please turn off their microphones unless they are participating in the debate?

Deputy M. Tadier:

Sir, while we have a natural pause, can I just check how much time I have? I do not want to overrun.

The Bailiff:

You have approximately 4 minutes left.

Deputy M. Tadier:

Okay, 5 maybe with stoppage, is it, Sir?

The Bailiff:

Sorry, no, not 5 minutes, you are at 11 minutes 19 seconds, Deputy.

Deputy M. Tadier:

That should be fine.

The Bailiff:

We will allow probably 10 seconds or so for injury time.

Deputy M. Tadier:

Thank you, Sir. Just to address the issue of Senators, which the Constable of St. Lawrence raised, she quoted that the Senator is good for many reasons, one of which is because they are not influenced by local issues. Now, by that logic you could say that we should then have retained directors in the States in 1948 because they did not even have to face an election. They did not even have to worry about the electorate at all, so they could be above the electoral process. So maybe we should not have elections at all, we should have technocrats. But there is always a compromise when it comes to the size of your district because you dilute your ability to control who gets elected the bigger the constituency. We talk about St. Brelade. I think my colleague in St. Brelade said at the moment we can elect 8 Senators, but St. Brelade does not elect 8 Senators, the whole Island elects 8 Senators. The voice of St. Brelade is not represented by those 8 Senators, but the voice of St. Brelade will be represented by the 4 new Deputies and the Constable. Incidentally, it is not just Senators we are losing here, we are losing Deputies as well and we are quite happy to make that sacrifice for the new role that is being created. We do not make change just because it is overdue. We make change because it is the right thing to do and it is the “doing the right thing” which is overdue. There is a nuance there. I would say to Deputy Huelin that sanity is not statistical as well. Just because people are not clambering for change does not mean that it is not the right thing to do. The fact that people are not clambering for change in a fundamentally unfair system is itself a symptom of that unfair system. To suggest that we should be doing other stuff is simply a false dichotomy. We get this solved and then we can move on to more important issues, but this is a fundamentally important issue. Deputy Guida, I enjoyed his wine-making analogy, but I would say to him in French, which I will translate for the *J.E.P. (Jersey Evening Post)* journalist who is listening: “*Il faut mettre de l’eau dans ton vin.*” You have to put water in your wine. You have to compromise on this one. It is about looking at the bigger picture, not the granular detail about the legs in the glass that you are looking at but what the wine is tasting like. At the moment, the whole barrel of wine is completely *pourri*, it is rotten, and we have to get rid of the barrel. There is no point in looking at the fine detail. I will close this by finishing and just add, of course, that democracy is dying on the vine at the moment. We need to look at the bigger picture. I will quote George Bernard Shaw, and I think this was quoted at some point in a submission to the Electoral Commission: “Progress is not possible without change and those who cannot change their minds cannot change anything.”

[11:00]

Let us make 2020 a positive year for the Assembly so when historians look back at that, they look back at the 25 or more Members who positively voted today, during a pandemic, and said: “Yes, we can make change, we can put our personal interests aside and vote to move forward for the greater good.” That will be a historic day for Jersey.

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

This proposition, I must admit, has caused me a few sleepless nights. To be honest, I was frustrated that this had been brought forward again in a matter of months and the Island is amidst COVID and Brexit is imminent and we are all readying ourselves for the Government Plan. Nevertheless, here it is. So, what do I do? Do I completely reject it out of hand or recognise that this Island has been waiting for change and that we did hold a referendum and that subsequent Assemblies have not yet been able to implement the winning option, option B? Researching it, St. Martin voters voted for option B, as did the Island. Option B, Parish Constables to continue to be Members of the States. The numbers of States Members to fall from 49 to 42, 30 Deputies and 12 Parish Constables. Well, this proposition does compromise in that it does retain 49 States Members, and also 6 large electoral districts, each with Deputies. Option B, no Senators. This is the reason that yesterday I did not vote for a referendum. We had already held one. We seem to hold referendums and then not bother to implement the will of the people. Well, I see this proposition as doing what we promised. This takes me on to the demise of the Senators. Personally, this has been a really difficult decision and not one that I have taken lightly. When there were 12 Senators and 6 were voted in every 3 years for a 6-year period, we had continuity and they worked much better with the committee system. Now we have 8 Senators for a term of 4 years and they are voted in on the same day and the same time as everyone else. Today, some of the Senators have chosen to vote themselves out. As I said, the position of the Senator when there was a committee system held great gravitas that has been eroded with ministerial government. It comes as no surprise, I should think, to most people that I have a history of Senators in my family. My father, Dick Shenton, who in my eyes was an absolute star, most of the Senators and States Members ... well, I would say that as I am his daughter. How would he feel about the demise of the Senators? Well, as some of my fellow Members said, he was above all, a real democrat and I think he would approve of the change in 2020. He was ahead of his time in so many ways and he recognised the importance of the environment years before it was at the forefront of people's minds. My brother Ben was also a Senator and he was very effective in his role, but he also led the campaign for option B. Should he ever choose to stand again, he would be just as effective as a Deputy. So this proposition pairs St. Martin with Grouville. Well, no offence to my other neighbouring States Members in St. Saviour and Trinity, but it is a natural choice to pair St. Martin with Grouville. We almost have the same Parish crest and we have so much in common. Should this proposition be adopted, I look forward to working closely with the Constable of Grouville and the Deputy of Grouville, Deputy Carolyn Labey. It is essential that Constables are kept in the States. We are a link to the past but, far more importantly, we are the gateway to the future. The office is imperative to keep the Parish boundaries, especially in a super-constituency. If the office of Constable falls, the Parish falls, and we all become some kind of nebulous blob run by central government. Would we ever really want that? We have the Honorary Police, the Roads Committee and the roads inspectors, all these wonderful people who are honorary. Lose the Constables and you lose all this. Yesterday, Deputy Morel stated that the Constables are okay to vote for this because their positions are being retained so it does not matter how we vote. Well, no, Deputy Morel, this is not an easy decision to make. Just listen to all those speeches which keep repeating that this is a step on the way to losing the Constables. It is not a comfortable position to be in. But I will say to my fellow Constables - and I will go as far as to say that I will rally my fellow Constables - that we can show just how relevant we are, how hard working we are, and how we are more than capable of working for the States and the Parish and just how vital our office in the centre of our Parishes is. We are strong and as long as I have a breath in my body I will defend the Parish system and the need for the Island to retain the Constables. I want this to strengthen the Parish system and, as I said, we can show how vital we are and we can show today that we can move with the times. We do move with the times, but I think some people think that we are some kind of dinosaur, which is not fair. We are not. We are very vital. We are very relevant. I would say - using the word "relevant" again - that we are more relevant now than we have been at many times in history. If this proposition wins, which I think it will, it is our job to show the public and to show our fellow States Members that we move with the times and that we are relevant in the 21st century. For these reasons, I will be voting

for this proposition and I would encourage my fellow Connétables to vote for this proposition. The only fear we have is fear itself. We can overcome naysayers and strengthen the Parishes.

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

The decision today is obviously, I believe, of historic importance and it is in particular for the Parish of St. Brelade, where I am privileged to occupy the position of Deputy No. 1, which, as Members know, of course, is a single-seat constituency. So today the decision will remove that single constituency, and I think it is incumbent upon me as the Member to just point out that that seat was divided. St. Brelade was divided into 2 separate constituencies nearly 50 years ago in 1974, on 12th March 1974 - and thank you to the Greffe for researching this for me - when changes were made that divided St. Brelade into 2 constituencies, and also there were changes in the Deputies in St. Helier and St. Saviour. Members may know on the same day in the States of Jersey Law amendment they removed the possibilities of Connétables to designate a member of the Honorary Police to sit in the States if they were not able to. So that was gone. I think clearly that was a very significant change then and I think today we are on the threshold of making major historic change as well. Certainly, I know that there will be Members, there will be people in the community of my district, who will mourn that loss, who will say: "We like being separate," St. Brelade No. 1, which is the kind of eastern part. It is not just St. Aubin, it goes out into the country, it goes down to Noirmont and Portelet and so on. Of course, when I listened to other Members it is true that in a single seat constituency elections enable one to get really close to the community. So a highlight for me, looking back, was my election. I took 5 weeks' holiday off work and I got round the Parish and met everybody I could. I came away fitter, healthier, and it was very much a highlight. Of course, I have been lucky though in St. Brelade because I also had colleagues in the No. 2 constituency and, indeed, of course, a Constable and Senators living in the district. So I think we as Members have been able to work co-operatively in St. Brelade - it is a fantastic Parish and it is a fantastic part of the Island - to co-operate and help each other with the coverage of all sorts of events, social events and things like this. I have to concede that social events are not my strength but it is important to have that contact. Nonetheless, hopefully I am not antisocial but it is not my strength and we can share that out. I think that illustrates the points about multi-member constituencies and why there are real advantages in it. I have also highlighted as well in a single-seat constituency there are inherent problems. I mentioned yesterday - and I will not go into it again - obviously in holding ministerial office, and this probably recognises that in any ministry really but in my case planning, there are conflicts of interest. Therefore, one is not able to represent individual constituents and take a position on a planning matter either for or against because ultimately that duty falls to the Minister to decide objectively and independently. I will highlight another thing that I think has to be relevant to this. When I was not in the States there was a period when I sought to help a third party get a complaints board. In the particular Parish, I tried to get the elected Members in that particular Parish to take the case forward. I do not believe there was anything wrong with the case, but the situation was that the Constable was a member of the States Employment Board so they could not do it, and the 2 Deputies, one was an Assistant Minister and the other one was a Minister, so they were conflicted as well. So there was a constituent who could not take that case forward so I had to step in and do it, although I was not a States Member. That did leave its mark and I thought constituency work, we do need to have larger groupings of Members to be able to cover this. I think with larger groupings we are always going to have contested elections and I think it provides an avenue of opportunity with natural retirements, and so on, for new people to come into representing the Island from all walks of life, younger people, have greater diversity and also income groups, to deal with that and so on. So, I think that is much more healthy and, of course, in St. Brelade we get a gain in numbers. So, going forward, after the 2022 elections, which I have said I shall not be standing again, but there will be 4 Deputies and I think that is really good. There will be 4 Deputies for one constituency. Now, obviously the key thing here is that we are making a big decision to remove the role of Senator, and I have twice stood in the Senatorial elections. I have to say I found it a very difficult task. Maybe it

is because I do not have a big team of people. I do not have a big army of resources and so on and it is not possible to do an adequate job of canvassing the Island. It is impossible. It is not about money either because the first occasion I spent probably about £6,000, which was wasted, although I did manage to get a tax allowance on it after that because obviously I failed to get elected, so that was accepted. But nonetheless the next time I spent virtually nothing. It did not make any difference. I did not get elected that time either. Also, the key thing is that there is no question past decisions completely undermined the purpose of having a Senatorial appointment, because reducing down from 6 years, the idea of having half retiring at one time was continuity. That has gone. Their role and purpose in all sense of practice is now reduced and, of course, by reducing 4 seats means that there just are not enough of those positions. So I absolutely understand and respect why people like the Senatorial elections. I have to say on the receiving end, when you are sitting on a hustings and you have 30 candidates and you get 3 questions and you are down the line or you are the 30th person to answer the same questions in 30 seconds, it is extremely wearying.

[11:15]

You do that 13 times in a run. Of course, the number of conversations I had after the hustings meetings, people feel very dissatisfied. They do not really feel they have had a chance to really get to grips with the issues with the candidates. I wonder how Guernsey got on with all their Island election. Were there 119 candidates on the ballot paper? I bet they found out how difficult it is and I think the jury is out on that. I think it is a very high-risk situation to do. The role now is no different, and I was grateful to hear Senator Moore say so. I think it is really brave and important because it is not often that that is said by a sitting Senator that the role is no different. I think we have to accept the reality. There is another reason why I think this is a very positive move, what we have on the table today. I suppose this is a personal one, referring now to the Constable of St. Lawrence. I was one of the 28 Members who voted against the referendum result which came out on option B and I have spent a lot of time thinking about that subsequently. Today I have an opportunity, I believe, to put it right because I really do believe that what we have here is close to the option B result. For the record, it was not that I was not prepared to accept it, the result, it was that I was not happy with the way the whole business of the second preference single transfer vote had been handled, particularly ... well, especially because there was a very low turnout and, of course, we had no thresholds. All those are theoretical reasons and I now accept that I was wrong to vote against it. So I have an opportunity to put it right. Now, having said that, I have always thought that if I was designing an ideal system in line with Clothier, I would have gone with Clothier and I, therefore, did not go along with the automatic right of the Constables to sit in the States. I thought they should have to put themselves forward at an election. I declared that openly and, of course, I knew it at the time, I am one to speak as it is, and in the Senatorial election, which I did not get elected obviously, I was asked about that and I spoke openly and I was the only candidate. Of course, it did not go down at all well in the country Parishes. I listened to what the Constable of St. Mary said. Well, that was exactly the response that I got. But there is a bigger picture here and we do not want to have a town and country divide. I think what we have on the table here is a really good compromise. I ask Members: please, if you are not sure, I really do think we have to go with this. What happened last time when the vote went down? Because that is the way I see it. Here we have a chance to vote again on the referendum result that was what the public clearly indicated: they wanted the Constables to stay. They wanted the Parishes to stay. Here we have a chance to do that, absolutely. I think there are real positive reasons because I think the role of Connétable will be enhanced in this proposal. That is strengthened and it keeps the Parish links. When you look at the way the proposition is divided up, I think it is very, very intelligently done. It keeps 3 Parishes intact with their Parish boundaries: St. Brelade, St. Clement, St. Saviour. Then if you look at the country groupings, my word, we have seen so many different permutations. A lot of them did not make sense, but for the first time we have, I think, a real set of natural groupings of those country Parishes into electoral districts. To me they gel, they work. The numbers, if one looks at the overall numbers and looks at the comments published by

P.P.C. - which I congratulate P.P.C. on providing this excellent paper giving us the numbers on everything - they have helped me so far. When I look at those numbers, I think, well, you have really got pretty close here. I think now is the time that we should sign up to this and I hope other Members will see the importance. I think it is an historic day and if we want to do this I do not know how long it would be before we would have another chance to improve the structure of our Assembly. I am absolutely convinced with the changes, if we make these changes, and in particular the Constable of St. Martin's change yesterday about having none of the above, I think it will mean that we will have candidates coming forward in the Connétables as well. We definitely have a real good chance of upgrading our democracy and ensuring that we have a States Assembly that can keep Ministers absolutely to account and those Members that get elected into Government, it will improve the quality of our Government. In time, I think then the reputation of the States will improve. I am really 100 per cent behind this and I want to thank P.P.C. for giving us this opportunity to make that decision today. Thank you. I support it.

1.1.12 Deputy D. Johnson of St. Mary:

There have been some excellent speeches this morning and, mindful of Standing Orders, I will not go over the same points, at least very much. I particularly align myself with the comments made by the Deputy of Grouville, who has been a States Member for much longer than I have and is well aware of the role which a Deputy can play in proceedings generally and in the administration of the Parish. The basic point I wish to make is that if there is a lack of faith in the States Assembly at the moment by the electorate as a whole, I suggest it is more to do with the question of disconnect. I fear that this proposition, if passed, as I fear it may be, that level of disconnection will be increased. At the moment, residents of any Parish can vote for, through the Island-wide mandate, a total of 8 Senators and in doing so they certainly used to assume that the person for whom they voted might well have the advantage of taking on ministerial responsibility. The point made by Deputy Young in the latest speech was to the effect that the role of Deputy or Senator is irrelevant in that respect and a Deputy can equally fulfil that role. I do not challenge the fact that we have within the ministerial ranks at the moment the people most able to so fulfil that role. That does not answer the question of the disconnect. If we adopt this proposition it follows inevitably that there will be constituencies where they have not had the opportunity of voting for any Minister. I fear that that does not increase the reputational status of States Members. On a parochial level, and I say that because everyone has sought to identify the advantages of the Parish system, I do have concerns that again individual Parishes might feel that they are not represented in the future. The chairman of P.P.C. has not in this debate made the point, but in a previous one I well remember his saying, with a view to perhaps courting my own vote, that his own mother would willingly give her second vote to me should this proposition pass. I will very much welcome, if it does succeed, the prospect of meeting Mrs. Labey and taking her second vote, but I think the second vote is material. I assume that Mrs. Labey would wish to give her first vote to a member of her own Parish and that is not unnatural, and I am sure will be followed by many people. This does mean that the smaller Parishes will be at a disadvantage from the start. Certainly, if so elected myself in a large constituency, I have no problem in representing the residents of St. Ouen or St. Peter as ably as I do now. That is not quite the same thing as getting elected in the first place, and I do have concerns on that aspect. I hope that if this proposition does come to fruition, then residents will themselves be prepared to look beyond the boundaries of their own Parish, but again I fear that it might have repercussions. In turn, that affects the role or may affect the role of Constables. I think they will have a greater responsibility in the future to carry out those responsibilities which Deputies perhaps perform at the moment. Again, I do align myself with the fears of the Deputy of Grouville that the Constables may well be living on borrowed time and if it comes to pass that the Constables are in due course removed from the Assembly, then that will be very much to the detriment of Parishes, who may find themselves without representation. I thus will be voting against the proposition simply because I think that its approval would further ... not

disenfranchise but add further disconnection to the feeling which many residents have at the moment with the present system.

1.1.13 Connétable P.B. Le Sueur of Trinity:

When I woke this morning, my first thought was this is not going to be a good day for Jersey and it left me with a terrible feeling of foreboding, which has not got any easier. I say this because of the apparent direction of travel in the debate yesterday and again this morning. Unlike some of my fellow Constables, I am not about to capitulate or to give up on my principles, and it will come as no surprise that I will not be voting for this proposition. I do not, as some will say, from a sense of self-preservation but from a firmly held belief that, if adopted, this proposition will accelerate the drive towards dismantling of the parochial system, a system which has served this Island and its people well for centuries. The proposition may retain the Constables, but as it has already been stated in several speeches, this is a compromise; a compromise inserted purely to get this first stage of the process over the line at all cost. We all know what will happen next time it comes up for debate. It will be a compromise too far and we can kiss goodbye to the Constables, as this proposition intends to kiss goodbye to the Senators today. I remain firm in my belief, along with many others, that the role of Senator is the most democratic of all the seats in this Assembly and it was another sad day when their number was reduced from 12 to 8, again without any reference to the people of the Island. As I said last time we debated this proposition or a similar version, we are deluding ourselves if we think that super-constituencies are going to be the panacea that will improve voter engagement or increase voter turnout. I ask: where is the evidence that underlines this claim? It is also promoted as being the answer to uncontested elections. Again, without any evidence to substantiate the claim, I am afraid it is just all words. The decision before this Assembly today is massive and we are asked to take this momentous decision on the basis of a proposition and report consisting of 4 pages; 4 pages which contain absolutely no information on how the mechanics of these new-style elections are going to operate in practice, with an assurance, of course, that: "Do not worry, it will all be all right on the night." Well, I am afraid I cannot accept that. I say to Members: we are being led by the nose to take a leap of faith into an abyss. I have no doubt, as I said at the start, that this is going to be a sad day, a day that will go down in history as the start of the process to dissolve the historic Parish boundaries and move this Island towards becoming one large municipality.

[11:30]

The only consolation I can take from this personally is that I am nearer the departure lounge than I am to the arrivals. However, it does not address the fear that I have for our future generations and the Jersey that my children and grandchildren can look forward to when we have lost our unique parochial system. When it is gone it is gone and we will never get it back. When historians reflect back on this day and ask why did they do it, I hope they will come to realise it was just to serve the objectives of a minority of political purists who will not rest until they have our Island identity rubbed out, an identity that sets us aside from other places and makes this place a joy to live. It is often said in this place that if we do not change we will be forced to change. Well, I am afraid I am not prepared to roll over. I say keep Jersey special and if outsiders do not like it, tell them to send a gunboat. I will leave it there and remind Members to be careful what you wish for. I, for one, will not be voting for P.139.

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

I, like other Members, have listened intensely to the debate so far and have pondered long and hard about this proposition. My particular role as Connétable of St. Brelade appears in the proposition to be relatively unaffected but, as Deputy Truscott suggested earlier, Parishioners of St. Brelade will lose out by the loss of 8 but an increase of one representative in the States. We could easily make the Parish one district, as it was prior to the December 1975 elections, should parishioners want it. In a question I asked of a previous Bailiff, this is exactly what he said, if parishioners want it they

can have it. My vote today will be for the good of Jersey and my parishioners and not for any personal advantage. My fear is that of the unintended consequences, which as yet have not been quantified, and I believe that in the unceremonious haste to rush this particular proposition through, much has been overlooked. I agree with so much of what the Deputy of Grouville eloquently outlined earlier and concur particularly with the suggestion that the views of the mathematicians have taken precedence over the needs of the Island and the value of our Parish as an institution. I do wonder whether we have learnt from our past mistakes in our attempts to change things. I would ask whether the move from 12 to 6 Senators and the loss of a 3-year overlap has been successful. I am not sure. Has the move to a spring election from the traditional autumn one been successful? I do not think so. Has the move from a 3 year to a 4-year election cycle worked? I am not overly sure about that. So, before we make this decision today and it simply becomes another error, can we be sure the public want it? I would suggest, based on evidence and communications with parishioners I have received, probably not. Reference was made to the 1771 Code and, yes, Connétables still do draw their Honorary Police together to listen to their views once a month and I can assure Members that this is a very useful meeting for me and keeps me very well-informed. I will once again refer to a comment made in an earlier debate on an amendment and repeat that my view is that P.P.C. should be doing far more work to improve the pre-poll voting systems we presently have. We must use technology to encourage voters to come out before tampering with our traditional boundaries, resulting in uncertainty. Removal of the Senators and the all-Island mandate does concern me and I fear we will be worse off as a result. My feedback is that the all-Island mandate is popular, we must not lose it. Moving to paragraph (b) of the proposition, I take that as a rehash of Clothier of 2000, as I see it. Given that failed, it would seem to me a complete waste of time and money, and let us not embarrass any of the individuals who may be appointed. I referred in a previous speech to the Commonwealth Parliamentary Association and in my speech today I allude to a very pleasant lady who I recall originated from Washington State in the U.S. (United States) but lived in Brussels, so she had a broad experience. In a very good presentation from her and subsequent questions, it was asked what her views were on our system and my interpretation of her response was that “if it ain’t broke, don’t fix it”. In a question regarding the use of technology, it was clear that the view was that of apprehension. I believe that our present COVID situation has stimulated leaps in the ability of technology to be used in elections and I would ask Deputy Labey in his summing up to tell us what has been done and what will be done to incorporate this in 2022. I suggest, in conclusion, that in the light of the pandemic and the massive amount of work that Government are having to do to mitigate the effects on our residents, we should reject this proposition and focus on the job in hand.

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

If we had a poll in the Assembly for the Member with the safest seat in the Assembly, it may well be that that honour would fall to me. I am in my third session in the Assembly and I have only faced the electorate once when I stood against Deputy Bob Hill back in 2011. But I have always said that if there was to be a single representative for the Parish, that that should be the Constable and I would vote myself out of office in order that my Constable could continue to represent me as the Parish representative. I think Islanders value that Parish representation hugely. I think they also think that the Constable should be the person who takes that forward, so I say to the Constables, those that are not in favour of this proposition, do not fear this. This makes you stronger, this makes you more accountable to your parishioners and Islanders do not want to give up Parish representation, but we have to make progress, we need more equality. I really hope we are going to make some progress today but in order to do that, as has already been said by so many, we need to compromise. We all have to give up something. We all have to give up something, we cherish something we value, and we have to put the fear of change behind us. That is what I have heard in some of these recent speeches, the fear of change, but we must not fear change. We must make progress, we must try much harder to get better equality for all Islanders when it comes to voting and this is a step in the right direction. I urge Constables to not see this as a backward step but a forward step which only

strengthens their own positions within their Parish. I would urge Members to support this proposition today.

1.1.16 Senator J.A.N. Le Fondré:

I think yesterday - I have lost track now, it may have been on the amendment I proposed - I was called seductive, and I am going to suggest it was by Deputy Labey but I might be misattributing that. I do commend Deputy Labey in his passion for pushing this proposition forward, but if my proposition yesterday was seductive, this is the Don Juan of propositions. It will lure Members in, it will tickle them under the chin, it will give them a knowing wink, saying: "This is what you really want to do." My only concern is when we all wake up tomorrow morning, or the day after, having voted whichever way we are going to vote on this. It will come as no surprise to Members that I will not be supporting this but I do want to just explain a little bit why. Before I do, I want to pick up on a couple of points but commend the Connétable of St. Lawrence who frequently speaks clearly with very clear logic and she was absolutely on the money today, as was the Connétable of Trinity and a number of other speakers. I want to take slight issue with Deputy Tadier, who I think completely missed the point about Deputy Guida's very good speech yesterday. Deputy Guida was looking at the big picture but he also speaks as someone who has come to the Island. He has loved what he has found so much that he has served the Island and the community through honorary service first and then took the next step of representing his parishioners. I make the point that he has come in from a different jurisdiction - I know others have as well - and he gets the community side that many of us know and love. I will come to Deputy Ash in a minute. There have also been points around under the old days the idea of a Senator was that people stepped up to the mark to go for a more senior post. Well, I think that is basically what I did. I left the comforts of St. Lawrence, if that makes sense. I think I would have probably been re-elected as a Deputy if I had stood there but I took the chance and essentially it was because I felt at the time I was thinking about going for Treasury, that that kind of post required an Island-wide mandate. Obviously I subsequently came on to the role that I now hold, which I consider, even although it is hard, it is still a very great honour to lead the Island, or lead the Government perhaps. Where I do take issue, for example with Deputy Ash, he made reference to, I think it was Deputy Huelin, about being a dyed-in-the-wool anti-reformer and some people try and point that at me as well, I think. I take the view that I look at every reform that comes through and try and determine if it is in the interests of the Island or not. For me, the important aspect is does it maintain our community links, our connections with the community, as other Members have referred to. I thought it might be helpful to explain what I mean by that and what my experience was. In terms of St. Lawrence, which I represented I think for 4 terms, the community of St. Lawrence for me is a whole mixture. It is obviously friends and neighbours, it is the people we get to know and work with when we did, and I still have some involvement with, the St. Lawrence Battle of Flowers community. That is a section of the community. When we did the St. Lawrence Parish magazine, it is a different part again of volunteering, of putting your time back into the community you serve for free. Then the one I particularly always go back to is the St. Lawrence footpath when we worked for 5 years in pretty well all weathers to generate something that is now enjoyed by hundreds if not thousands of Islanders and parishioners particularly. That, for me, is the benefit and the merit of the community we have and it all revolves around the Parish system. In fact, the Deputy of Grouville nailed it again; it is about that Island identity. My real concern on these proposals is I do think there is a risk that essentially this will diminish the role of the Parish over time and I think that people do regard this as a first step, and I will come to that in a minute. What brought it home was a conversation I overheard with some Guernsey representatives who were representing at the time what we will call a super-constituency, and essentially they were divvying up which Parish assembly, in our terminology, they were going to go to and they were doing it on a rota. The point was that there was not going to be that connection, the role that many of us have seen where you attend the Parish Assembly, and again it is that direct connection with the people who have elected you to the post on a very regular basis. This was just a timetabling of another meeting. I was just

scribbling down as I went through. I have a concern, I have a whole variety of concerns. I will make the point around part (b) that has been referred to, that effectively it will be people from probably the United Kingdom, the majority, who will not understand the sensitivities of the systems that we deal with, that will then determine our destiny. But equally part (b) does seem to fix the fact around the boundaries of the super-constituencies or the districts that are being identified. What that implies to me is that over time particularly any of the smaller districts, depending what happens with the population, but particularly Districts 7, 8 and 9, will, therefore, be reduced in number further because that is what the remit of the Parish Boundaries Commission is. It is: "... to ensure that the 9 districts remain compliant with the principles cited in paragraph (a)." On the basis it will be on population as the populations change and on the basis that the numbers remain the same, that means the smaller districts will just lose their representation over time.

[11:45]

I do also believe that there have been Members, they have said it to me in the past and I think they have said it to other Members even during this debate, who regard this as a first step. They do not regard it as a compromise, they regard it as a way tactically to get this change over the line, to remove the Senatorial vote and then they will come back to the Constables, whether it is in this Assembly or probably the next Assembly, and that will be the mission. At that point, we will have lost the Parish system and all that will go with it. I think the other observation I would make - it has been made but I think I will just spell it out - is for 4 Parishes there will be no change in terms of their boundaries, so St. Brelade, St. Saviour, St. Helier and St. Clement, but what will change is all those parishioners will have a number of votes taken away from them. At the moment, in St. Brelade they can vote for 12 Members of this Assembly, in St. Saviour it is 14, in St. Helier I think it is 13 or up to 13 and in St. Clement it will be 11. Sorry, in St. Saviour it will be up to 14. I have got my numbers slightly wrong there. What that will go through to is St. Brelade 5, St. Saviour 6, St. Helier ranging between 5 and 6 and St. Clement 5 votes. We will have gone in certain instances for St. Brelade from 12 votes down to 5 and, frankly, I do not think that will energise and excite the electorate. I think they will see it essentially that they will have been disenfranchised further. They will not get the arguments about proportionality and those type of things. They will see that they have lost votes. Deputy Labey has made loads of remarks about equality and all the rest, and it is very clear again it will be, he claims, better but each district will have different numbers of votes, ranging between 3 and 5 plus a Connétable, so not every district is getting the same number of votes as others, which does beg the question what he is trying to achieve. But I think also the point I would make is about the timing. Yesterday I had to announce, along with others, a hospitality short circuit potentially out to New Year although we are going to be reviewing it in just over 2 weeks. Islanders are not engaged. Most, I would suggest, are worried about their lives or their livelihoods or both. For me, to see Senators removed, what I will see as the Parish system ultimately destroyed, and all without a referendum, I think that is completely against what Islanders expect us to be doing in our roles particularly now. Reference has been made to the Scrutiny report of 2017, and I go back to the point we ran a MORI poll at that time of 1,000-plus people and I will read from 2 paragraphs: "One clear message is that those surveyed did not feel communicated with and considered that a referendum should be held on any significant changes. It was very clear [so repeating it] that irrespective of whether one supported or did not support the proposals of the time [which are not dissimilar to now] that the population polled as over 1,000 (a) supported a referendum on those proposals [that was 71 per cent, that was a very, very clear message] and (b) felt there should be far greater communication from the States on such measures [87 per cent]." There has been no communication on this to the public, certainly since March and even before then when there were focus groups and that was about it. Sorry, I apologise, there were obviously some Parish Hall meetings. That was a long time ago and this is a different proposition, the point being 87 per cent wanted a significant communication and 71 per cent wanted a referendum. Bearing in mind that was 2017, that was after this issue that people keep raising about the 2013 referendum and whether people feel betrayed or not. The outcomes of that MORI poll, a

statistically significant representative sample of the entire Island by Parish but across the board, was that 71 per cent of people still wanted their ability to vote on any changes to the constitutional position of how they elect people. That, for me, is fundamentally an insult to the democratic process. On that basis, I do not need to say anything more. I am going to be stopping there. I will not be supporting this proposition. I commend Deputy Labey and P.P.C. for their passion on this subject but, as I said, for me it does not achieve what we are going to be achieving and I do worry about the consequences it will have on the connection with the electorate going forward.

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

I am pleased to follow the Chief Minister because I think we need some positivity in this debate. It is slightly disappointing to hear the negative attitude towards Deputies and Constables and their ability to work. That has not been my experience and I will go through some of the reasons why. This is a compromise for many of us and I put myself into that category. I stood on a manifesto of one type of States Member but from the work the P.P.C. has done and the work with Constables and the understanding of where we are, we all have to compromise in some way. I have said many times it is not how we agree if we are trying to make change or be successful in leading. It is how we disagree, and that is true in all relationships. We have disagreed on this subject of our electoral reform for 20 years, it seems, and it has been so divisive. The positive side of this today, and the positive outcome that could happen, is that a compromise could be reached which we can live with and will move our electoral system forward. The paucity in democracy that we have in terms of equity cannot be ignored. It cannot be ignored in a modern society and we look outwards as an Island as well as inwards. We pull our weight in the world and when we represent the Island, as many of us have on different activities through the C.P.A. around the world, we are proud to be able to do that. I have written down quite a few numbers but I am not going to go through them because I think what we need is a different level to finish this debate soon. We need to look at what we will achieve here. This is about equity in votes. One of the best things about our Assembly is that we all have an equal vote when we walk through that door and we all have a huge responsibility because we have that equal vote. We have an equal opportunity to bring propositions. That is the best thing about our Assembly. We have the opportunity to make change as individuals or as groups, and that is so important and it does not happen everywhere. We need, therefore, to represent equal numbers when we walk into the Assembly. That cannot be dismissed in any argument and must be addressed. I will talk about the Parishes and the strength of the Parishes, and I believe this does strengthen the Parish. I will say that I have never been as involved as I am in the Parish since I was elected. The Battle of Flowers, for example, before I was elected, our son was on the float a few times and it was lovely and we got involved, but since being elected I have had the pleasure, because I felt that it is my role within the Parish, to be involved in that. As Deputy Le Hegarat said, we did Christmas lunches and it is a real shame they are not happening this year. Then my family get involved. It is a marvellous involvement. I think that our Constable, Constable Crowcroft, recognises he has got groups of Deputies that have never ... I really want to be involved in Parish affairs as well and to support where we can. The attendance to Parish Assemblies, for example, is very, very good. When we look at the change to Parish boundaries that I talked about, I think it is a false argument. What we have is a change to the numbers that are represented within areas to make voter equity. That is a really key thing and I think that is important to the electorate, but the Parish boundaries remain because of the presence of the Constable within the Assembly. What we have got here is not the best of both worlds but a pretty good part of both worlds and that compromise must be supported and is a real success for the future and definitely and most importantly a real step forward. My experience of being in the Assembly is not one of being a Deputy sat away from Senators and sat away from Constables and never the twain shall meet. To begin with, on Scrutiny I am on panels with Senators, Constables, other Deputies, and we work together with a common goal there and it works very well. I absolutely value the input of colleagues from the different types of electoral representation that we have. Indeed, one or 2 of my propositions have been seconded by one of the Constables and not

Constable Crowcroft. That, to me, was an endorsement that I am doing my job in a way that is inclusive to all Members of the Assembly and this is an opportunity that arises from this proposition. To those Members who are worried about that I would say please do not be. Yes, your role will be slightly different as a Deputy, it will be wider and you will have a real responsibility to work differently so that you work across a greater number of people, but that is an opportunity that can be taken and it gives you an opportunity to develop your skills and learn more, not just about your Parish but those that you are now representing as well and to make a greater impact. I think that is something that needs to be remembered in that. That is the real positive of this. The system that we have voted is simpler and that simplification of a Deputy election and a Constable election that is clear, it is simple. We know how the Deputy elections run and we know how Constable elections run and they can certainly be undertaken. That simplicity is very important for engaging people in elections. When you are stood on the doorstep it is a lot easier to explain that situation. It does not mean that people will not get a voice. As part of being a Deputy, and I am sure as being as part of being a Senator and as a Constable, you help people out. You help people with all sorts of things. When somebody comes to me for help, the first question is not: "Do you live in my constituency?" It is: "What help do you need?" I may consult with Deputies in other areas of St. Helier or other areas of the Island entirely in order to try and assist. That is the role that we have. The problem is that we are not seen as performing that role as much as we should be. Let us address that issue, but that is no reason to deny this much needed change. I would urge those people who are erring on the side of not voting for this, perhaps because of fear of the unknown, that you will create the nature of that unknown but you will do so within a fairer electoral system, one that is more representative and one where you can be sure that your value and your credibility to be in that Assembly is the same as everybody else's, where you have an equal vote and equal opportunity to bring propositions and equal respect throughout. I think that is the most important thing that we can achieve today. It has been a terrible year. 2020 has been a terrible year for many, so we can finish at least in this Assembly with a positive move, something that has been waited for for so long that will make a real positive impact for the electorate, for the credibility of the Assembly and for the future of Jersey. I urge Members please vote for this proposition.

1.1.18 Deputy J.H. Perchard of St. Saviour:

For an Assembly that is not meant to deal with speculation, many arguments against the proposition have been based solely on the potential for future proposals. Something I learnt very early on in my political career from our Chief Minister, no less, when I asked a question based on speculation in one of our earlier sittings was that we do not deal in speculation in this Chamber.

[12:00]

The role of the Constable has been protected in this proposition and let us remind ourselves of the role of Deputies. Deputies are not formal members of the Parish municipality and if you read the membership and voting rights of Deputies in Parish Assemblies, it is written: "A Deputy of the States who represents the Parish or a constituency of the Parish has the right, if not otherwise eligible as a member, to attend but not to vote in the Parish Assembly." When I was first elected our Parish Secretary explained to me the lines drawn between Deputy and Constable in terms of their legal role in the Parish. Of course, Deputies represent the people who voted them into the Assembly but they do so by representing them when voting in this Assembly. Our main vehicle of representing the voice of the people is by expressing our parishioners concerns in the Chamber and voting accordingly. Of course we assist with individual cases when they arise but there are times when we simply do not have the legal power of the Constable. My Connétable and I have worked closely on several occasions because I have been approached in regards to a matter I was not empowered to resolve without the assistance of the Parish as an institution. The use of the Constable's fund is just one example of a power enshrined in the Parish system that was put in to good use in St. Saviour to support a disadvantaged student with their learning. While I was directly involved in this case, I

could not have resolved it without the Constable because I, as Deputy, do not have the power or the right to direct the funds of ratepayers. The Constables have many powers and responsibilities that Deputies simply do not have a legal right or responsibility to uphold. We are not official members of the Parish municipality. This proposition does not pave the way for a diminishing of power of Constables because it does nothing to give more power to Deputies in the institution of the Parish nor to lessen the power of the Constables. How Deputies work in the Parish is built upon a relationship with their Constable. It is a relationship built on communication and collaboration but not on delegated legal responsibilities. Moving on to the issues around timing. The Chief Minister said that Islanders are not engaged on this, but that is our job. It is our job to identify weaknesses in our democratic system and rectify them. It is our job to represent the people we serve and achieve the best outcomes for them, especially at times when the people are most in need. Of course the timing was not the timing of choice of the chair of P.P.C. and no one wants to be in the firing line of being accused of doing this at crisis point. But the reality is in order to ensure that any decision we make this week can be implemented in time for the next election we had to have this discussion now. I would also like to point out to the Deputy of St. Peter, who argued that at time when many people are suffering that this was somehow an insensitive thing to bring forward and posed the following questions. Where do most of these people live? Where are most of the people who are paid minimum wage or who serve in retail and hospitality, where do they live? Who are the most unrepresented people in Jersey? Whose voice is most quietened by the inadequacy of our system? So residents of St. Helier. To me, of course, bringing this a day before new measures are introduced is not ideal but the people who are being affected by those measures are the very same people whose voices are diminished by the current system that we have and if we really want to support those people in all the ways that we can then supporting this is one way in which we can achieve equality for them in the future. The Constables can support this proposition in the knowledge that their position is unchanged, it is not changed by this proposal. We could take a huge step towards voter equity and proportionate representation. This is about ideology, it is about the concept of equality and of fairness and of trust. Our electorate put their faith in us to make sure that they are treated as equals, that they are represented as equals and that my vote in this Assembly - that my vote - is weighted to represent them equally. Apathy has been cited by many as evidence of the public not thinking there is a problem. Apathy is not bred by a feeling of contentment, apathy is not bred by a desire for things to stay the same, apathy is bred from a feeling of hopelessness or disenfranchisement or despair. Apathy tells us not that the electorate is happy but tells us they have given up on hoping for better. Today we have the opportunity to do better, to give people hope that our system can be and must be and will be better. I support the main proposition.

The Bailiff:

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

1.1.19 Deputy M.R. Higgins of St. Helier:

During this week's sittings, including this morning, what has become apparent has been Members fears rather than optimism and the advantages of change. Let me address the fears which are, in essence, a fear of change. There is a fear among some of our Deputies in the smaller Parishes who may have been born in the Parish they represent, whose families in some cases have lived in the Parish for decades or even centuries, or who may have lived in the Parish for most of their lives and which because of the time they have lived there and its size know many of the people in the area having grown up with them, attended schools, youth clubs and church together or meet them frequently in the local shops or pubs. Their fear is that they are going to be faced with a larger number of people over a larger area who they do not know and who they will have to convince to become elected at the next election. There is the fear that they may lose their seats because they will face greater competition and the electorate may feel one of the other candidates is a better person to sit in the Assembly than they are. That fear was also expressed by one Member yesterday of the increased

cost and time of campaigning in larger districts. I am one of 4 Deputies that represents St. Helier 3 and 4, which at present is the largest district in the Island, short of an Island-wide mandate. Let me address the cost of campaigning in a large district first. Deputy Le Hegarat has made many of the points I was going to make. She nor I nor Deputies Ahier or Gardiner spent large sums of money on our election campaigns, as can be seen from our election expense returns. So the cost argument is a red herring. In terms of the size of the area and the time it takes to canvas large districts, it does take time and effort but it can be managed with good organisation. By organisation I do not mean with a large team or number of helpers. During the last election I walked the area or drove to the more remote areas with the help of my wife or son. I delivered the vast majority of my own manifesto leaflets and knocked on doors personally, as did Deputies Ahier, Le Hegarat and Gardiner. I know this because I met them frequently on the campaign trail. As I said yesterday, the election before last almost killed me as I was suffering from cancer at the time and I was exhausted at the end of each day. But in the last election, in better health, it was good exercise. Still tiring at the end of the day but worthwhile. In addition to that we also held hustings and we could have as many as we wanted and we agreed on 3. One in First Tower, one in La Pouquelaye and the last in the Brighton Road area in the main part of Town. Although going around the district and the hustings during the election we were competing with each other and all the other candidates, I can say that since the election we have co-operated well looking after our constituents and other Islanders. We also sit on some of the various district bodies, such as the First Tower Community Association. Even where we do not we support the efforts of the others. Why? Because we all want the best for the people who we represent. Now, very often parishioners contact all 4 of us at the same time rather than just contact one. Now that could be counterproductive but we work together, one Deputy takes the lead and keeps the others informed and they know that they can rely on the support of others if need be. We share the load, which you do not have in a single-member constituency. The public by and large do not appreciate what States Members do ... I will have to make a donation to our fund. The public by and large do not appreciate what States Members do and think it is just sitting in the Assembly, they forget about the role Members do in Government or Scrutiny and the amount of time that Deputies, in particular, all spend on local constituency matters. At least in a multi-seat constituency the elected Deputies can co-operate and share the constituency load. After all, we all have families and need to have time for our family life, otherwise our time in office will be short as we burn out or are divorced. The former Greffier, Michael de la Haye once told me many years ago about the high rate of divorce among States Members, so co-operation is essential to lighten the load. So large districts are not as bad as some Members think and there are many advantages. Although we may vote differently because we come from different political perspectives or shades of political perspective, we work well together in the best interests of our constituents who come first. There is also the fear of losing our traditions. Jersey is an Island which we all love. Now I am an immigrant, I only have lived here for 43 years but it is my home and my children were born here. I was born in Cheshire in England and Canada but this is my home and I appreciate and value many of the unique features and traditions of the Island. I do not want to see them change either but Jersey cannot stand still and think that we can keep things as they are for ever. Change is and will be forced upon us whether we like it or not. John Donne stated: "No man is an island." By that he meant no one is self-sufficient, everyone relies on others somehow. A person needs the support of others and society altogether to survive. Nobody is self-contained, everyone must depend on others in order to thrive and to require help from others every now and then because of one's limitations. Although Jersey is an Island it is part of Great Britain and Europe in a geographical sense, and also part of the planet earth. Because of this it is affected by events outside the Island and we will have to change much of what we have done in the past. The pandemic is an example of this. It originated in China but is changing our way of life at the moment. We need to take measures which in normal times would be unacceptable but absolutely essential for the health of the Island at this time. The climate of the planet has changed and it is changing rapidly and we have to change what we do as part of a worldwide effort to reduce carbon emissions and to save us all from extinction. The world of work and our economy is going to change,

probably very much so because of the pandemic and we must change as well. We cannot be luddites and put our heads in the sand. Let us evolve and embrace change as otherwise we will be rolled over unless we do. Let us preserve those traditions, do not prevent us from meeting the challenges we are going to face in the years to come, otherwise we are not serving the people we are here to serve. The position of Constable is being preserved and there is greater fairness in this proposition or amendment, not as much as I would like but even I reluctantly have to admit that we need to compromise and move forward. I urge Members to support the proposition. I apologise for the interruptions, obviously it is one of the hazards of working at home. Thank you.

[12:15]

The Bailiff:

Does any other Member wish to speak on the proposition? If no other Member wishes to speak on the proposition then I close the debate and call upon the chair of P.P.C. to respond.

1.1.20 Deputy R. Labey:

This has been a long debate and ...

The Bailiff:

Sorry, Deputy, do you have your microphone on your computer on, if you could turn that off if you have.

Deputy R. Labey:

Yes, I did, I am so sorry.

The Bailiff:

That is all right, I think we can do it without the echo now.

Deputy R. Labey:

As I was saying, it has been a long debate, I am sorry for having made it even longer just now. It has been a very thorough examination because we had the amendments, which I previously thanked the proposers for. Everyone has had a chance to put forward their views and argue for their amendments, their chosen amendments, their favourite ones. We are left with P.P.C.'s proposal as amended by the Constable of St. Martin, and congratulations to her, she did get 25, the magic 25. This proposition is the result of a logical process. It follows on from previous proposals. It takes note of what the Assembly has said in the past and enacts an improved version of option B, which the public voted for a few years ago. If we vote against this, having rejected all the other options as well, Members are saying no reform is necessary. This is simply not tenable. Our democracy has a massive people-sized hole in it. We have disastrous voter turnouts. We cannot go around for ever lamenting the lack of voter engagement and then say that none of this is our responsibility and the responsibility does lie with us. The public continually tell us they want a simpler fairer system again and again in survey after survey. This proposition goes a long way to meeting that need. Let us seize this opportunity. We have heard encouraging voices in this debate in the last 2 or 3 days, perhaps more encouraging voices than I have ever heard in an electoral reform debate. I acknowledge the alternative voices, those against. I understand some, I cannot say that I understand all. The message this Assembly seems to be sending out through the course of this debate is encouraging; it seems to be saying: "We do not just want to talk about increasing voter participation, we want to make some changes that might increase voter participation." We are saying: "If you, the voter, find our system complex to fully understand, wrestling with all that life throws at us, that is not your problem. It is our problem and we are going to help you and we are going to try and solve that problem. If you, the voter, find our system off-putting, divisive or exclusionary, that is again not your problem, that is our problem and we are going to fix it." Wherever you live you should be entitled to a vote of equal weight and

power to everyone else. That is another important message that I feel has got through to the Assembly and that we have heard repeated. That is so encouraging. The alternative is to stay the same, to stick with our broken system. I heard Deputy Morel saying that he was not sure that this proposition would increase turnout. I think it will but we can only be certain if we try it. But what I think we can say with more certainty is that if we stay the same, if we do not amend this broken system, I cannot see that increased voter turnout is suddenly going to happen by magic. If we do get this reform through today off the back of it I can promise you this, a campaign to get the vote out, the like of which Jersey has never seen. But I cannot do that campaign - I am planning it now - we cannot do it unless we make progress on voter equity because it would not have any credibility. We have to go to the public saying: "We are trying our best, we are fixing our system. We are making it better and fairer for you. Now, in return come out and vote because if you do not vote nobody wins." We are all gearing up for that. I would love to be able to do that but if we miss this opportunity here today, I am afraid I would feel like a fraud if I was putting that sort of campaign together. The voices directing this reform again cannot have it both ways. On the one hand they are saying: "Well, we do not think the new system would encourage more candidates to stand." On the other hand yesterday we are hearing: "My district in St. Lawrence, St. John and Trinity will be swamped with candidates." Which is it? If we look at the last 3 elections in St. Lawrence, Trinity and St. John there was either 6 or 7 candidates for the 4 seats. The Chief Minister says we have got no evidence that 4-seat constituencies would increase candidates. Well, we do have. Look at St. Helier 3 and 4. Regularly, the last 3 elections are hovering around the 9 or 10 mark of candidates and that is manageable. That is what we want, manageable elections in these districts, the 9 districts. A way of getting to know candidates, make informed choices, get interested, get hooked on the election in a way that does not happen at the moment. Senator Farnham fully knows that is why we have to say farewell to the Island-wide mandate, regrettably, but we have to also respond by simplifying our system. I am sure the Senator does not need me to repeat all that again. The Deputy of St. Mary, I am confused because I remember our conversation a year ago in the coffee room where I showed him the map that would form the basis for the plans of P.126, one category option. The Deputy of St. Mary said to me: "No, St. Mary must have a directly elected representative. I do not mind if it is the Constable or a Deputy but it must have one. This is what we deliver with P.139. I do not know why he has suddenly gone so anti. I thought this would please him. By the way, my mum did not say she would give you that second vote, I am absolutely sure it was her first vote. The Deputy of St. Mary talks about a disconnect. Can you think of any better way to disconnect the Parliament from the people than by refusing to enact a referendum where the people decide and make a clear choice and the Parliament does not enact it? That is a classic disconnect. The Deputy of St. Mary, again, do not be fooled into thinking that people vote for the candidate that happens to live nearest to them. Deputy Le Hegarat made the point, we see it again and again and again, do not underestimate people. People vote for the candidate that they regard is of the best calibre and represents their views the best. The people of Jersey regularly pay no heed to where the candidate lives. I am confused as well. I know the Deputy of Grouville has had trouble with electoral reform since she has been in the Assembly. We all know she is a brilliant Deputy but speaking as a Deputy in a multi-seat constituency, we divvy up the responsibilities. All these new district Deputies will not have to go to every single Parish Assembly because doubtless you will divvy up depending on where people live, you will divvy up that responsibility. Someone said to me: "Will I have to go to 2 Battle of Flowers floats?" Please, let us raise the level of the debate. Yes, it is new, yes there will be new challenges but there will be new benefits too. With the new 9 districts we will produce the voter.je Greffe leaflet with all the candidates in and a bit of blurb. We will have 9 of them instead of the one big yellow pages, the most unread publication in Jersey. So you will have a targeted one for your district, a full A4-sized page for each candidate for the district representative and the Constables if there is an election. There are lots of ideas we have about how we can help candidates in the new election. Lots of ideas that we want to share with you and get your feedback on. There are new benefits and new opportunities that this presents. Deputy Maçon, the Constable of St. Clement and Deputy Higgins, thank you for your

amendments in particular. I am pleased to follow Deputy Higgins just now and I agree with everything he says. I was worried that he was going to flounce off because he does have the moral high ground on this issue in terms of his numbers. That is something to aim for but if I can say to Deputy Higgins, St. Helier has 11 representatives at the moment, this will take it up to 14. That is progress, it may not be your ideal but it is progress. Similarly with the Constable of St. Clement and Deputy Maçon, 2 cracking amendments. I know you wanted one category of Member. Well, that is gone and if you do not vote for this we stick with 3 categories of States Members. I know people have principles but I urge you to see the direction in which this takes us, a better direction. It is just going to be so disappointing, having come so far with this debate, if we do not get the 25 votes. The collective groan from the Island we will be able to hear from this Chamber. I know a lot of you are waiting with bated breath. Deputy Truscott, I know how far you must have come in your mind to make that speech and I am incredibly grateful that the Deputy has given such consideration and has opened his mind and changed his perspective. I came into this Assembly with Deputy Truscott in 2014 and we are great mates and we have served on Planning all that time, and I know what an asset he is and how much we rely on him in the Planning Committee and all his other roles. I just want to say that obviously Deputy Truscott and I came in after the debacle with not implementing option B, so it is not our fault. I am pretty sure that Deputy Truscott, had he been in the Assembly at that time, whether he agreed with option B or not would have implemented it because it was the right thing to do. I just say to him now, we can, all of us, repair that damage. A very, very damaging thing for the relationship between this Assembly and its people was not enacting that. We can mend that today. I think that would be a huge advancement. I know that timing is bad with the terrible pandemic news that we had yesterday and it has been a lousy, lousy year. Would it not be great to end on a high with some good news? Telling people: "We have listened to you. It has taken us 7 years but we got there and we are going to deliver you fairer votes." Electoral reform is like planting a tree, the best time to do it was 20 years ago, the next best time to do it is today. Twenty years ago they had their chance, the Assembly of 20 years ago, with the Clothier publication 20 years ago this month. What did they do? They ducked it, they fluffed it, absolute disaster, and the Assembly after that, and the Assembly after that. Then we are going up to 2011. Started well that Assembly, put in place the Electoral Commission, did all that research, went to the referendum and then fluffed it, ducked it, an absolute disaster. Then we have the next Assembly, Andrew Lewis tried. Again, we ducked it. Now there is an opportunity, we have waited long enough, it is hard for people, it is tough for people. This is a compromise for me too. By the way, the Constables are safe in their position, P.P.C., while I am still chair of it until we leave office, will not move to adjust the Constables, remove the Constables, lessen anything to do with the Constables. They are fully functioning ... yes, the Constable of St. Lawrence, I will accede to your request and get that sorted for you.

[12:30]

There is no question about it. I am really sad that so many people in this debate have talked about the Parish system in terms of awaiting the death knell. How much have we heard the death of Parish system? The Parish system is not a lame dog, every single person in this Assembly that values the Parish system and wants to champion the Parish system, we are not going to let the Parish system die with this change of voting system. In fact, we are all up for it. We have protected the role of the Constables. This is where I do think Constable Le Sueur is making a miscalculation and why I am so proud and so grateful for the Constable of St. Martin and St. Ouen and the others who are going for this because I think the message the Constables send out, if they will not vote for any reform, even reform that keeps them in, is putting them in a dodgy place. It is putting them in a really vulnerable position. I think they are more exposed by doing that than if they vote for this ... it is me that talks of the hallowed link between the Parish and the Assembly in my opening speech and I mean it honestly. We will be preserving the hallowed link by keeping the Constables in the only direct link between the Parish and the Assembly, we are preserving that. I think it stands the best chance of survival. I have talked about the Assemblies of the past having ducked this issue. Now, it is before

us. This Assembly has probably put in more hours than any other Assembly in the history of this institution. We are probably the hardest working. It is about time we stopped apologising for ourselves. We have worked very hard and we continue to do so. I remember when I was a teenager I was very interested in politics and very often there was a large section of the Assembly that was pretty dormant and woke up every 3 years for an election. That is not the case with this Assembly. Everybody is working, everybody is contributing, look at the propositions that are coming in from the non-Executive Members and the new initiatives. Everyone is on committees, everyone is playing their part, we are working really hard, but we need to take this tough decision and I appreciate how painful it is for people. We need to take this tough decision today to reconnect with our people, otherwise just imagine going back in 2022 to the same old system with the same old holds. I maintain the proposition and ask for the *appel*.

The Bailiff:

Deputy Morel has asked for a point of clarification, will you give way for a point of clarification?

Deputy R. Labey:

Yes.

Deputy K.F. Morel of St. Lawrence:

I was wondering if Deputy Labey would clarify when he was responding to the Connétable of St. Lawrence, was he speaking about enshrining the role of the Connétable in the States Assembly within law and, if so, was he talking about within the next year or what timeframe?

Deputy R. Labey:

I need to look up what the Constable was ... it was P.64, I think. I need to look that up. What I am saying is I am very happy to look at that and, if the Constables need strengthening I am happy to do that.

The Bailiff:

Very well, I will the Greffier of the States to put a voting link in the chat.

Connétable R. Vibert of St. Peter:

Sir, is this all parts or is he just taking (a), (b) and (c) separately?

The Bailiff:

Do you wish to take the proposition as a whole? It is a matter for you.

Deputy R. Labey:

As a whole.

The Bailiff:

Very well, they have been taken as a whole.

Deputy K.F. Morel:

Apologies for my ignorance. Is it a matter just for the proposer or ...

The Bailiff:

Yes, it is.

Deputy K.F. Morel:

Because I know earlier in my speech I asked for it to be taken in parts.

The Bailiff:

If it were an act of legislation then any Member could ask for a provision to be voted on separately, however the voting pattern for a proposition is a matter entirely for the proposer.

Deputy R. Labey:

I am happy to take it in parts if that is what the Deputy wants.

The Bailiff:

Unfortunately, people have voted already. The voting is open, a number of people have voted and we will have to ... that is on the whole proposition. Right, if Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition has been adopted:

POUR: 31	CONTRE: 16	ABSTAIN: 0
Senator I.J. Gorst	Senator L.J. Farnham	
Senator T.A. Vallois	Senator S.C. Ferguson	
Senator K.L. Moore	Senator J.A.N. Le Fondré	
Senator S.W. Pallett	Connétable of St. Clement	
Senator S.Y. Mézec	Connétable of St. Lawrence	
Connétable of St. Helier	Connétable of St. Brelade	
Connétable of St. Peter	Connétable of Grouville	
Connétable of St. Ouen	Connétable of St. John	
Connétable of St. Martin	Connétable of Trinity	
Deputy J.A. Martin (H)	Connétable of St. Mary	
Deputy G.P. Southern (H)	Deputy K.C. Lewis (S)	
Deputy M. Tadier (B)	Deputy J.M. Maçon (S)	
Deputy M.R. Higgins (H)	Deputy of St. Mary	
Deputy S.J. Pinel (C)	Deputy G.C.U. Guida (L)	
Deputy of St. Martin	Deputy of St. Peter	
Deputy of St. Ouen	Deputy of Trinity	
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

Deputy R. Labey:

Can I just say a few words and thank Members for that? It is an historic day, thank you. I need to also thank my committee, Deputy Wickenden who was at the start of it, and my right-hand woman, Deputy Alves for all the work they have done. I must make a special mention for the Deputy Greffier, Ms. Lisa Hart, who has worked tirelessly with us on this, day in and day out. Thank you very much.

The Bailiff:

Is the adjournment proposed?

Deputy R. Labey:

Before the adjournment is proposed could we sort out about whether we sit later tonight?

The Bailiff:

Yes, and also in fact we have had a request to read the votes out so we should do that. I apologise.

The Greffier of the States:

Those Members who voted *pour* as follows: Deputy Doublet, Deputy Perchard, Deputy Gardiner, Deputy Pinel, Deputy Ward, the Constable of St. Helier, Senator Mézec, Deputy Martin, Deputy Pamplin, the Constable of St. Martin, the Constable of St. Ouen, the Deputy of St. John, the Deputy of St. Ouen, Deputy Tadier, the Constable of St. Peter, Senator Moore, Deputy Ahier, Senator Pallett, Senator Vallois, Deputy Higgins, Deputy Le Hegarat, the Deputy of St. Martin, Deputy Wickenden, Deputy Ash, Deputy Truscott, Senator Gorst, Deputy Young, Deputy Alves and Deputy Morel. Those who voted *contre* were: the Constable of St. Clement, Senator Le Fondré, Senator Farnham, Deputy Guida, the Constable of St. Brelade, the Constable of Grouville, Deputy Macon, the Constable of St. Mary, the Constable of St. Lawrence, the Constable of Trinity, the Deputy of St. Peter, Deputy Lewis, the Deputy of Trinity, Senator Ferguson and the Constable of St. John. In the chat the following votes were cast, which I may be able to get to in a moment. There is a vote *contre* from the Deputy of St. Mary. *Pour* from Deputy Southern and for good measure Deputy Labey voted again *pour* but we will not count that.

Deputy R. Labey:

What I am picking up from Members is that they would be prepared to sit for an hour later tonight to 6.30 p.m. but just that, in the hope that it would avoid sitting on Friday. I will make that proposition that we sit tonight until 6.30 p.m.

The Bailiff:

Very well, is that seconded? [**Seconded**] Does any Member wish to say anything about that? If nobody indicates in the chat a desire to make a comment or speak about sitting for an additional hour tonight then I will take it as a vote *pour* as a standing vote. No, in which we are resolved to sit for an additional hour tonight until 6.30 p.m. Is the adjournment proposed?

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Very well, the Assembly stands adjourned until 2.15 p.m.

[12:40]

LUNCHEON ADJOURNMENT

[14:16]

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Nomination of the Connétable of Grouville as a member of the Public Accounts Committee

The Bailiff:

Before moving on with public business according to the Order Paper, Deputy Gardiner, did you wish to propose a member of the P.A.C. (Public Accounts Committee)?

2.1 Deputy I. Gardiner of St. Helier (Chair, Public Accounts Committee):

Yes, I would like to propose Constable of Grouville to be elected as a member of P.A.C.

The Bailiff:

The Constable of Grouville, yes. Is that seconded? **[Seconded]** Are there any other nominations? If there are no other nominations then I declare that the Connétable of Grouville is duly appointed. **[Approbation]** The 4 Members present in the Chamber have done a manful and womanful effort of a foot stamp if anyone else can hear that but there we are.

PUBLIC BUSINESS - resumption

3. CI Lottery: Allocation of 2019 Proceeds (P.141/2020)

The Bailiff:

We now move on to the next item of Public Business which is the CI Lottery: Allocation of 2019 Proceeds, P.141, lodged by the Minister for Economic Development, Tourism, Sport and Culture and the main respondent will be the chair of the Economic and International Affairs Scrutiny Panel. There is also an amendment lodged by Deputy Guida. Minister, do you intend to take the proposition as amended?

Senator L.J. Farnham:

No, Sir.

The Bailiff:

Very well, then in which case I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to agree, in accordance with the provisions of Regulation 4(5) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975 to allocate £1,388,268 to the Jersey Community Foundation and the Association of Jersey Charities, divided equally between them, for onward distribution in support of the Island community.

3.1 Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):

Lotteries have been used by the States of Jersey to raise funds for the public good since the 1750s, the Central Market, Fort Regent and of course many of the Island's charities and good causes have benefited from lottery proceeds. The Jersey Lottery in its modern form was launched in 1966 and in 1975 it was combined with the Guernsey scheme to create the Channel Islands Lottery, which is the structure that remains in place today. During the past decade, lottery profits have increased substantially from £453,000 in 2015 to over £1.3 million in 2019. The increase in profits enables the lottery distribution to be diversified and the benefit to be spread more widely across the community. This has been a long-standing aim and the U.K. National Lottery has provided a broad template for this. The money it raises is donated to good causes by 12 distributors, including the Arts Council of England and U.K. Sport. While supporting charities which are the fabric of our community, we also wanted to be able to support arts, culture, heritage, sport and active lifestyles, which are enjoyed by many Islanders of all ages. A share of the lottery proceeds would provide for more projects in these sectors. This proposition under consideration today seeks to support the Island's charities and good causes with a total of £1.4 million from the proceeds of last year's lottery. What is different though this year is that States Members are being asked to consider a revised distribution system that will be managed by 2 local delivery partners. The Association of Jersey Charities, well known to us all, with some 300 members and 50 years' experience will, with approval, distribute half of the total available £694,000 to registered charities. The second body is the Jersey Community Foundation which was

established earlier this year to distribute funds from the dormant bank accounts in order to support the recovery from COVID-19. The foundation now, with the approval of the States, will also distribute £694,000 but specifically to projects that supports arts, culture, heritage, sports and active lifestyles. Both the A.J.C. (Association of Jersey Charities) and the Jersey Community Foundation have been working with officers to finalise the service level agreements that will ensure robust governance procedures are in place. In line with the Scrutiny comment, the service level agreements do contain the percentage split as I have just described. The Community Foundation has already distributed £527,000 to various projects from the dormant bank account fund since it was constituted in June of this year and we know the Association of Jersey Charities has a long and successful track record in achieving the same very successful distribution in the charitable sector. This proposition is in accordance with the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, which stipulate that the proceeds from the sale of all Channel Islands lottery tickets are to be applied in such a manner and for such purposes of public benefit as the States shall from time to time direct. I am pleased to make this proposition.

The Bailiff:

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

3.2 CI Lottery: Allocation of 2019 Proceeds (P.141/2020): amendment (P.141/2020 Amd.)

The Bailiff:

There is an amendment lodged by Deputy Guida and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

Page 2 – Designate the existing paragraph as paragraph (a) and insert the following new paragraph – “(b) to agree that the proceeds allocated to the Association of Jersey Charities should be distributed solely to registered charities and that the allocation to the Jersey Community Foundation should be distributed on the following basis – 40 per cent of the allocation to arts, culture and heritage; 40 per cent of the allocation to sports and active lifestyle; and 20 per cent of the allocation to applied science or applied research in the fields of engineering, biology, ecology, physics, chemistry or mathematics, provided that the funds are either to be used locally or for the direct benefit of Jersey, including any education from which local residents may benefit.”.

3.2.1 Deputy G.C. Guida of St. Lawrence:

This proposition was triggered by Deputy Tadier’s efforts in securing 1 per cent of the States budget for the promotion of art, culture and heritage. I wondered at the time what effort the Island put into developing sciences and scientific knowledge.

The Bailiff:

Deputy, I am sorry to interrupt you, your sound is somewhat muffled. I can just about hear you but it may be that other Members of the Assembly cannot hear you very clearly, I do not know.

Deputy G.C. Guida:

I will try to come closer to the microphone. Is it better like this?

The Bailiff:

No, it is more the quality of the sound, it seems to be muffled. It is perfectly loud enough but it is not clear.

Deputy G.C. Guida:

Now?

The Bailiff:

Not really, no. I think we might just have to press on if there is no obvious answer but ...

Senator L.J. Farnham:

The Deputy is quite audible online, if that helps.

The Bailiff:

Thank you very much indeed. Well if you press on then, Deputy, we will just do our best to hear you of course.

Deputy G.C. Guida:

I wondered at the time what effort the Island put into developing sciences and scientific knowledge. Unfortunately, the answer was: as near nothing that makes no difference. While our Chapter 3 inclusion into Europe, not quite in, not quite out, has been very beneficial to us in many respects, it did completely exclude us from all sources of funding for scientific research and education. We could not apply for any source of E.U. (European Union) funding and, sadly, as a Crown Dependency rather than an overseas territory, we still cannot apply for any source of U.K. funding. Things might improve a little bit with the new Government Plan but our natural environment team still relies almost exclusively on citizen science and many organisations like the Société Jersiaise, the Jersey Biodiversity Centre, the Heritage Trust, J.I.C.A.S. (Jersey International Centre of Advanced Studies), Jersey Marine Conservation, the Hedgehog Group, the J.S.P.C.A. (Jersey Society of Prevention of Cruelty to Animals) all of which try to further our knowledge of Jersey, struggle to fund their specialist research. They just cannot afford the professional research that would give us answers and improve our knowledge. These are Jersey organisations I am familiar with as an environmentalist but when the subject of developing sciences in Jersey started being publicised, many others from a wide variety of fields contacted me in the hope that I could take this much further. I told them that I would. This is a very important and necessary start to a much larger project. We are for ever looking for the next big thing after finance. Going backwards, we have been successful in tourism, flowers, cod fishing, shipbuilding, cider, woollens, privateering. Going forward, we have very little idea of what will be our next success. We know it needs to be high-value added, we know that it should need few highly-qualified staff and as much as possible a small footprint and, of course, product-rich in intellectual property. That sounds very, very much like a pharmaceutical laboratory or maybe a prototyping workshop or a virtual engineering lab. These are the things that we need to develop. This is just the beginning, a tiny but absolutely critical starting point. I want professional research to become an option in Jersey, not only so we can learn more about our own Island but also so we can teach more and open up pipelines through education all the way to jobs in the Island. I want those laboratories, those workshops to find what they want, what they need right here in the Island. Thank you.

The Bailiff:

Is the amendment seconded? **[Seconded]** I open the debate.

3.2.2 Deputy M. Tadier:

Deputy Guida may not be expecting me to speak in favour of this. I acknowledge that he said he took the inspiration from the 1 per cent for arts and I remember his speech very well. I think he said something along the lines that the 1 per cent for arts was not a bad idea, that in principle it was a good thing and then he proceeded to vote against it, I think, and I can see him smiling and there are no hard feelings on that. I think I might contextualise this later or I might not. I have always found the lottery a little bit difficult personally because it is essentially something that the Government runs but it is not the Government's money. I personally think we spend a disproportionate amount of time administering it, especially at the moment - I got a glimpse of that from my time as an Assistant Minister at Economic Development - for something that does not go on government spending. I am not saying that it should go on government spending either. There is a fundamental principle that the

proceeds from the lottery do not go to pay for what the States should normally provide itself. Interestingly from Senator Farnham's opening words on the main proposition, we notice that in the past it has funded things that arguably the States or the municipality should have paid for themselves, like the Central Market. I am sure it could be argued it should probably have been paid for by the municipality or Government but it sounds like that was not possible in its entirety.

[14:30]

But I am not going to go too far down that lane, just simply to say that there is no reason that the funding for a lottery should be ring-fenced just for arts and sport. I think, and I will defend the money to go to the arts, any money extra that can go to the arts is great but we have already got that 1 per cent and of course any money they get from the charitable sector will be over and above to pay for things that are not provided for by Government, similarly with sports, but there is absolutely no reason why something should not go towards science. It is probably appropriate that we are debating this in the middle of a global pandemic where we are all appreciating the great work that often gets quietly done in laboratories, on computers, wherever that might take place, and the foundational work that happens before that, the education for people to get to that level of knowledge and we have been waiting with bated breath for this vaccine to come out. Of course we rely on technology and technological advances for so many reasons and perhaps not least at the moment to try and provide solutions, innovative solutions for the climate change emergency that we face as an Island but that we all face as global citizens. Scientists will continue to be at the forefront of that challenge and providing solutions for that. If this fund, a small amount of money from the lottery fund, goes to help a Jersey person come up with, I do not know, a new invention, a cure for something or simply to provide value for the wider community, and it could be something that benefits somebody across the other side of the world, why would we not support that? I think there is no reason not to support that. I do not have any inside knowledge, by the way, about what the position is of my former ministerial team but I would simply say that this seems like a great idea and I for one am happy to support it and second it.

3.2.3 Senator L.J. Farnham:

I am pleased to follow my former Assistant Minister and put on record my thanks for his contribution to the department in his role as Assistant Minister, not least in relation to his support of the culture, arts and heritage sectors. I would like to thank Deputy Guida for the amendment and understand the point he is making. We do need to look at sources of funding for scientific research if it is to value the Island; however, I feel that the lottery is not the most appropriate mechanism to achieve what he is aiming for, not at this stage anyway. Deputy Guida's amendment proposes a 20 per cent of the Jersey Community Foundation allocation should be distributed to, to quote from his amendment: "Applied science or applied research in the fields of engineering, biology, ecology, physics, chemistry or mathematics, provided that the funds are either to be used locally or for the direct benefit of Jersey, including any education from which local residents may benefit." The spirit of the lottery has always been to meet the direct needs of Islanders in the community. It is already possible for organisations or projects that focus on environment or education to access funds through the Association of Jersey Charities if they can satisfy the criteria. In fact the A.J.C. already has a number of environmental and conservation members and has this year already provided funding to projects in those sectors. The 2 proposed local delivery partners in the new arrangement, the Association of Jersey Charities and the Jersey Community Foundation, each have experience in distributing grants to charities and good causes in the Island and are ready to start getting funds out to Islanders as soon as possible. They have the governance, procedures and infrastructure in place that are effective and are working well. We did of course consult them on the Deputy's amendment and unfortunately neither the A.J.C. nor the Community Foundation felt that they have the expertise or skillset to be able to adjudicate applications in the complex specialist areas of applied science and research, as requested by the amendment. Both bodies have stated that they would therefore be reluctant to take

on this role at this stage, so this leaves us with a bit of a challenge. The amendment would require, at the very least, a formation of a new distributing body or panel or a restructuring of the Jersey Community Foundation's level of expertise and it is not clear how this could be constituted or how the costs of such an undertaking would be met. So we need to be mindful that the administration of the lottery and distribution does not become too complex or overburdensome for the organisations carrying out the work. As Deputy Guida points out in his amendment, the U.K. National Lottery is not used for funding scientific research. This is achieved through a range of other specialist grants and funding streams that do not extend to Jersey unfortunately. I have offered, and I am sure that the new Assistant Minister coming on board will be very pleased, to continue to work with Deputy Guida or any Member of the Assembly who would like to extend the use of lottery funds to find alternative ways of doing that. I have especially worked with Deputy Guida to find an alternative source of funding potentially through the Economy or Environment Departments' Future Economy Programme or perhaps even the Fiscal Stimulus Fund, depending on the nature of the work, to support the laudable aims he is proposing in his amendment. So briefly to summarise, and notwithstanding the very best intentions of the Deputy in his amendment, the Channel Islands Lottery I do not believe is the correct mechanism, particularly not at this time. Charities and good causes are under considerable financial pressure as a result of COVID-19 and approval of this amendment would create additional unexpected workload for the distributing bodies, and which are mostly run by volunteers, and a delay in distributing the vital funds to the sectors specified in my proposition I think would be rather difficult. I thank the Deputy and will continue to work with him to try and find another solution but regrettably cannot support his amendment for the distribution of lottery profits for his intended cause.

3.2.4 Deputy J.H. Young:

Unsurprisingly, I am very much going to support my Assistant Minister in this, and I absolutely respect the Minister for Economic Development, Tourism, Sport and Culture entirely, but I do think we should be open-minded because what we are doing here is setting up a new arrangement for distributing the proceeds. We are told that there was this proposal to have a U.K. body, which has been dropped, and now we have got this new arrangement which does look quite exciting and refreshing. You have got the Association of Jersey Charities, which we know about, but we have also got the Jersey Community Foundation. Of course, I thought: "Well, I wonder what this is" and obviously we have introduced a law to allow foundations to be formed and it is very much for philanthropic giving. I am really pleased to see that here and so I looked and I thought: "Well, what do I read?" Ogier Lawyers set up the Jersey Community Foundation and they did it on behalf of a group called the Jersey Funders Group. When I looked on the website there, I tried to find out what is in there, and there is a list. It is in the public domain, I am on the website now, we have got: Allen and Gill Gray Philanthropy, Association of Jersey Charities, Bosdet Foundation, Jersey Overseas Aid, Lloyds Bank Foundation, Philip Gower, Saltgate Giving, Ann Rayner Trust, Greville Bathe, One Foundation, Sir James Knott Trust. Now there are a lot of very, very excellent people there and excellent groups and I am really a little bit puzzled to think why it would be a block that if we are setting up a new arrangement, why we have to already overly restrict it. I think what Deputy Guida has highlighted is this issue of citizen science and that is coming really to the fore now. For as long as I can remember, in Jersey anyway, I came in 1979, Jersey has had the benefit of citizens who are prepared to work and dedicate huge swathes of their life to citizen science and I was just thinking of things. For example, La Société Jersiaise - before we had the Jersey Heritage Trust we had La Société Jersiaise - started from Victorian times. Of course, what sort of work do they do? You have got marine biology, botanists, entomologists, geologists, palaeontology, climatology, hydrology, ornithology and that has been a few. Some of our real set workbooks, that we still rely on today, have been written by people like the late Francis Le Sueur who has the set work on Jersey botany and so on. Now we benefited through all that for free, there is no question, and one can name the huge numbers of other people. I think what Deputy Guida is doing is saying to us if we are setting

up this new structure for distributing charitable money, should we not give them some opportunity for some support? I think what the amendment seeks to do is just see if it, as one normally does, sets the high-level goals. How it is done is obviously a matter for the various bodies involved and, yes, I can understand it, they may need to make some additional participating funders. For example, why could you not have La Société Jersiaise in there? Why could you not have that? There must be other bodies that could join in that body. I am hoping it is not a closed shop. So I think very much that we should be open to this because people might say: “All right, this is very good but you should fund it from the States.” Well I have to tell Members, this year in the Government Plan, as far as I can recall, this is the first year we have ever had funds for science and we got that in the marine and hydrological areas in there and that is fantastic news. But that is completely new because all funds have been stripped out by past savings and stripping down, it is always the discretionary spend that goes, and you are going to take time to build that source up. The one thing COVID has taught us, they taught us about the importance of our environment and the link to the natural world, the natural species, the eco systems, the planet and its physics and all the dynamic systems that we depend upon and we take for granted. So I think we should be open to this and I encourage Members to be prepared to look at this. I accept that if it goes through, then there is a bit of work to be done as far as how the details are done, but that is why we have got this proposal here, to help us give our views, so I encourage that. If the Minister has an alternative source of money to provide this, then perhaps in his summing up he could tell us and then that would deal with it. But, really, I think, we have got this opportunity here, we should go with it.

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

Firstly, I just want to say I agree with what other speakers have said about encouraging scientific research. I am a big fan of science as a humanist and indeed science is the only reliable way we have to understand the universe and our place in it, and Jersey should support and contribute to science as much as we can, but I am not sure that this is the way to do it. There are several things that I am uncertain about in this amendment. I am not sure about the part about just registered charities either, partly because it is quite a big task to register as a charity and there are many groups operating in the Island that are doing some really great work and perhaps staffed purely by volunteers. We all know how busy everybody is in Jersey and volunteers often do not have a lot of time and it is a huge task to apply to be a registered charity, a lot of paperwork, *et cetera*. While of course we should be giving to organisations that we can trust, and that is one check and balance, I think there should be other methods by which funds, perhaps very small amounts of seed funding, to grass-roots organisations and groups like that. So I am not sure about that, I do not really like that part of it. I could perhaps be persuaded to support this if the Deputy could address the different parts that he has got there, he has got 3 different sections.

[14:45]

I am just not sure that they really cover everything, so I am thinking about equality organisations, groups such as the Women’s Refuge, what section would they come under and would they in fact be covered by this? So I wonder if the Deputy could address my points in his summing up, please.

3.2.6 Deputy K.G. Pamplin of St. Saviour:

I will speak briefly because I will be speaking on the main proposition. I was drawn to speak after hearing from Deputy Young because he outlined what I will be talking to in the main speech about how confusing it can be of understanding what grant mechanisms have been in place which has led to the main proposition, which I will talk to later. Because currently there is the Jersey Community Foundation which is administering the dormant bank accounts money to go to only registered charities at the moment. They will, if the main proposition is obviously adopted, take on the splits of the funding as outlined in the proposition and therefore will be distributing the guideline for applications for that. The Funders Group, I think Deputy Young was referring to, was a streamlined

approach during the pandemic. As somebody who used to work, obviously as Members know, in the charity industry, there are many routes and many grant applications to apply for. So it was a very smart move to simplify that process to put those grant-giving organisations together to streamline and get money to charities a lot quicker, so the Jersey Community Foundation was established to oversee that as well. I just think it is really clear to make that point and I will be talking to that again later. Very quickly to Deputy Guida, who I really enjoy as fellow new States Members coming into the Assembly together, I have really enjoyed our conversations and the thrust of every time he speaks, and I just thought it is only fair to speak to him. Why I cannot support this proposition at this time is because the allocations he is proposing with his amendment would mean certain aspects of the funds are agreed in the main proposition, if obviously adopted, would see certain groups seeing less money from the 2019 funds. After this year, especially in the world of arts and culture and heritage and obviously for my former colleagues in the world of health-based charities, I just think that there is a little bit too much uncertainty and they really need that targeted support and surety. But I fully back the thrust of his amendment here. It was reassuring to hear from the Minister that there will be alternative avenues. Maybe with his fellow St. Lawrence Deputy they could talk together in new times but that is why I cannot support this amendment at this time.

3.2.7 Deputy M.R. Higgins:

I have spoken many times in this Assembly that in the next 5, 10 or 20 years that our economy is going to change significantly and perhaps even more quickly after the pandemic, Brexit, all the trade agreements that have got to be agreed between the United Kingdom and countries abroad and even measures that we will have to take to deal with the climate change. We are going to see, for example, some employment that we have had for many years disappear completely, jobs are going to disappear, and new jobs and new skills are going to be required. We are already seeing in the finance industry the impact of digitalisation and we are seeing automation. In other industries we are seeing robotics and all these things are going to transform our economy. Now just to give you some examples, if we talk about climate change, one of the big factors that adds to climate change is the transportation of goods all over the world, yet, there are alternatives to that. For example, we could have machine shops, small machine shops, they do not have to be very large, using computer-aided design and also computer-aided lathes and machines of that type to make the goods. What happens is you simply import the programme, if you do not have it already, you buy it, you pay a licence for it and then you manufacture it locally. It saves time and it also saves all the transport costs and the pollution associated with ships coming from China or Japan or whatever. That is just one example. For example, if you think of bookshops, most of our bookshops have disappeared. This is a great shame. Looking behind Deputy Guida, I am trying to make out all his books. I will have to speak to him at some time to see what he has got because I love books. But the future of publishing is in having the future of bookshops. Okay, we will still have them because we all like looking through them, but if you want a publication that you cannot get very easily in the Island, then you can go in some places to a digital bookshop. Again, they will pay the licensing rights for the use of the book and they will print it on the premises, so you can get obscure texts, texts that have long gone, this is going to be the future. In addition to that, we have got many people in the Island who are experimenting with 3D printing and 3D printing is something I have been following for a long time. At the moment most people are making little plastic toys or whatever but ... sorry, I am being distracted by Deputy Guida who is showing me some of the things that he has got in this field. What I will say though is, instead of making little toys, in the aircraft industry, for example, they are now using 3D printing to produce aircraft structures. Rolls Royce are using it in the making of aeroengines. It is going to become common practice in the not-too-distant future. So, we can be setting up small-scale industry in, as I say, computer-aided design, computer-aided manufacture, the - I have forgotten the actual term; there is a term, it is not ablative but it is similar - adaptive, I think it is, printing of making metal parts, plastic parts and parts made of composites. We can make a lot of the stuff that we import in the Island here in the Island. So, again, it is new skills giving us almost instantaneous supply of the

goods rather than waiting for it to come from afar and also it will save the climate. Now, I believe that we need to start this process of training people now rather than later. I also believe that we should start funding this now rather than later. Deputy Guida has put forward a scheme, it will not be a fantastic amount of money, but it is seed corn money that will get this thing started. I do believe that the Minister for Economic Development, Tourism, Sport and Culture has to put a great deal of money into this in the future. The change is coming far quicker than we realise and we need to give people skills in science, technology, engineering and manufacturing. So, yes, we have the finance industry at the moment but we have no idea what is going to happen in the future. We are still watching Brexit, we do not know what impact that is going to have, and the other changes in the world. So, if the Island is going to survive in the future and thrive, then it has to be adaptive and be willing to change. We need these skills and we need them now. Many of our graduates have gone away from this Island and, as I say, applied all these, they have learnt the subjects and they have applied the knowledge that they have got in those industries. It would be great to have them back here to help the Island move on to its next stage. So I will support Deputy Guida on this and I hope Members will look particularly at this one or perhaps 2 years' funding and hope that, when we get around to discussing the longer-term business plan, we put in plenty of money to pursue it. So, I support Deputy Guida with his amendment.

3.2.8 The Deputy of St. Mary:

First of all, I do congratulate Deputy Guida for bringing his amendment, if only because he sought to bring into the proposition itself the proportions by which the various sectors should benefit. That is something which I, as member of the Scrutiny Panel, should have picked up myself and sought an amendment myself. But in doing so he amends the proportion per sectors and introduces a new one. To look at the main proposition in outline, it is giving to organisations the ability to distribute funds and, according to the comments papers issued by the Minister in response to the Deputy's amendment, the Jersey Community Foundation do not feel they have the expertise or skill to be able to adjudicate applications in those fields. So on that basis I do question whether it will be appropriate to allocate funds to a body which in advance has said it is not in a position to distribute in those particular areas. I am pleased to note the Minister's assurance that there might be funds available from other sources. I agree with everything that Deputy Higgins said about the need to promote those areas but I go back to the basic point, now, within this proposition, that is not the best place. Just to clarify one point made by Deputy Higgins, I do remind Members that we are here dealing with the allocation of the 2019 proceeds only, so what is happening today does not necessarily bind us for the similar proposition in respect of next year's proceeds. So I am afraid that, as much as I congratulate the Deputy for bringing this amendment, I do not believe that it should be supported.

3.2.9 Deputy K.F. Morel:

Like Deputy Johnson, Deputy Higgins, Deputy Pamplin and many of the others who have spoken as well on this amendment, I agree strongly with Deputy Guida that Jersey lacks scientific research expertise. That which we used to have we have stopped funding, I think specifically about the agricultural research station that we used to have and which does not really operate in that way anymore, and so we have outsourced a great deal of our research to outside organisations. As a result, we have reduced the knowledge levels in the Island and of course those knowledge levels are knowledge of the Island itself and that is incredibly sad. So I think that Deputy Guida has done us all a great service by bringing this amendment today. Like Deputy Johnson, I do have my concerns with regard to the distribution bodies and if they are saying that they are unwilling, then it does become more difficult to force them to do something, in my view. That is difficult, though I am not saying entirely that I will not support the amendment, I am still working on that. But if this amendment is defeated today, in the capacity, because I am not yet an Assistant Minister, but in that capacity I will certainly pledge and endeavour to work with Deputy Guida to ensure that this sort of research is accommodated in future distribution of the Channel Islands Lottery because there is no

doubt in my mind that Jersey will be a much stronger Island if we develop our own scientific understanding of this Island. By that I mean our seas, the marine life below there, the way we use our agricultural industry. I do imagine that we could indeed have an institute for sustainable agricultural research, or research into sustainable agriculture. We talk a lot about pollution, we are concerned about issues like climate change yet, time and again, it is incredibly difficult to find any adequate local knowledge or local data on these subjects. I believe that has to change and it is something that I think probably started in the 1990s where these sorts of matters started to be sent off-Island and the funding of research locally began to be turned off, and that does need to stop. So, no question, I think Deputy Guida has touched on a really relevant point which we need to address, if not today, then certainly in the coming 12 months because Jersey will be a better Island if we start to understand ourselves, ourselves.

3.2.10 Senator S.C. Ferguson:

I totally agree with this, I think it is an excellent idea. We used to be ahead on innovation, for example, the sterilisation of the sewage water for discharge by radiation. I am looking forward to the internet on satellite which promises to be about, I do not know, about £50 or £60 a year, which is a great deal cheaper.

[15:00]

I am also looking forward to the things I hear vaguely about clothes shops having a photographic thing whereby you will see a model of clothes on a picture and then they will be able to take a photo of you and look at you in the clothes and you can decide whether you like it or do not like it and get it back in about, I do not know, anything up to a week later. You do not have to do any alterations and you can get into it straight away. Sounds smashing. I think it will be an interesting development of this carbon-neutral stuff because electric cars are very carbon heavy. The actual electric cars are good for the Island, yes, but we cannot do it and rely on electricity from renewables because, as people have found out, if you are relying on solar energy, it does not work at night and if you are relying on wind energy, if you do not have a wind, you do not have any power, so it will be interesting. But I think basically, yes, I think we do need to put money into it and be a bit more open-minded about things. As Deputy Morel has already said, the Howard Davis Farm originally was education in agriculture and research in agriculture. What are we doing? It is full of civil servants, so it is rubbish, it should be an educational matter up there. It was given to the Island for education in agriculture and what do we do? We lease it off to the dairy, so really we should be putting the dairy rent that we get into education. So, as I say, I look forward to it and I think it would do us good to be looking forward to a proper research area, a research department for building materials and so forth, because we are still so far behind in our building principles, it needs looking at properly. The public have been watching TV programmes about building projects and so on, why are we not doing more of that? But, anyway, yes, I think we ought to put some money into this proposition.

3.2.11 Senator T.A. Vallois:

I thank Deputy Guida for bringing this amendment. Unfortunately, I will not be supporting it but it is for a variety of different reasons and I am going to explain that now. Recognising in his report to his proposition where he refers to the offering that the U.K. Government provide with regards to science and research, £4.7 billion he refers to, annually to science and resources and funding by the various research councils and, in parallel, the fact that the higher education funding bodies provide block grant funding. Now of course in Jersey we rely on the U.K. and elsewhere with regards to our higher education offering. I do refer Deputy Guida, of course, to a wonderful offering in our Island in terms of the Jersey International Centre of Advanced Studies who do a fantastic piece of work, and I am sure he has probably spoken to them, considering what I am seeing in terms of the amendment that has come forward. But I think I need to explain my reasoning behind why I do not think this is the right proposition for I think what Deputy Guida is trying to achieve here. So, the

body I have just referred to aims to be a small but internationally-respected institution of academic excellence dedicated to inter-discipline research and teaching while creating an Island community of divergent and innovative thinkers and help diversify the Island's economy by providing extra educational options to Jersey residents and attracting high-calibre overseas students and staff. Now we know, from a Jersey point of view, it was only 2 years ago that we got our higher education offering up to a level that it was deemed appropriate to support students to go, even just to do their first-level degree. We are currently working on how we can look at providing that in a fair and respectable manner but also what that means for postgraduates and researching skills for science comes into that. I recognise the argument that Deputy Guida is making around research and science and I think we have got an opportunity, specifically as an Island more so than anything, when you look at our marine resources and the overwhelming geology of our Island that we can offer to that research. From my point of view, I think there are a couple of things that we can do alternatively to this amendment and that is, one, we have a number of trusts that have been created over many, many years by some wonderful Islanders who have put money in place, requiring expectations to be placed for outcomes for our Island, whether that be our elderly, educationally or just generally in terms of our society to improve on what we have got. Secondly, I think there is an opportunity for us to work with Deputy Guida with regards to our post-16 strategy in terms of research and science in this respect. We have released our post-16 strategy and we are working hard on trying to improve our educational outcomes and working collaboratively and innovatively, especially as a small Island, is really important in this respect. But I do not think relying on associations of charities is, in my opinion, the right way to do this and I understand why Deputy Guida has done this, and I understand why he wants to go forward with this amendment. But I think if we are going to make it sustainable and a long-term goal and achievable and recognisable for the world to see us from Jersey's perspective, and the educational outcomes we can achieve for, not just our children and young people, but everyone as a whole for lifelong learning, I think we need to look more ambitiously at what we can do going forward. So that is my contribution but I do thank Deputy Guida for bringing this forward and I think it is an important recognition of what we can offer, not just to the Islanders, but to the wider world in terms of science and research.

3.2.12 Deputy R.J. Ward:

I have an interest in the provision of science, research and education. I think that I would probably support this but with some concerns in that we are not going to achieve what we really need to in the coming years with just this type of funding and the reliance on charity. We lack the creativity, I think, at times and the forethought to look ahead at what we could possibly do on the Island. We are often told that we are one of the fastest broadband speeds in Europe and that gives us an opportunity for collaborative working around the world. Personally, I would like to see a technology park or perhaps a research centre developed here but to do that you have to think long term. It is very true that we have graduates who leave the Island and never come back because once they have gone to do work postgraduate, Masters, or PhD work and research, there is no facility on this Island to undertake that sort of research and so they will not return. That is because we have invested in one type of industry really above all others. As we move into a changing world due to climate change and after the response to COVID, there are opportunities there for what is often called a "green recovery" but I think we should call it a "sustainable recovery", which will need the type of research that could be undertaken on the Island but to do that we have to build our education system around it. We have to fund science teaching appropriately and I do not think we have for many years. The use of a S.T.E.M. (Science, Technology, Engineering and Mathematics) Centre subjects are really important in terms of the provision of the sort of foundations for education that young people will need if they are ever going to go into a career which involves research of the sort of technical type that Deputy Guida is referring to. So this is a much more long-term project and, as much as I would support this, because it is something, it is a sticking plaster on a gaping wound of what is needed if we are genuinely to develop the type of research that could be developed on this Island. The biggest

issue is that there is not funding for postgraduate research in the way this should be. My personal experience of that, it is very difficult to gain that funding. I know a few who have gone off-Island, and managed to sustain that funding and would therefore stay, and what we end up with is a skills drain from the Island. We have to try and attract those people back, we have to attract those highly-skilled, highly-qualified people that could lead the sort of research that will be leading across the world. We may be a small place but you do not have to have huge space to do the sort of biotech research or research that we are talking about. With our marine environment and with the chance we have in terms of development of ecological approaches, there is another opportunity there. So I would say that, yes, I can support this amendment but I think we need to be very careful in looking at this as a solution. It really is a small part of a much bigger jigsaw and I think we need to bear that in mind. I would suggest perhaps that there is a ministerial post for the arts and culture, perhaps there should be within the Ministry one for science and the development of technology, then the Government can be seen to be right at the top table taking the sciences and technology very seriously indeed.

The Bailiff:

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

3.2.13 Deputy G.C. Guida:

I am very happy to talk after Deputy Ward. I have got a long answer for everything else but I think we need to start with the sentence that he said: “We will not manage it only on charity” and absolutely, absolutely of course, this is a generational project, this is something that we need to organise on so many levels but it is extremely important. It is extremely important, it is fundamental to start it, we need to start somewhere. It is small, it is just a way of starting it but we need to start somewhere. To Senator Vallois, well I am very, very familiar with J.I.C.A.S. because my partner, Dr. Amy Hall, runs it, so I know exactly what she is doing. I also know that they find it extremely difficult to finance the Master degrees of their students because they have got a large number of students who are all scientists and want to do something, if possible, within the Island. What happens is that they are taught here and then they go to the Caribbean to do their projects. It is extraordinary. We get better support from islands in the Caribbean to do massive projects on ecology than we get in Jersey, so all those people go away and apply what they have learnt here in Jersey elsewhere. So, yes, I am very, very aware of that. Another interesting thing is that the first time I was interviewed about this, the first people to call me were Highlands Education, and they are of course extremely interested.

[15:15]

Yes, it is a massive subject and we need to work on all the aspects of it. I would like to thank Senator Ferguson. Yes, there are tons of things that we can do in virtual reality in building practices. There are a lot of things that can be developed and of course, Deputy Higgins, micro-manufacturing and, as I mentioned, prototyping are things that take very, very little space, they are very compact, and they are extremely high-value added. It is exactly the sort of things that we can do in the Island. To Deputy Doublet, I am not quite sure I understood your question. I think she was worried about other charities not getting money but I took advantage of the fact that we are using the Jersey Community Fund that does not necessarily have to fund charities, whereas the Association of Jersey Charities can only fund charities who are members, who are accredited and who have a very, very specific charitable purpose, so we are not competing with them. I will come back on Deputy Pamplin’s concerns but I will go back to my scripted speech. To apply to the Association of Jersey Charities for lottery funding an entity needs to be both a registered Jersey charity and also a member of the association. The project needs to have a clear charitable purpose. This is a serious limitation for many worthy projects and exactly the reason why the Jersey Community Fund has now been tasked

with distributing the other half of the lottery money to things that could not do that, for example, sports. We must not mistake science as with the environment but from looking at the Association of Jersey Charities website, which lists all the grants that they have given in the past years, no grants; that is zero. That is no grants were paid to environmental and conservation members in 2019 or 2020. In the last 5 years only one to Jersey Marine Conservation managed to get some grants, mostly for equipment. One organisation in the last 5 years was financed by the Association of Jersey Charities. In contrast, the Minister is mistaken in his comments that the U.K. lottery does not fund scientific research. They have a research grants funding programme which has funded 156 organisations to the sum of £51 million, they have given money out. He suggests using the Fiscal Stimulus Fund where the fund is specifically designed to avoid scientific research. It asks for clearly defined short-term goals that spread money quickly into the economy and, with a very short lifespan, that is definitely not science. I do not have a problem with that, that is not what the fund is for but it means applying to it for research is a complete waste of time. I am very concerned that the Jersey Community Fund feel they did not like the experiences to adjudicate applications in this complex area. One wonders how it is possible for them to assess the wide range of new domains, completely new domains that they do fund; arts, sports, heritage and culture and find it too much of a stretch to go into science. They will understand a request for half a dozen Hakama so we can practise Aikido; that is not difficult, they understand that, they will just give the money but not a request to fund a Master's Degree on spider crabs, well that is complicated, that is way beyond us. They can agree to finance an artist in residence, that is easy, they do not need to think very hard for that but not a PhD intern, that is way too difficult. I do not understand it. If they do need guidance I am happy to help and so are dozens of Jersey organisations. The Minister has chosen to list in appendix 1 of his comments a specialist panel for the Darwin Fund for Overseas Territories to show how complex this will be. This fund is a multi-million-pound yearly award available to all the U.K. Overseas Territories, which of course does not include Jersey. It requires expertise on all the possible areas of research within those very diverse regions. Jersey, in contrast, is home grown and we are talking about projects of a few thousand pounds, where we are talking about financing students, financing very, very small areas of research. If they feel they really need a panel, the Jersey Community Fund can assemble one in minutes. If they do not have access to the internet or a directory, they can call me, I will help; I will give them a few names. I cannot imagine a reason why the Jersey Community Fund would not already have the skills to assess applications but if they lack them they are very easy to find; start with the Association d'Jèrriais; that is what they do. I am grateful that the Minister in his answer, in his comments, does agree that our Government does not try to support Jersey-based organisation wishing to carry out research, even where it can be valuable to the Island's economy, security and well-being. I hope that the Assembly will see that this needs to be changed now. Now I can answer Deputy Pamplin's question or request. This is in the context of heritage, arts and culture receiving 1 per cent of the Government budget, something that will soon look, we all hope, like £8 million to £10 million per year and at the same time concurrently being eligible to apply for voluntary funding both from the Association of Jersey Charities and the Jersey Community Fund, unlike science, which of course gets nothing. To conclude, I will use a live example of the sort of projects that we can help. The Jersey Dairy is doing extremely important research on the A2 beta casein protein. They are doing extremely important research on the use of enzymes to make lactose-free milk. They are doing some animal research on methane emissions from cattle. We all, I think, grasp how important this is for the Island. On top of that they are mapping the genome of the entire Jersey herd; it is extraordinary, it is unique, it is so Jersey. Those things are not only critical for Jersey, they are important at the international level. What we find there will put us on the map in this area of expertise. They receive no help and no incentives from the Government on this important research. The PhD student doing it is paying their own way. They are getting this done because a student is paying for her studies on her research. This is just one. Can you imagine what others could do if they had resources? This is important, this is why this particular amendment is important; we are talking about peanuts. It is a tiny, tiny amount of money, £4,000 is a Master, £8,000 is a PhD and

you have got one problem solved, you have got a study done; it is a very, very small amount of money but for research. I will say it again, I understand this is only a small part of it. This is a generational project and I will work on it as such. I have promised my own department that I will bring a comprehensive paper, a Green Paper on science in Jersey and how to develop it. This will be, I hope, before the end of this term. But today we can start it, we can get it started. We can start it in a small way but we can get it started today. Please, vote for this.

The Bailiff:

Thank you very much, Deputy. I ask the Greffier to place a link in the chat. I open the voting and ask Members to cast their votes. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The amendment has been adopted:

POUR: 25		CONTRE: 17		ABSTAIN: 0
Senator S.C. Ferguson		Senator I.J. Gorst		
Senator K.L. Moore		Senator L.J. Farnham		
Senator S.W. Pallett		Connétable of St. Helier		
Senator S.Y. Mézec		Connétable of St. John		
Connétable of St. Clement		Connétable of St. Martin		
Connétable of St. Lawrence		Deputy J.A. Martin (H)		
Connétable of St. Brelade		Deputy J.M. Maçon (S)		
Connétable of Grouville		Deputy S.J. Pinel (C)		
Connétable of St. Mary		Deputy L.M.C. Doublet (S)		
Deputy G.P. Southern (H)		Deputy R. Labey (H)		
Deputy of Grouville		Deputy S.M. Wickenden (H)		
Deputy K.C. Lewis (S)		Deputy of St. Mary		
Deputy M.R. Higgins (H)		Deputy G.J. Truscott (B)		
Deputy of St. Martin		Deputy L.B.E. Ash (C)		
Deputy of St. Ouen		Deputy of Trinity		
Deputy J.H. Young (B)		Deputy S.M. Ahier (H)		
Deputy K.F. Morel (L)		Deputy K.G. Pamplin (S)		
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy I. Gardiner (H)				

3.3 CI Lottery: Allocation of 2019 Proceeds (P.141/2020) - as amended

We now return to the debate on the main proposition as amended. Does any Member wish to speak on the main proposition?

3.3.1 Senator S.W. Pallett:

I am pleased for Deputy Guida because I think it was an important amendment to bring and one that I supported. But I have fought for some time now, as Senator Farnham is aware, to have sport and active living included within in terms of how lottery funding is distributed moving forward. I am pleased that we are getting to a point where today we have got the opportunity to agree that. The reason I say that is that some comment has been made to me in the past about whether sport, especially sport rather than active living, should be included within the lottery and whether the money that is made from the lottery should just go purely to registered charities. But I would answer that by saying that there is a fantastic amount of good work done by sports clubs and associations and

other groups in keeping the Island fit and active. I do not just mean physically active, I also mean mentally active as well. I think those clubs and associations and bodies do deserve to be supported and do deserve to have an opportunity to bid into lottery funding, to provide opportunities for Islanders of all ages to stay fit and active. The money that will go to sport and looking at the breakdown it is probably going to be something like around about £270,000 or just a touch above, is a huge amount for sport and active living and will make a huge difference to keeping people fit and active in the Island. For me it should not be aimed at early sport, it should be aimed at general population and ensuring that we can keep as many Islanders as fit and active as we can. But there will be elements of sport that I think should be supported. We have not got an elite athletes pathway, for example, that can guide talented young people towards either Island Games or Commonwealth Games or, hopefully, in the future to achieve even higher achievements and possibly have future Olympians. Because I think we do have athletes in the Island that are extremely talented and sometimes just need that extra little bit of support to be able to go and compete at a higher level away from the Island, something that COVID has, unfortunately, denied them and something that we are going to have to consider how we are going to support them when we are finally through this because many of our top athletes are currently struggling to get through this period. I met one the other day in the swimming pool, one of our top triathletes who has not been able to train through this period and found it very difficult to, and not only is he struggling physically, he is also struggling mentally. I think providing that support and money so that we will be able to support some of these athletes as we move forward is going to be extremely important. I am pleased that we have got to a point where today we can agree that.

[15:30]

But it is also as well not just about able-bodied athletes, I think there will be opportunities to use the money that goes to sport and active living to support disabled athletes as well and disabled sport, so that they also can thrive, can benefit and make ourselves a more inclusive community. Jersey Sport do a fantastic job in overseeing sport and making sure that we are becoming more and more inclusive and that is really important. There are a lot of people that struggle to access sport, especially those in urban areas, especially young children. There is a divide in the Island at the moment between urban and rural with opportunities for young people. It has been identified and I think people like Jersey Sport are beginning to understand where people are missing out and putting resources into it. Again, I think education do as well and I think Senator Vallois was aware of some of the concerns that we both have around inclusivity and making sure that there are opportunities for young people to access sport, access good activity after school and at weekends, but it needs to be fair across the board. I think some of the money that will come from the lottery will be and can be used to ensure that we give opportunities to as many young people as possible. In saying that, what I do not want this money used for - I am not responsible for sport - I will be keeping a close eye in ensuring that any future lottery funding is not used to plug gaps in government funding, it is used to provide things over and above what Government should be providing. It is important that we add it to our offering, not take away or plug gaps. It is important that we offer more. I will be fighting hard to ensure that lottery funding goes to the right causes and the right bodies. Now we have passed the amendment one thing I would be looking at is just to ensure this year that if the funding that is now being agreed to go towards science cannot be used in 2019 or is not all used in 2019, that that money can go towards either arts and culture or sport. Because it is important that that money is well-used and is used, so that if we cannot find an appropriate body to give out grant funding towards science and research and development, then that money could be used for sport or arts and culture. Just touching on that and touching on the amendment, I know we have now agreed it but there are opportunities, I think, across the board to use the ... and it is a relatively small sum, I know, it is in the region of £130,000, £140,000 but there are opportunities, I think, to use that money for research and development. Only last year in the Government Plan Senator Moore brought forward some support for one of our better-known sailors and the work he was doing around ocean labs and cleaner energy,

and I think there may have been opportunities had money been available to support him in some way, shape or form, so that there are opportunities, I think, within science locally and within research and development that we can use some of that money towards supporting innovative ideas locally. I am pleased for Deputy Guida, how he has managed to do that. Quite a few people have said and used the words it is charity money. It is not charity money, it is money made from gambling. The lottery money is money made from gambling. We give the money to or we have in the past given it to the Association of Jersey Charities, and rightly so, and they have done a fantastic job in distributing to local charities. But let us be clear, it is made from gambling and we should and we do make the best of the funding that we get from that funding. But I am going to leave or stop by just asking the question about whether some of the services that are provided by charities should be relying on lottery funding or whether they should be funded from central government. I think we have got to have a close look at the way we fund some of our charities and I think certainly some of the ones around mental health, something that has been highlighted, I think, even more over the last 6 or 9 months, is that there is a big strain on some of those services and a big strain on funding within them services and they should not be reliant on lottery funding or having to bid into grant funding. They should be funded appropriately through Government to a large degree and I think the Minister for Health and Social Services is working towards that. I think we need, as a States, to ensure that those charities that are providing absolute necessary services to this Island do not struggle, can survive through this period and flourish. Because there is going to be life after COVID and all of our charities have got to get through that. I commend the proposition, I think it is good that we have finally looked at a different solution in terms of how we split the money. I do hope Members can get behind and support it wholeheartedly.

3.3.2 Deputy K.F. Morel:

I just wanted to bring the Members' attention to the fact that the Economic and International Affairs Scrutiny Panel did receive a briefing on this. It was rather late in the day, a few difficulties getting a date but we did have a look. Our main concern was about the lack of the allocations being written into the proposition but that is one of the very good things that the Deputy of St. Mary mentioned about Deputy Guida's successful amendment, was that it now writes those allocations into the proposition. From that perspective our main concern has been answered, it is just to put Members at ease from the Scrutiny perspective. We were content with the proposition and look forward to the monies being used wisely and well.

3.3.3 Deputy K.G. Pamplin:

It is a pleasure, probably for the last time, to follow my chair of Economic and International Affairs Scrutiny Panel and thank him for his work and allowing me back on to the panel to look at this particular comments paper that he has addressed, and I hope all Members have seen but the proposition as a whole. I wanted to speak to this proposition for a few reasons. Firstly, as Members and members of the public know, my former life before sitting in this Chamber was very much linked in the very heart of the charity organisation, and obviously 2 in particular. I can draw attention to Members, who I am sure through their connections to many charities, as I know Members are, it has been a very turbulent few years of uncertainty in the charity world as progress has been made. As Members know, the previous Assembly has adopted the Jersey Charities Law, passed in November 2014 but the register for that did not open until 2018 and in that 4 years there was a lot of uncertainty there. Other changes of course, there was great pressures of recent economic times, there has also been of course with the laws the Charity Commissioner, registering for that and many other changes. Then of course alongside that is the growth because we are such a giving community that we have so many great causes and charities, and that the proper wealth of this Island, in my humble opinion, is that those services, if they all disappeared this Island would stop, come to a grinding halt. I think of St. John Ambulance, I think of Mind Jersey, I think of Jersey Hospice, I think of the R.N.L.I. (Royal National Lifeboat Institution), I think of many other services which are also lifelines to many

Islanders going through, not just health-based situations that are changing their lives but many other things that provide great things to this Island that we benefit from, but it has been a tough time. One of those areas has been uncertainty with the great Association of Jersey Charities work over the many years, and it is great to hear from Senator Pallett today and other Members, that it has been going over 50 years. But then there was uncertainty because in recent times who was distributing this very important annual set of money that does support many worthy causes? Who was going to be distributing it? Who was going to be supporting it? In fact there has been of recent times delays of giving that money to the association, which caused a few headaches in that world and in the world of charity and volunteering, so it is not helpful. We then came to the scenario where a proposition was introduced to introducing a new distributing scheme that had bases in the United Kingdom, which this Assembly and myself and others spoke to, and I was very grateful for the Minister to look at that and listen to what people were saying and that proposition was withdrawn. That gave an opportunity to step back and look at the situation and how timely was that? Because little did we know last year where we would all be this year. On that note, I just want to say, as a non-Executive Member of this Assembly, it has had its ups and downs throughout my time and of late but I wanted to pay credit to the Senator for allowing me to talk to him at great length and take my phone calls and help where I can with his officers with my views, and also speaking to the outside bodies and the new chairman of the Association of Jersey Charities, who is going to be a great asset there and this new foundation as well, which I spoke to earlier and also my colleagues on Scrutiny, including the Deputy of St. Mary. This is a much better place, 2 Jersey organisations distributing this money to those causes, now amended, and also congratulations to Deputy Guida. But just to remind Members where we are at because of this year, a survey conducted by the Jersey Community Partnership found that local charities have seen a 22 increase in the demand for their services, while funding has fallen by 55 per cent. With no sign of funding, the situation improving, many charities, like many sectors that we have talked about in this Chamber, are facing unprecedented times. I know the current Chief Minister, the former Chief Minister and the Senator and the Minister for Treasury and Resources have taken many calls and listened to me many times in this Chamber asking for the dormant bank accounts' money, and it is great to see that there. But there are new pressures for everybody and including next year the new Jersey Care Model, which we will continue to scrutinise. This is another period of uncertainty, plus with COVID we have to stand up. It is also pleasing, as a States Member, to look back at my manifesto and say that I have helped that and be a voice for the charities and done whatever I can, wherever it fell for me in this Chamber. I would just say that I hope now that this can settle, so we are not dealing with these things so late in the day. The funding, if it is the lottery proceeds or other mechanisms, get to where they need to quickly without red tape, without this insecurity because it does our Island no good. Also, as Senator Pallett also mentioned, we have to be very careful and also take another step back about how we work with our voluntary and charities because we are going to need them so much more next year. Finally, I thank the Minister and I pay tribute, as I am sure all Members will, if they were here today with us, stamping their feet paying tribute to the many volunteers, the many great causes who are thinking hard about next year, like we are.

The Bailiff:

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

3.3.4 Senator L.J. Farnham:

Thank you to everybody who has contributed to both the amendment and the proposition, now as amended, and of course very well done to Deputy Guida. We will of course work to ensure that the amendment is implemented, albeit there will be a bit of work because I outlined some in my contribution to the amendment debate but we will get it over the line. I am not disappointed that the States have approved Deputy Guida's amendment. I think it was just the timing and the fact I would

have liked Jersey Community Foundation to get bedded in. But as the lottery has grown I think there is significant opportunity to spread the profits over a greater part of the community, so I welcome the States directive on that and look forward to seeing how we can help develop the areas that Deputy Guida has asked us to do.

[15:45]

I also think this is a good opportunity for me also to express my thanks to Senator Pallett, on the record, for his enormous work as Assistant Minister. We have worked together since 2014 and not only has he been a champion for sport but has been a significant help in all aspects of running the department. I am pleased I have had an opportunity to put that on record. I completely agree with him that the health and well-being of Islanders, which is so intrinsically linked to our overall well-being, especially right now in the middle of the pandemic, is well supported in the future by lottery profits. Of course Senator Pallett did also mention that if the money was not used for the science, for example, it could be transferred to sport but I am not sure that can happen because once money is allocated by this Assembly we have now made a decision, I think that money will have to stay with what we have recommended it for today but I can provide clarification on that. I thank Deputy Morel for his support with Scrutiny and scrutiny work and that of course the percentages are covered in the S.L.A. (service level agreement) but of course the amendment does put that into the proposition, albeit on the new section in relation to the Jersey Community Fund money. Of course huge thanks to Deputy Pamplin for his input, which ultimately led to this whole solution, so thank you very much, Deputy. With that I make the proposition and ask for the *appel*.

The Bailiff:

I would like to ask the Greffier to place a voting link into the chat and open the voting and ask Members to cast their votes. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition as amended has been adopted:

POUR: 41	CONTRE: 1	ABSTAIN: 0
Senator I.J. Gorst	Connétable of St. Mary	
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Lawrence		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		

Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Greffier of the States:

The Connétable of St. Mary voted *contre*.

The Bailiff:

Deputy Wickenden, you have indicated in your notes, I believe, that you would like the Assembly's leave to move your proposition, P.143, to the end of the matters to be debated at this sitting, is that correct?

Deputy S.M. Wickenden of St. Helier:

Yes, Sir, if that is okay with the Assembly.

The Bailiff:

You make, effectively, a proposition to that effect.

Deputy S.M. Wickenden:

Yes, please, Sir.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on that, Deputy Wickenden wishes to move the debate on his matter to the end of the matters to be dealt with at the sitting today? If no one wishes to speak, I will take that ... Deputy Ward.

Deputy R.J. Ward:

I do not see any reason why we should move the order of things. I think we should be taking things as they are now. Is there a good reason for it or is it just a personal preference?

The Bailiff:

Does any other Member wish to speak? If no other Member wishes to speak, then I will ask Deputy Wickenden to respond.

Deputy S.M. Wickenden:

In my position as Assistant Minister for Social Security, I know we have agreed to stay late but I would like to get the Social Security Appeals Tribunal appointments done quickly and as expediently as possible, therefore I decided that I would try and move my proposition so we could get the

appointments over and done with because they are very important to the running of Social Security and appeals and the likes, and that is why I have asked to change the Order Paper.

The Bailiff:

Thank you very much. In which case, could I ask the Greffier to place a vote in the link? I ask the Greffier to open the voting and Members to cast their votes in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted:

POUR: 29		CONTRE: 6		ABSTAIN: 2
Senator I.J. Gorst		Senator K.L. Moore		Deputy of St. Martin
Senator L.J. Farnham		Senator S.W. Pallett		Deputy G.C.U. Guida (L)
Senator T.A. Vallois		Deputy M. Tadier (B)		
Connétable of St. Lawrence		Deputy S.M. Ahier (H)		
Connétable of St. Brelade		Deputy J.H. Perchard (S)		
Connétable of Grouville		Deputy R.J. Ward (H)		
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Greffier of the States:

Those voting *contre*: Deputy Ward, Deputy Tadier, Senator Moore, Senator Pallett, Deputy Ahier, Deputy Perchard and Deputy Guida and the Deputy of St. Martin both abstained.

4. Jersey Heritage Trust: Amendments to Constitution (P.142/2020)

The Bailiff:

The next item of Public Business is Jersey Heritage Trust: Amendments to Constitution, P.142, lodged by the Minister for Economic Development, Tourism, Sport and Culture. For the purposes of this debate the main respondent will be the chair of the Economic and International Affairs Scrutiny Panel and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - to refer to their Act dated 25th May 1999 by which they approved a new constitution for the Jersey Heritage Trust (the “Constitution”) and to their Act dated 8th July 2003 in which they agreed that responsibility for the Trust should pass from the Finance and Economics Committee to the Education, Sport and Culture Committee and to their Act of 19th November 2013 in which they agreed certain further amendments to the Constitution and as required at clause 11.2 of the Constitution (as amended), to consent to the Jersey Heritage Trust altering, amending or varying the Constitution in the terms of the New Draft Constitution as set out in the Appendix to the report dated 15th October 2020.

4.1 Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):

The Jersey Heritage Trust wishes to become a Jersey-registered charity and the trust has always been recognised as a charity under the previous rules but, as the Assembly will be aware, a new registration regime for charities was introduced in the shape of the Charities (Jersey) Law. Jersey Heritage wishes to register as a charity under this law in order to confirm its charitable principles and to ensure that it can continue to access certain grants and benefits. This would also reflect its commitment to high standards of governance. Heritage estimates that the cost of not being a charity would be in the region of £450,000 per annum. Just to provide a breakdown of those figures, it is estimated that loss of tax exemptions would account for about £120,000, loss of grants available only to registered charities and then the estimated effect on donations, corporate sponsorship and bequests and membership would equate to approximately £230,000. Loss of discounts and special terms available only to charities would be in the region of £100,000 and there would be some one-off expenses initially and that would be the expense and the need to charge, to implement and charge G.S.T. across its services and of course the legal and tax advice that would be required of about £30,000. That is just an explanation of the breakdown of the additional costs that would have to be borne by the trust. However, the Charities Law prohibit registration where the constitution of an entity expressly permits ministerial or States management or control, which is the current situation with the current constitution of Jersey Heritage Trust. In order to achieve charitable registration, the Jersey Heritage constitution needs to be amended. There is a second option which was considered, which is for the Minister for External Relations to exercise the power provided in the Charities Law to disapply the restriction. But, having discussed both options, a new draft constitution was considered to be the better way forward to allow this strategically important relationship with Jersey Heritage to be managed in a way that is consistent with the legislation and the regulations agreed by the Assembly. Jersey Heritage Trust was established as a body corporate and registered in the Royal Court in June 1983. In short, the trust’s purpose is to care for the heritage and culture of the Island. It is part-funded by grants from the Government, pursuant to various service level agreements. In normal years, Jersey Heritage self-generates half of its total funding, which equates to more than £3 million per annum. Prior to 1999 Jersey Heritage had no formal constitution. In 2013 an updated constitution was put in place and approved by the Assembly. This included more formal arrangements for funding and annual service level agreements to be put in place, so the requirement for a political representation on the board at the time was removed. However, the 2013 constitution still contains an element of control in 2 key areas. Firstly, the constitution cannot be amended without the consent of the Minister for Economic Development, Tourism, Sport and Culture. In addition, any amendment which relates to Jersey Heritage’s purposes, powers or board composition requires the consent of the States Assembly. Secondly, the chair is currently nominated by the Minister and appointed by the States Assembly and the Assembly can also terminate the chair’s tenure. The revised constitution put before the Assembly today replaces the need for consent with a requirement for consultation with the Minister. The key amendments are set out in the report and are to the effect that the constitution shall only be amended after consultation with the Minister, and it must receive the assent of not less than 75 per cent of the trustees. No alteration shall be made which may result in the Jersey Heritage Trust ceasing to have exclusively charitable purposes. With board appointments a chair will be

appointed by the board of trustees following consultation with the Minister. Such application would also have to follow the processes of the Jersey Appointments Commission. As part of the charity application process, Jersey Heritage consulted with the Jersey Charity Commissioner. The commissioner has confirmed to me in writing by a letter, appendix C of the report accompanying the proposition, that if the proposed changes were adopted it would overcome the constraint upon Jersey Heritage Trust meeting the charity test. In addition to amending these provisions, Jersey Heritage has taken the opportunity to undertake a detailed review of its 2013 constitution and further amendments are being proposed to reflect modern standards of corporate governance, such as the introduction of a code of conduct and provisions as to board diversity, which I am sure will be welcomed by all Members. Strictly speaking, these amendments do not require Assembly approval but it seemed only right and proper that the Assembly sees the entire document, as the constitution has been reshaped as a consequence of this review. I am pleased to indicate that the new draft constitution that I am presenting to the Assembly today is, as a whole, one that promotes openness and diversity and transparency. Members will of course want to be reassured that there is in place appropriate oversight. However, in reality this oversight is not found in the constitution with its limited provisions but in the various service level agreements and other contractual arrangements in place between the Minister or other arms of the Government and Jersey Heritage. In terms of managing and maintaining the Island's assets, including our priceless landmark buildings, such as our castles, I am satisfied that the arrangements in place are sufficiently robust to ensure that the public interest is maintained and ensure that Jersey Heritage carries out its duties appropriately.

[16:00]

I hope that helps the Assembly to understand the need for the amendment to their constitution and I commend the proposition to the Assembly and would welcome any questions.

The Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

4.1.1 The Deputy of St. Mary:

The Economics and International Affairs Scrutiny Panel did have the benefit of a presentation on this matter and we well understand the reasons for it. In that capacity I did review the new constitution and I would like to draw Members' attention to one specific matter, which the Minister has in fact already alluded to. This relates to the question of diversity among trustees. I mention this because I think these clauses will benefit from a wider audience and wider application to other areas; 6.3.4 of the constitution provides that: "The trustees shall be appointed specifically for the skills, experience and influence they can bring to the board of trustees and the contribution they can make to J.H.T. (Jersey Heritage Trust)." In the following clause 6.4 the wording is: "The trustees must use their best endeavours to ensure that the board of trustees shall be a diverse and balanced group of people, including in terms of gender, age, disability, experience, skills, track record and attitude and who all share a commitment to the purpose and to J.H.T." I flag those clauses because, as I say, I think they do have the scope for having wider application at the extent they are not already in place. I would urge Ministers to ensure something is in place and with a view to avoiding the need, on each and every occasion there is a board appointment or similar, to specify this diversity angle. As I say, I do not speak for the Scrutiny Panel at this stage but for my own part I well understand the rationale behind the reconstitution and shall be supporting it.

4.1.2 Deputy M. Tadier:

I wish to speak with a "D" in front of the speaker and I am afraid I have been making a lot of typos the last few days. I just wanted to pick up initially on the points that were raised by the last speaker, the Deputy of St. Mary. I understand what he is saying about diversity on boards but I can reassure him that I have worked very closely with all of the arm's length organisation while I was in post and

I intend to try and keep some of those good relationships going, even as a Back-Bencher and privately as a citizen. Jersey Heritage are fully aware of the need to try and recruit diversely but that is not something which the chairman or the director needs to be pushed on; it is very much an open door and something that they are aware of. It is like anything, it is getting to the point where we know that people need to come forward to present themselves for these positions, and I think they are aware that there is an incumbency upon them and also individuals to come forward for this. Certainly there is skill in all sections of our society and it is important when they are interpreting heritage and presenting it very well, as they always do, that they have a diverse board to try and speak for and to different parts of the community. If I can just use this as an opportunity to pay tribute to the very good work that Jersey Heritage have been doing, and they have been doing that often under difficult circumstances, let alone during COVID because of so much uncertainty. I think a lot of the uncertainty has, hopefully, dissipated now, largely because a lot of the uncertainty has historically been around budgets and perhaps not the timely delivery of budgets. Perhaps an absence of certainty that there has been total support in the Assembly but I think they are very pleased to have turned a corner politically, knowing that there is a lot of support for heritage, arts and culture in this Assembly and that they have a firm footing. I do think it is really important that while we might think that we are giving up some political control, it never really was about control. This is about a 2-way relationship between Jersey Heritage Trust, who are custodians of many of Jersey's historical and living assets that we have and they do that very well on behalf of the States of Jersey. It is important that there is an understanding about the political direction that Ministers want to go in and how Jersey Heritage can help deliver that. I do very much wish the new Assistant Minister for Economic Development, Tourism, Sport and Culture, who I know also shares my passion for culture, I wish him all the very best in that role and I hope that he can help in the delivery of making culture in Jersey in all of its widest forms more accessible to more people, including those in sections of society, perhaps economic social sections that have not to this point necessarily engaged with some of the funded heritage that we support as a Government. I wish him all the very best in that role. I think there is good work to be done and I am certainly at hand to help, if he ever wants any help in that regard.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the proposition? If no other Member wishes to speak, I close the debate and call upon Senator Farnham to respond.

4.1.3 Senator L.J. Farnham:

Firstly, thank you to the Deputy of St. Mary, not only for his assistance and co-operation in his role on Scrutiny but for highlighting the diversity issue, which is, I think, more comprehensively included in the new constitution. I think, as Deputy Perchard has mentioned in a previous Assembly, the Jersey Heritage Trust has been held up as an exemplar in this context with previous recruitment processes, so I have no hesitation or no difficulty in having confidence in the Heritage Trust in these areas. Again, I thank Deputy Tadier, as we had worked together on this and discussed and not quite agonised over it but I believe come to the right solution. Deputy Tadier, as I understand it, is now the Member of the Opposition or the Shadow Minister with responsibility for culture, arts and heritage; of course I will extend the hand of friendship and offer to work with him wherever possible, without of course undermining the process of Scrutiny. I note the strong approbation of his new puppy during his speech and upon that note I would like to commend the proposition and ask for the *appel*.

The Bailiff:

Thank you very much, Minister. I ask the Greffier to post the link and I open the voting and ask Members to cast their votes. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted:

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

5. Draft Geographical Indications (Jersey) Regulations 202- (P.145/2020)

The Bailiff:

The next item of business is the Draft Geographical Indications (Jersey) Regulations, P.145, lodged by the Minister for External Relations. For the purposes of this debate the main respondent will be the chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Geographical Indications (Jersey) Regulations 202-. The States make these regulations under Article 2 of the European Union Legislation (Implementation) (Jersey) Law 2014.

Connétable R.A. Buchanan of St. Ouen:

Sir, it is the Assistant Minister here. I have a feeling the Minister is not available and I think in that instance I am more than happy to take this item.

The Bailiff:

If you are the Assistant Minister, Connétable, there is no reason at all why you should not take the item if the Minister is not available.

5.1 The Connétable of St. Ouen (Assistant Minister for External Relations - *rapporteur*):

These regulations concern geographical indicators, G.I.s as I refer to them. G.I.s are special protections for products that must have a specific geographical origin and possess qualities or a reputation that is due to that origin. Good examples are Parma ham and Champagne. The regulations will provide additional protection in Jersey law by T.R.I.P.S. (Trade-Related Aspects of Intellectual Property Rights) or W.T.O. (World Trade Organization) level for G.I.s in relation to goods in our domestic market, which originate in the E.U. (European Union) or are recognised by the E.U. G.I. recognition system and which the U.K. will also continue to recognise after the end of the transition period. The regulations represent an initial bit of legislative housekeeping to prepare for the end of the year and in the expectation and hope that the U.K. and E.U. will reach an agreement and that Jersey may wish to participate in any such agreement. It is expected that if such an agreement is breached on goods the E.U. will require law that Jersey and indeed all the C.D.s (Crown Dependencies) adequately protects all existing E.U. G.I.s in domestic law. Existing G.I. products that are under consideration or have been granted G.I. recognition are listed in quality product registers. These registers also include information on the geographical and production specifications for each product and recognises a form of intellectual property. G.I.s play an increasingly important role in trade negotiations between the E.U. and other countries and are a particular priority for the E.U. Jersey currently has one G.I., as the Jersey Royal potato was granted a protection designation of origin in 1996 on Article 17 of the Council Regulation (EEC) No. 2081/92. This has protected the Island's growers' interests by establishing that the name can only be used by producers who are in a clearly defined area, i.e. Jersey, and who comply with specific rules for production. Currently Jersey has a comprehensive process through which G.I.s are protected at the border for wines and spirits; it is a W.T.O. requirement and in the Island for other products through certain consumer-protected related measures. However, we have never had any form of legal instrument specifically to protect E.U. G.I.s. At present any wines and spirit G.I.s have an enhanced level of protection, as required by T.R.I.P.S., based on the scope of protection in the E.U. This has been achieved by recognising aspects of 2 E.U. regulations in Jersey law in providing for domestic enforcement. If passed the proposed new regulations will replace the existing E.U. Legislation (Geographical Indications - Wines and Spirits) (Jersey) Order 2016, has implemented the relative parts of the 2 E.U. regulations and will continue to expand upon the previous scope with the protection available. This further level of protection for E.U. G.I.s will better enable Jersey to participate in any trade agreement reached between the U.K. and E.U. and if Jersey chooses to do so by enabling Jersey to recognise and protect those G.I.s already in protection across the E.U., the extent set out under the U.K. E.U. withdrawal agreement. That is the end of my speech on the principles and I make the proposition.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? If no Member wishes to speak on the principles, then I close the debate and ask the Greffier to place the

voting link into the chat. I open the voting and ask Members to cast their votes. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting.

[16:15]

The principles have been adopted:

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Deputy Morel, does your panel wish to call this one in?

The Deputy of St. Mary (Vice-Chair, Economic and International Affairs Scrutiny Panel):

Sorry, if I may intervene, Sir, it is the Deputy of St. Mary. I think that Deputy Morel is otherwise engaged. As vice-chair, can I say that we do not wish to call in the proposition?

The Bailiff:

Thank you very much indeed, the Deputy of St. Mary. How do you wish to deal with the matter in Second Reading then, Assistant Minister?

The Connétable of St. Ouen:

I would like to take the regulations *en bloc*, if the Assembly permits.

The Bailiff:

Indeed, are they seconded in Second Reading? **[Seconded]** Does any Member wish to speak on the regulations or any of them in Second Reading? If no Member wishes to speak in Second Reading, then I close the debate and ask the Greffier to post a voting link into the chat. I open the voting and ask Members to cast their votes. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations are adopted in the Second Reading:

POUR: 40		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				

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

The Bailiff:

Do you propose the regulations in the Third Reading, Assistant Minister?

The Deputy of St. Ouen:

I do, Sir.

The Bailiff:

Are they seconded for the Third Reading? **[Seconded]** Does any Member wish to speak in the Third Reading? If no Member wishes to speak in the Third Reading, then I close the debate. If anyone wishes the vote to be put formally in the link, then please indicate now, otherwise I propose to take the matter on a standing vote. No one has so indicated. Accordingly the regulations are adopted on a standing vote in the Third Reading.

The Deputy of St. Ouen:

I might just thank Members for their consideration and apologise for the absence of the Minister for External Relations.

The Bailiff:

Thank you very much indeed, Minister.

6. Social Security Medical Appeal Tribunal: appointment of Chair (P.150/2020)

The Bailiff:

The next matter is the Social Security Medical Appeal Tribunal: appointment of Chair, P.150, by the Minister for Social Security. For the purpose of the debate, the main responder will be the chair of the Health and Social Security Scrutiny Panel and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - to appoint, in accordance with Article 34 of the Social Security (Jersey) Law 1974, further to a process overseen by the Jersey Appointments Commission, the following person as chair of the Social Security Medical Appeal Tribunal for the period stated against their name - Advocate Simon Thomas - 5 years.

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

I have 2 separate Social Security Tribunal appointment recommendations for today: to appoint a legal chair across all 3 tribunals to ensure consistency of process and decision-making. The current chair's term of office ends on 14th December, the first of which is the Social Security Medical Appeal Tribunal. The panel consists of a legally qualified chair or deputy chair and 2 medical practitioners to hear appeals regarding the award of long-term incapacity allowance. This role requires a qualified lawyer with a certified to practice of at least 5 years in experience in that relevant role. I am really pleased that Advocate Thomas has agreed to take on this important role and I propose his appointment and ask Members to support the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition?

6.1.1 The Deputy of St. Mary:

I am sorry, a little slow on the uptake there. Yes, the only point I wish to mention is that perhaps particularly for the benefit of those Members who only became Members in the last election, there is in existence a Law Commission report entitled *Improving Administrative Redress in Jersey*, which was dated 18th October 2017. Among its recommendations was the establishment of a Jersey Administrative Appeals Tribunal, to which the functions of 7 existing tribunals might be transferred. Among the 7 were not only the Social Security Medical Appeal Tribunal, but also the 2 matters we are discussing later, the Social Security Tribunal and the Income Support Medical Appeal Tribunal. I simply wish to alert Members to the fact that the Legislation Advisory Panel would like to have brought in before now the relevant proposition bringing forward the establishment of the J.A.A.T. (Jersey Administrative Appeals Tribunal), but due to the lack of resources has yet been unable to do so. We do have hopes in that direction and the purpose of my intervention is simply to flag the point that it may well be that in ... well, whenever, that it will not be necessary for the States to make these individual appointments because they will be covered and responsibility taken over by an overarching tribunal.

The Bailiff:

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

6.1.2 Deputy J.A. Martin:

I could not agree more with the comments made by the Deputy of St. Mary and it is one of those things that has been held over. All tribunals, we need a body of people that we can call in. It has been one of those things. I think it is law drafting, it is basically getting our acts together. Whatever is coming forward I absolutely support, because I think I was probably an inputter of the report that the Deputy speaks about. Unfortunately we are still where we are. We still have to bring this. These people have put their names forward and they can be questioned about anything in this Assembly, but we need an absolute body, as the Deputy says, and I am fully supportive, but we are where we are. I absolutely agree, but I absolutely maintain the proposition and thank the Advocate for putting his name forward.

The Bailiff:

Thank you very much, Minister. Does any Member wish to indicate a vote against? Otherwise I will take this on a standing vote. If anyone wishes to vote against, could they please indicate in the chat now? Very well, as no one has indicated a desire to vote against, I will take this as a vote *pour* on a standing vote.

7. Jersey Employment and Discrimination Tribunal: appointment of members (P.151/2020)

The Bailiff:

The next matter is the Jersey Employment and Discrimination Tribunal: appointment of members, P.150, also lodged by the Minister for Social Security. Again, for the purpose of the debate, the main respondent will be the chair of the Health and Social Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - to appoint, in accordance with the Employment and Discrimination Tribunal (Jersey) Regulations 2014, the following persons as members of the Jersey Employment and Discrimination Tribunal, both for a period of 5 years - Dr. Elena R. Moran as chair of the Tribunal (from 1st December 2020); and Mr. Cyril E. Whelan as a deputy chair of the Tribunal (from 1st January 2021).

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

I am pleased to propose the appointment of 2 new members to the Jersey Employment and Discrimination Tribunal, obviously subject to the approval of the States Assembly. The appointment of a chair would take effect from today and the appointment of a new deputy chair from 1st January. Members of the tribunal hear complaints made under the Employment and Discrimination Law, including claims for unfair dismissal, redundancy and discrimination on grounds of race, age, sex and disability. Recruitment of these 2 posts took place in October 2020. We received a good quality of applicants. The recruitment panel consisted of the Deputy Greffier of the States, the Magistrate, the Judicial Greffe and a representative of the Jersey Appointments Commission. I absolutely cannot not accept these recommendations. I make the proposition and I hope States Members will agree.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition, then I close the debate. Again, this is a matter I will take on a standing vote unless anyone indicates a wish to vote against. If anyone wishes to vote against this proposition, would they please indicate in the chat now? As no one has indicated a desire to vote against, then I will take this as a vote *pour* on a standing vote.

8. Social Security Tribunal: appointment of Chair (P.152/2020)

The Bailiff:

The next item is the Social Security Tribunal: appointment of Chair, P.152, lodged by the same Minister, and for the purposes of the debate, again the main respondent is the chair of the same Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - to appoint, in accordance with Article 33A of the Social Security (Jersey) Law 1974, further to a process overseen by the Jersey Appointments Commission, the following person as chair of the Social Security Tribunal for the period stated against their name - Advocate Simon Thomas - 5 years.

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

The second Social Security Tribunal appointment is to propose again Advocate Simon Thomas as the legal chair of the Social Security Tribunal, which hears appeals on a range of benefits under the Social Security (Jersey) Law 1974, including income support and health insurance laws. The panel consists of a legally qualified chair, a deputy chair and 2 lay members. I am pleased that Advocate Thomas has agreed to take on this role as well. I propose his appointment and ask Members to support this proposition. This appointment is for a 5-year term.

The Bailiff:

Thank you, Minister. Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition, then I close the debate. Again, this is a matter that I think I can take on a standing vote, so would any Member who wishes to vote against please indicate now in the chat? No one has indicated a desire to vote against. Accordingly, I will take this as a vote *pour* on a standing vote.

9. Income Support Medical Appeal Tribunal: appointment of Chair (P.155/2020)

The Bailiff:

The next item is the Income Support Medical Appeal Tribunal: appointment of Chair, P.155, lodged by the same Minister and with the chair of the same Scrutiny Panel as the principal respondent, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - to appoint, in accordance with Article 9 of the Income Support (Jersey) Law 2007, further to a process overseen by the Jersey Appointments Commission, the following person as the chair of the Income Support Medical Appeal Tribunal for the period stated against their name - Advocate Simon Thomas - 5 years.

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

The third and final Social Security Tribunal appointment recommendation is the chair of the Income Support Medical Appeal Tribunal. This tribunal hears appeals on the awards of impairment component under the income support system and any other decisions made on medical grounds, plus care requirements for the home carer's allowance and long-term care. The tribunal panel consists of a legally qualified chair or deputy chair and a medical practitioner and a lay member. Once again, I am pleased that Advocate Thomas has agreed to take on this important role. I propose his appointment and ask Members to support the proposition and agree his appointment. Again, this is for a 5-year term of office.

The Bailiff:

Thank you, Minister. Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition then I close the debate and again will take this on a standing vote. Would anyone who wishes to vote against this proposition please now indicate as much in the chat? There is no such indication and accordingly the proposition is adopted on a standing vote.

[16:30]

10. Draft Amendment (No. 51) of the Standing Orders of the States of Jersey (P.153/2020)

The Bailiff:

The next item is Draft Amendment (No. 51) of the Standing Orders of the States of Jersey, P.153, lodged by the Privileges and Procedures Committee, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Amendment No. 51 of the Standing Orders of the States of Jersey. The States make the following amendment to the Standing Orders of the States of Jersey under Article 48 of the States of Jersey Law 2005.

10.1 Deputy R. Labey (Chair, Privileges and Procedures Committee):

These amendments to Standing Orders arise from the decision taken by the Assembly to trial a 3-weekly meeting cycle when the Assembly adopted P.106/2020. Members also agreed amendments to the proposition to ensure that the 3-weekly cycle did not impact negatively on Members' ability to question Ministers. This proposition would change provisions relating to both Oral Questions and Written Questions with a minor amendment also suggested in respect of lodging periods. For Oral Questions with notice, the amendments would extend the current 2-hour period to 2 hours and 20 minutes. The P.P.C. is also proposing that where any Oral Question is not asked because time has run out, a written answer should be provided to that question. The States Greffe has encouraged this as a convention, but these amendments would make it a procedural requirement. I do not believe this should require any additional resources. However, as the response to an Oral Question has often already been drafted, this will simply require that draft to be circulated so that Members can see what the answer would have been. The answer would also be included in Hansard. For Oral Questions without notice, the amendments would establish a new structure. At the moment each Minister, including the Chief Minister, takes turns to receive Questions without notice, with the Chief Minister appearing at every other meeting in the second slot. Under P.P.C.'s proposals there will be 3 slots in

each meeting, with the Chief Minister appearing in the third slot in every meeting. The other Ministers will then appear on a rota basis in the first 2 slots. If either of the first 2 slots do not require 15 minutes, that time will be available for the third slot so the Chief Minister could, at times, face more than 15 minutes. These amendments would also affect the way in which Written Questions work. At the moment each Member can submit a maximum of 5 written questions for each meeting. They effectively need to be submitted a week in advance and the responses are tabled at the meeting, albeit they are published on the States Assembly website the day before. With these amendments, the link between the States meetings and the submission of Written Questions would be broken. States Members will be able to submit Written Questions by 9.30 a.m. on the first working day of each week. They will be processed by the States Greffe and distributed and Members will receive their responses to their questions one week later. The number of questions that each Member may submit will depend on whether it is a States week or not. In any week during which the Assembly is scheduled to meet, Members can submit one question each. In other weeks, Members can submit a maximum of 3 questions each. This system will not work when the Assembly is not in session. In other words, during the Christmas and summer recesses, if the first working day of the week is a bank holiday Monday, the deadline will fall on a Tuesday and the deadline for responses to be received will still fall one week later. Different maximums apply during States weeks because of the other work required of Members and departments during those weeks, but overall each States Member will be able to ask the same number of questions which they can now. Indeed, the total annual allocation will increase from the current 90 to 95. P.P.C. did consider whether to maintain the link with the States meetings and to increase the number of Written Questions that could be submitted for each meeting, say a maximum of 7. However, the committee concluded that Members would prefer to ask questions with more frequency than to have to wait 3 weeks for that opportunity, even if they could ask more questions for that particular meeting than at present. Finally, these amendments would alter the minimum lodging period for in-principle or policy propositions brought by a Member in their own name. At the moment the minimum lodging period is 4 weeks, but P.P.C. is proposing a minimum lodging period of 3 weeks, as that will fit more neatly within the 3-weekly meeting cycle. The Council of Ministers and the Chief Minister I think have reservations about that one and no doubt we will hear from him, but that was our proposal. No other changes to lodging periods will be made. For instance, amendments to propositions brought by Members in their own name will still have a lodging period of one week. I make the proposition.

The Bailiff:

Thank you very much. Deputy, is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

10.1.1 Deputy G.P. Southern:

From what I have just heard, I think one week you can ask 3 questions, the next week you can ask 3 questions, but on a sitting session week, you can only ask one question. Have I heard that correctly? Because this sounds to me like an awfully complicated way to organise questions. Questions have 2 functions. First, they are to find out particular facts or knowledge from departments they are in control of and the second is to make that public. That is very easy when your questions are published every week, so you can address those, and if you wish you can make sure that they are drawn to the attention of the media so that they get coverage and fulfil those 2 factors, but it seems to me that there is not space there necessarily - and certainly not an organised space - wherein a bright young *J.E.P.* reporter or whatever can go and rootle around the questions until he finds something that interests him which he wants to cover. But that will be made more difficult today under these new rules, I believe, and it will be down to the Member, on a weekly basis, to decide how he tries to get publicity or coverage for those particular aspects of what is going on. I do not want to rehash the debate and I will not, but this move to go to 3 weeks I think sounds like it is an administrative and bureaucratic nightmare and one which does not help the second function of asking questions, which is to get things

in public notice. I find it very unsatisfactory, the way we are proceeding. I think the decision to go to 3 weeks was a mistake. I think we will end up with less coverage than we hitherto had and organised in a way which is less accessible, just in the way we have dropped announcing what the Written Questions are. They are just going to disappear now under this new system, I think, and I find this deeply unsatisfactory. We will come to a vote eventually and I will be voting against it again, I think.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the proposition? If no other Member wishes to speak, then I close the debate and call upon the Chair of P.P.C. to respond.

10.1.2 Deputy R. Labey:

I am disappointed to disappoint Deputy Southern, because he was in a very good mood yesterday and I am sorry to bring him down. We will publish the questions when they have been asked and we will publish the answers, so part of the reason why we have gone for each Monday and kept some structure is because the questions have to be processed. If they are coming in every other day and it is a bit scattergun, it is very difficult to administer it all and then it does take quite a lot of work. So we have kept the Monday 9.30 a.m. deadline for Written Questions, 3 when the States are not sitting, one when the States is sitting, so we will publish the questions, as we do now, on the States website. We will publish the questions that have been asked and we will publish the answers to those questions a week later. The *J.E.P.* reporter who is thin on news - and the States is not sitting for a couple of weeks - will be able to go to the website and fish around to find his stories. I think, Deputy Southern, there is a slight increase in the amount of written questions you can ask. You can do them weekly, it is just that when the States is sitting itself, just one question, when it is not, 3. I hope that satisfies the Deputy. It is a trial, the 3-week period. During it, if Members are unhappy with any aspect, like what is happening with questions, we can bring a proposition to change Standing Orders and change it. But, Deputy Southern, I would ask you, through the Chair, with good grace, suck it and see and let us see if it works.

The Bailiff:

Thank you very much. I will ask the Greffier to post a voting link into the chat. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted:

POUR: 40		CONTRE: 5		ABSTAIN: 0
Senator I.J. Gorst		Deputy G.P. Southern (H)		
Senator L.J. Farnham		Deputy M. Tadier (B)		
Senator T.A. Vallois		Deputy M.R. Higgins (H)		
Senator K.L. Moore		Deputy G.C.U. Guida (L)		
Senator S.W. Pallett		Deputy K.G. Pamplin (S)		
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				

Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy I. Gardiner (H)				

The Deputy Greffier of the States:

Those voting *contre* in the link, Deputy Guida and Tadier, Deputy Pamplin and Deputy Higgins.

11. Draft Amendment (No. 52) of the Standing Orders of the States of Jersey (P.154/2020)

The Bailiff:

The next item is the Draft Amendment (No. 52) of the Standing Orders of the States of Jersey, P.154, lodged by Deputy Doublet, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Amendment (No. 52) of the Standing Orders of the States of Jersey. The States make the following amendment to the Standing Orders of the States of Jersey under Article 48 of the States of Jersey Law 2005.

11.1 Deputy L.M.C. Doublet:

This is small but important change to our Standing Orders, intended to help Members with responsibilities for small children, particularly in the weeks after birth or adoption. At the moment, if a Member cannot be in the States because, for example, they or their partner have an antenatal appointment or they or their partner have recently given birth or adopted a child, another Member must explain the reason for absence and ask for the Member to be marked as excused. It is possible for Members to challenge the reason for absence, to debate on it and vote on it. This is unacceptable. A Member who is absent because they or their partner has just given birth should not have to ask the Assembly if it is okay to be absent from a sitting. The least we can do is allow Members in this situation to be absent without their precise circumstances being described in this Assembly and without it being possible for the reason for absence to be debated and voted on. What I am proposing is to put parental responsibilities on the same footing as absent on States business as a reason for absence. If another Member or the Presiding Officer states that an absent Member is absent because of parental responsibilities, that is recorded by the Greffier without there being the possibility of a debate or a vote. It is important to provide guidance to Members on when it would be appropriate to

use parental responsibilities as a reason for absence. I have circulated a draft, which has been discussed and agreed by the Diversity Forum. The idea is to base the guidance on the rules which apply to States employees, but it is important to note that States Members are not employees, so it is not possible simply to apply rules for employees to us. However, I do think it is important that States Members who are new parents should be able to take some form of parental leave after birth or adoption. Acknowledging the special position of new parents in our rules would put us in line with numerous other legislatures around the world.

[16:45]

I would welcome views on the draft guidance, which the Diversity Forum can consider before finally issuing the guidance next year. I have heard it asked what would happen if a Member claimed parental responsibilities inappropriately. I do not believe this will happen. Members can already be absent without the possibility of challenge because they are ill or absent on States business without there being any abuse of the system, and it should not be any different for a Member with parental responsibilities. I am confident that Members will stick to the guidance. If they do not, they may well have breached the Code of Conduct for Elected Members and be subject to investigation by the Commissioner for Standards. We, in this Assembly, have committed to putting children first and the 1,001 days initiative. This small change to our rules which I am proposing today is just a step along that road, but it is symbolically important. We must acknowledge the importance of looking after young children in our own lives as we also work towards putting children first across the Island. I make the proposition.

The Bailiff:

Thank you very much, Deputy. Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition?

11.1.1 Deputy J.A. Martin:

I absolutely applaud the Deputy for what she is trying to do. I might have been making a completely different speech if the P.P.C. amendment had not gone through. I absolutely understand what the Deputy is trying to do and how would I be able to vote against this, having just passed a year for both parents in the employment law? I am glad the Deputy points out that we are not employees, and she quotes some different jurisdictions in her report about some jurisdictions have been now allowed paid leave. We get paid on the last day of the month and basically the minimum you have to do for that - and the maximum in some cases - is literally turn up and get your roll call announced. But I do absolutely understand what the Deputy is trying to do. I am not sure she is quite there. I am obviously going to support, but I still have concerns about if you are a young Deputy and you are taking on the parental responsibilities in a small seat constituency. It could have been a one-seat constituency if we had changed, and we have still got a long way to get there, but I am sure we will. I absolutely understand what the Deputy is trying to do. People do not need to know everything that goes on our private life, but we are public figures, so I just put those caveats out there. Maybe we can get to a better way of doing this. This was brought to P.P.C. when I was on there, I think 2 or 3 years ago and possibly even before that. I always questioned why do we have a roll call, because many Parliaments do not. People know we are here because of reports, people know the way we vote, but we have to have a roll call in the morning. We do not have one after lunch. Some people do come back, most people do come back, but there is lots of things that we need to look at. I did not want to prolong this debate. I absolutely will support what the Deputy is trying to do because I think it is the right thing, but I think it can do with a bit of tweaking and I think the whole thing, for all the different reasons why we do not have to be in this Assembly and we do not need to put our heart out there and ask for permission. To me, the easiest way would be just to do away with roll call. I will leave it there, but I will support the Deputy.

11.1.2 Deputy M. Tadier:

Just to continue on from the last speech, I think it is correct that the easiest way or one of the solutions is to do away with roll call. I suspect that would be resisted, of course, because there is perhaps a good ground of public interest, that the public want to know who has turned up for work in one particular day to try and hold those to account, but I do not know if that should be the overwhelming or overriding issue here because there is a risk, and I have joked about it with some States Members, who have agreed that it is a bit like being at school. I think in more than one way we are treated like schoolchildren, so you get a register taken at the beginning of the day, then you have prayers, which are reminiscent of assembly at my primary school, even though I did not go to a religious school, and then we have another roll call for those who were not there at the beginning. Under normal circumstances, you can either be *défaut* or excuse or absent de l'Île, on States business, and I think that there are good grounds for revisiting that whole process. For example, I do not know why we need 2 roll calls at all. I obviously support the driver of this because we need to be a family friendly Assembly, but what I do not get is how will it be determined, the reason for absence? Because if it comes to the second roll call and then somebody is not there, who marks them as excuse? Because if we are not giving the reason for that person to be excused, then by default we know that if they are being excused and somebody contests it, the Chair would have to say: "I am afraid you cannot contest that" and then that Member would say: "But why not? I want to make sure that that person is away for legitimate reasons" and then the Chair would have to say: "But I cannot tell you why they are away." It is kind of one of these neither confirm nor deny scenarios whereby we would be able to deduce why that Member was away, because I think it is the only provision, is it not? Otherwise you would say why you are absent. If the driver is to protect the privacy of the individual who has recently had a child or whose partner has had a child, then I do not know why that would need to be kept secret. If it is desirable that it is kept secret, which I think is valid, then I am not sure how that works. I do not want to engage in what about-ism, but I hope that P.P.C. will look at the wider reasons for why Members might not be in the Assembly. For example, there is not just parental responsibility, there is also filial responsibility, which might be a valid reason for someone to be away, filial responsibility of course being the responsibility of a child, a son or a daughter, to their parents. Indeed, you can have individuals I suppose around about my age who may both have a young child and an elderly parent and need to have responsibility for both of those perhaps in emergency situations. It would seem unfair if somebody who has to be called to look after an elderly parent, perhaps even one who is dying, would then have to ask to be excused and explain to the Assembly why they are being excused. There are a couple of solutions which I think would be much cleaner. One would be simply for that Member to, in advance, tell the Greffier and the Bailiff and then to be marked as excused by the Bailiff as President of the Assembly without needing to give an explanation. Presumably that is what is going to happen here. It might be a question for the Attorney General, so I will put him on standby, because again, not all Members should or would want their personal affairs like that being put into the public domain, for it to be broadcast all over 1026 medium wave and nor should they necessarily want to do that. But I think the most simple point is just not to need to be excused. Again, it goes back to this idea, we are not schoolchildren, so you could still have a roll call and then if you are not there, you are not there, and just say: "Absent" and do not need to give an excuse. My concern is that, for example, if I were ever to want to take parental leave, I would still want to be there for key votes and so I guess the question to the Attorney General, if he is listening, is if I were absent, say on a rolling period for 3 or 6 months to look after our newly adopted child, but then I wanted to come into the Assembly halfway through a debate where I had already been excused in the morning, is that okay? I think that is okay under the Standing Orders, but I just want to establish that because I think it is possible. I am not in any way undermining the difficulties of looking after a child. I would want to know because I think it is possible to balance the 2, to a certain extent, especially nowadays when we are joining online. I know that will not continue for ever. It is possible to arrange your business sometimes if there is a really important vote coming up, like the one we had today, or something like the Plémont headlands, where I think I would certainly want to make sure that I moved heaven and earth. Sorry, I probably cannot mention heaven,

but I certainly would want to move earth in order to be present for the vote. Those are just a few thoughts and perhaps the Attorney General could comment on that issue and also perhaps the way the excuse would work.

The Bailiff:

Deputy, I do not think it is a matter for the Attorney General, because the interpretation of Standing Orders is obviously a matter for the Presiding Officer. In my view, if someone is marked excused and they nonetheless turn up, then they have turned up and they are capable of casting a vote.

Deputy M. Tadier:

Could you explain the first part, in terms of if somebody is on leave and a Member challenges why they are excuse, how would that happen without revealing why they are excuse?

The Bailiff:

I think that there would not be a basis for challenging if someone was excuse. They are marked excused and that is the end of it. I do not think it is a matter of why are they being excused. There is an element in which Standing Orders must always operate on trust and they must always operate on the fact that the Assembly trusts its Members not to make declarations or take advantages where they are not entitled to them.

Deputy M. Tadier:

It does not fully answer my question, but I will leave it there. Thank you.

The Bailiff:

If, on reflection, I think I need to assist Members with more direction as to how it will operate, obviously, yes, I will do so in due course.

11.1.3 The Deputy of St. Martin:

I do not want to prolong the debate. I am grateful to you for just saying that you would clarify maybe further some of these things. I would ask P.P.C. also to look at it. Like Deputy Martin, I am going to support this proposition, but the subject of Members being in the States Assembly and reasons why they might not be has been something which has concerned me almost since I came into the Assembly, and I think it needs to be looked at in more depth. There are many and various reasons why Members would wish not to be there because they have other priorities. I think then of course of the oath that we take when we become States Members and the commitment we give to be in the Assembly. We need some more clarity around that, but finally I say this: it has already been mentioned, and following this morning's decision it may not be quite such an issue, but in smaller northern Parishes, for example, where you may have one Constable and only one Deputy, it is not impossible that sometime in the future both representatives may be absent from the Assembly for prolonged periods of time. I think P.P.C. need to look at that and maybe come out with some suggestions or recommendations or conclusions on what happens to the representation of those parishioners who, for unforeseen reasons, might not be represented in the States Assembly. I will leave it there. I am going to support the Deputy with this proposition, but I think there is a much wider subject here that could be looked at in greater depth. Many Members may be affected in the future.

11.1.4 Deputy K.G. Pamplin:

I will be brief. I would like to thank Deputy Doublet for bringing this and also as a member of the Diversity Forum.

[17:00]

It was a pleasure to work on this and, as mentioned in the report that accompanies this, we have prepared agreed guidance for Members to go through - I am sure they have - and we also welcome Members to come forward and work with the Diversity Forum, a subforum of P.P.C., so we can discuss these things, as Deputy Tadier has mentioned, and the Deputy of St. Martin quite rightly mentioned as well. I will just further speak as somebody new to this, who when deciding upon standing for the election at my young age - though do not let looks fool you - is I am a parent of a young child. Okay, not a baby, but she is obviously young and a big impact in her life in the way me and her mum, a working mum, make sure that she is supported - her parents are present - as well as I take this job very seriously, and I am sure that comes across. But there is always a situation, and it has happened now, because she and her mum are in isolation because of the infection and I am sat here, luckily, because we were able very quickly to put something in place. I think I will just leave it at that. This is proactive and as we are trialling things next year let us evolve this, it is a good sign for those ... equally after the news today of the changes for the next election, this might go some way to get greater diversity in this forum for young parents who are passionate about their Island and want to sit or one day again stand in this Assembly. This is a positive message that we are also sending out today.

The Bailiff:

Deputy Tadier, did you say you have a point of order?

Deputy M. Tadier:

I think I formulated the question I had in my mind so in a scenario where, let us say Deputy X wants to be absent for a family reason, let us say it is to look after an elderly relative and she told the Greffier and the Bailiff that in advance, is it correct that that person would not automatically be excused but they would have to seek to be excused from the Assembly? That is the first question.

The Bailiff:

That is not a valid basis for excusing attendance in the Assembly. This amendment to Standing Order would simply mean that there would be through illness or parental responsibilities, therefore it would have to be a matter relating to parental responsibilities rather than, for example, looking after an elderly relative. In those circumstances it may be that individual can ask to be default excuse or it may be that they will simply be en défaut and seek to explain in other ways. But these are matters that I am not sure I can answer, Deputy Tadier, within the context of this particular amendment to Standing Orders.

Deputy M. Tadier:

That does help, thank you.

11.1.5 The Connétable of St. Brelade:

At the risk of being castigated by the proposer, I would like to point out the reason why we are all elected and the responsibilities we have to our place in the Chamber, we are elected by our electors to represent them and it just worries me that if Members are to take time off, which inevitably can happen for one reason or another, we are not doing our job in representing those of the electorate that have voted for us. I would like Deputy Doublet in her summing up just to consider how she might respond to that and how we might be perceived by the electorate if we were to agree to this proposition.

11.1.6 Deputy L.B.E. Ash:

Very briefly. Firstly, to come to the point made by Deputy Tadier; I partly agree with him and I partly disagree with him. I disagree with him in the fact that we should have a roll call. Of course we should have a roll call, people vote you in to the Chamber and they have a right to know whether or not you are attending. I feel that is 100 per cent correct. Should we have a second roll call? No,

because if you cannot be bothered to turn up on time you should not get a second chance, in my opinion, you should have to apologise when you arrive. That is just a fairly simple thing. It is not difficult to be there by 9.30 a.m. if you are going to be there. As far as the proposition itself, I think it has legs, to use a more popular phrase, but I cannot vote for it because it is too narrow. Why should you be in a position where because you have a child and are having to look after the child you put it on the same basis as States business, but if you have an elderly relative, as I know many people in the Chamber do, and you have to go and look after them then you do not, you would have to go down as *défaut*. I think if we came back and we formulated a list of reasons which were acceptable then, yes, I could back it but I cannot back it just on one narrow premise, I am sorry.

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

I am afraid I believe we take an oath of office to carry out our duties. This is not a job or a career, it is a duty and, as such, I think attendance is therefore compulsory. However, we all know there are occasions when, for whatever reason, you are unable to attend. I accept that there are family reasons, it is not just children, it could be the death of a close relative. I have suffered the loss of a younger brother and of my mother during my term in the States and on both occasions I was excused for those reasons, and I think they are justifiable reasons. It is, therefore, for the Assembly to decide and I think that is the way it should be. But to specify periods of time out, so to speak, or time off is wrong. We have a duty, if possible, to attend.

11.1.8 Deputy J.M. Maçon of St. Saviour:

I can feel the frustration of Deputy Doublet, the proposer, off my screen because I can imagine, you know, we have been having these debates on P.P.C. and on the Diversity Forum and there is an issue around parental stuff and there is the issue of caring responsibilities. I think in the case of wider issues, we know we are facing an ageing population, we know that members of society will have a greater pull on those requirements and, as other Members have said, what about in cases of bereavement, in cases where you have to support a relative, perhaps a spouse, off Island in cancer treatment, does that really need to be announced? Do Islanders need that level of detail said in this Assembly? I do not think they do. I think if Members have a genuine reason like that then Members should just be able to notify the Greffe or the Bailiff and then be excused. From my perspective, I am going to support this one, just to get it in place, and if we feel that we need to add to it then let us bring propositions and amend Standing Orders to add to it rather than scupper this particular one. As other Members have said, if you want to be a more inclusive Assembly these are the types of things we have to do. Whenever it comes to human resources and standing up for ourselves, often the Assembly is very bad at that and we have seen in Westminster the appalling human resources processes that have gone on between Members because Members are sometimes the last ones to modernise things, they are worried that it will be perceived as we are doing something better for ourselves. But, in this case, we are lagging quite behind. So I think we should get this in place and if Members want to add things then that is what we should do because I think we just need to modernise the system.

The Bailiff:

I wonder if it would assist Members if I explained what occasionally happens in practice. Occasionally a Member will indicate to me by email or by telephone call that they have a particularly compelling reason to be absent from the Assembly which they do not wish to make public. If that seems to be reasonable and tenable I have, on occasion, when they have reached the point where they would otherwise be en *défaut*, I have indicated to Members that I have been told a reason which is acceptable to me and I ask Members to mark them excuse. On the one or 2 occasions I have done that Members have always given me the benefit of the doubt and have not asked me to explain that, and I would hope that that leeway would be possible to avoid situations where Members might have

to disclose things in public which they would not otherwise choose to do. I wondered if that was a helpful indication. It does not happen often but it happens from time to time.

11.1.9 The Deputy of St. Peter:

I totally see the logic behind this. Many people do not want to share the personal reasons why they may want to be absent and I totally get that. It is like Deputy Ash, I think it is just a little bit narrow. There are 2 ways we can do it, we can either say yes to this and then ask to come back or ask P.P.C. to come back, or say no, I think it is going to go through anyway and just put a little bit of pressure on to broaden it into a wider horizon. The only reason I am speaking is - and I feel I am repeating what other people have said - is there is no timestamp to this. It just says a partner has recently given birth. I think there ought to be a period of which you refresh your excuse because otherwise it could on infinitum.

11.1.10 Deputy R.J. Ward:

What do I say? I have to be careful what I say, learned from previous experience. This proposition is bringing us into the 2020, wherever we are. It is simply recognising that women give birth and have parental responsibilities and they should be recognised. It is a normal process, that is all there is to it. The excuses about it should be wider or ... I am being very guarded with my words because I am quite angry about some of the comments that have been made. The notion that it should be time limited because people may take advantage of the situation. Have you ever brought up a small child? Have you ever seen the commitment that that takes? Have you ever thought through what that means in terms of balancing a role like the States Assembly where you are on call for so many times, so much of the day and also being on call as that primary caregiver to a child that in a matter of however long the birth took has changed your life entirely? We have to be more forward thinking than this. Indeed, into the future we should be having parental leave for fathers as well in this Assembly, because the role of fathers is so important in bringing up their children. We should all be encouraging that process. I would just say one thing, and then please can we end this debate and get on with it. We are committed to put children first, if we cannot even put the children first of those elected Members of the Assembly, where else do we go? Please, this debate is exposing attitudes that should have been lost many, many years ago. I have done very well to be very polite.

11.1.11 Deputy J.H. Young:

Hopefully I am not going to expose attitudes because I am absolutely behind the spirit and the intention of this but I raise a couple of practical points. You gave an answer about what I think is a very commonsense way of how you would practically deal with such requests, where there would not be the situation where there becomes a disclosure and a debate about a Member's position that could be extremely personal. There is that but the other issue that occurs to me is, yes, we hopefully will be back to normal some time next year hopefully and we will be in the Assembly, but I do wonder in this situation where if somebody could not attend because of parenting responsibility then they could join the Assembly remotely in the way we do now. I just put that question. Maybe that is an enhancement we can do later, if this is passed, because I certainly do not want to vote against this because of the intention. What I worry about is legislating for something when we have such a commonsense view coming from yourself, Sir, about how this would be put into effect. I would hope that P.P.C. can give us a few more options to help Members who, through personal circumstances, cannot physically attend easily when we are back in normal sittings.

[17:15]

I just wondered if the proposer, or perhaps any other Member, could let me know whether that makes sense.

11.1.12 Senator S.C. Ferguson:

You know talking about looking after the oldies and this sort of thing, I coped with my mother, aged mother, at home for 5 years. I did not want to put her into a home because it would have killed her in a fortnight. That is the sort of job where you cannot do with ... you have to have a steady job, you cannot be a States Member if you are having to break off and go home at a regular time always and this sort of thing. It really is totally impractical and I think the Bailiff's approach is very much more sensible and pragmatic so that the combination of having to do a steady job is one thing and having to call in and say you are not well or something has cropped up is quite different. What we have works so why do you want to change it? If you are having trouble attending the States because you have an elderly relative who might need you to be called out or you must get home every evening at 5.00 p.m. in order to take over the night shift, effectively what it is, at home then just ... for goodness sake, you know, you cannot take on a job like being a States Member and do that at the same time. Also you cannot do the sort of evening or weekend events that are needed in the Parish. This is why I did not stand for the States until after my mother had died. Be sensible, folks, please. Be pragmatic like the Jerseyman always has been. So, no, I do not agree with this.

11.1.13 The Deputy of St. Mary:

I was not going to speak and I do not wish to extend the debate. I am just wondering, in view of certain commonsense remarks, notably by yourself, Sir, we could not bring this debate to an end now. Clearly I do applaud Deputy Doublet for bringing the proposition, it highlights a problem. Equally Members responses have shown that there are other areas to be considered. I wonder therefore whether the Deputy might consider withdrawing her proposition to enable P.P.C. to take in those views more coherently and more seriously, possibly with further dialogue with yourself, Sir, and on the basis that in the meantime your commonsense solution which you propose does not put anyone in any embarrassing situation. So I invite Deputy Doublet to consider that.

11.1.14 The Connétable of St. Mary:

I have listened to so many wet comments on this proposition. People in the real world have to work. If a Member cannot be present for health reason, that is understandable. Soon it will be that I will have to take my cat to the vet. When you take this job as a States Member it is a commitment. If you cannot make that commitment, do not take the job. The Bailiff has suggested a way out of this. This is by far the most sensible way to go.

11.1.15 Senator S.Y. Mézec:

I will not speak for long, I just have to get this off my chest because I am losing the will to live listening to some of the previous speakers. If we are to be a representative Assembly then the people who sit in the Assembly need to look like and live lives like the people out there in the Island who we represent. Many of them will have families, will have young children, will have caring responsibilities who will struggle very much to juggle all of those responsibilities in life but we are trying to make life easier for those people by doing things like extending parental leave and increasing rights for people in a situation like that. There is no reason that that sort of thing should not be looked at for the States Assembly as well. Listening to some of the previous speakers who are basically insinuating if you are somebody with young kids do not bother getting into politics is utterly ridiculous. We should be a welcoming and friendly environment for people with young families so that they can bring that experience and that perspective into what they do in politics and represent those people out there who are going through that in their own lives as well. I just had to get that off my chest and say that I will be supporting this proposition.

11.1.16 Senator K.L. Moore:

Senator Mézec has slightly beaten me to it. I agree with absolutely everything he said and I would counsel Deputy Doublet not to withdraw. She has brought a very simple and straightforward amendment to Standing Orders that is absolutely appropriate. Sadly, I do not agree with Senator

Ferguson that what we have works. It does not. After experiencing myself a long period of absence due to illness, it was very uncomfortable to have to have a Member at every sitting standing up and taking malade for me. I think that there is a better way of doing this. Deputy Doublet has put that forward. We are simply humans, we are not super human and it is absolutely right and proper that, as Senator Mézec just said, the Members of this Assembly can represent everybody and every section of our community. This is simply one part of that. I commend this amendment to the Assembly.

11.1.17 Deputy I. Gardiner:

I was prompted to speak by previous speakers. Thank you to Senator Mézec and Senator Moore for their comment. I will also try to be polite. Most of the Members know that I have been self-employed most of my life and I know what it means to work hard. Since I have been elected - and I also have a small child - I have hardly said, no, I will not stay until late. Most of the time I was happy to stay until late, but it is absolutely different when you give birth and you need to care for your child that is awake every couple of hours, your head is not there. I mean, I do not think it will be responsible if I would be a mother that just gave birth and breastfeeding just to say: "Hi, I am here" on the roll call and just to ... because this is what I am expected to do. I think it would be expected to give me some time to adapt to the new life. I am not sure if Members read the report but the Diversity Forum - I am a member of the Diversity Forum - has prepared and agreed guidance to assist Members in deciding whether or not it is appropriate to claim absence due to the parental responsibilities. It is not absolutely out of the frames, there are the guidelines and Members will follow the guidelines but we need to ... if we will not look after ourselves, our mental health, our well-being, we will not be able to perform as States Members. Most of us do as much as we could to give as much as we can to the Island to perform as Members but this is a simple amendment for the Standing Orders and let us start from this. Yes, we can add to these other points, and at the Diversity Forum we did discuss responsibilities for care and I am sure that it should come, but let us start from this.

11.1.18 Deputy T. Pointon of St. John:

Thank you for inviting me to speak. This morning I was absent from the Assembly. I was logged as malade and that was because I went for an investigation in the day surgery unit at the General Hospital but I subsequently was able to get into the Assembly and voted, thankfully, on proposition 139. I am really concerned here that there are people in this Assembly who are advocating a situation that would disallow women of childbearing age joining this Assembly. Because what they are suggesting is that there should be a bar on their ability to take leave when they have children, post-birth. I am seriously keen to admonish those people who would take the fact that a woman is of childbearing age and that woman should be barred from the opportunity to stand for election. There are many women that will come into this Assembly who will not have children but will be of childbearing age and will subsequently have children while in office and they need to be ... their lives need to be facilitated and the lives of their children need to be facilitated. Are we seriously happy to perpetuate the glass ceiling for women who are willing and very capable of putting themselves forward for election, are skilled individuals with lots of experience? Is this Assembly really willing to say that we should create that glass ceiling by voting against this? Well, I would say, no, we should not. We should make the opportunity for young women of childbearing age to come into this Assembly and to make a substantial and valuable contribution.

11.1.19 Deputy M.R. Higgins:

I am going to support the proposition but I do wish the Deputy or P.P.C. had brought forward a wider proposition. Although I agree your solution is the best, I wish P.P.C. and the Assembly will look at it in a wider framework. Yes, we have elderly parents but there are other situations. I am going to mention something that until recently, very recently, was somewhat of a taboo. My wife and I lost our first child through a miscarriage. Now that was a very traumatic experience and one which I would not wish on anyone. This situation should be covered as well for both the mother and the

father. It affects both. Psychologically it is damaging. Yes, we have to become a family friendly Assembly and I do regret that we are just looking at one small element rather than looking at all the aspects. As I say, I will vote for it but I urge P.P.C. to bring back another proposition and we can subsume this small part into it and, again, make it more encompassing.

11.1.20 Deputy R. Labey:

Just to reassure Members that P.P.C. are looking at this and that indeed was our suggestion. We support Deputy Doublet, she wanted to get this through A.S.A.P. (as soon as possible) and that is why it has come through. I completely agree. I remember situations with other Members, and I am not sure that they should have somebody on their behalf explaining their absence in some circumstances, which are broadcast live on the radio and online. Sometimes it is intimate and sometimes it is inappropriate for that to be broadcast. I know we do not have to go into great detail but mentioning it to you, Sir, prior to and then just being marked excused for certain family reasons or what have you. I absolutely agree.

[17:30]

We absolutely must do that and P.P.C. is looking at it and it will be coming online. Let us, please, support Deputy Doublet with this one and get this one through.

The Bailiff:

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

11.1.21 Deputy L.M.C. Doublet:

Thank you, I will keep this short given the time. I want to thank Members who have contributed to the debate and I will address just a few of the points that were made. Thank you to Deputy Labey. We have indeed had many discussions about this and to address a point that several Members made about caring leave and bereavement leave, that was touched on by Deputy Tadier, Deputy Maçon and others. This was quite a difficult decision to make within the forum, and there were some differing views but my own view, and upon a vote of the forum, the emerging view of the forum was that as there are no statutory rights for caring or bereavement leave for employees I felt uncomfortable at the idea of introducing something like this for States Members before there were any rights in law for employees in the Island. I happen to agree with Members that are saying that this is something that should also be introduced but I hope that the relevant Minister might consider bringing this forward into employment law first. I would be happy to assist with this work, and that would be the time that I think we should consider subsequent to that law. Deputy Young made a point about joining in on Teams. I do see his point but there are some things you cannot do, for instance when you are in an antenatal appointment or caring for a sick child it is not possible to follow a debate. Deputy Ward and I think Deputy Pointon mentioned we are talking a lot about mothers. This does apply to fathers as well. Members will know my commitment to equality and of course we all share that commitment, having approved the recent parental leave employment amendment. This does apply to male and female States Members. The very first speaker I will save for last; Deputy Judy Martin made a good point about voting. This is something that has been discussed at the Diversity Forum and I am aware that other legislatures have procedures in place for proxy voting or remote voting when somebody is absent for reasons of parental responsibility. Indeed I think our neighbours in Guernsey have introduced such a system. So along with all of the other points which I have made a note of every single point that was made, I will take all of the reasonable points forward to the Diversity Forum for discussion, and some of them may be included in the guidance once it is finally issued. Once again, I thank Members for their contributions and I hope that this can be supported by the Assembly today. I make the proposition.

The Bailiff:

I ask the Greffier to post a voting link. I open the voting and ask Members to cast their vote. All Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted:

POUR: 35		CONTRE: 7		ABSTAIN: 1
Senator L.J. Farnham		Connétable of St. Clement		Senator S.C. Ferguson
Senator T.A. Vallois		Connétable of St. Brelade		
Senator K.L. Moore		Connétable of St. John		
Senator S.W. Pallett		Connétable of St. Mary		
Senator S.Y. Mézec		Deputy L.B.E. Ash (C)		
Connétable of St. Helier		Deputy G.C.U. Guida (L)		
Connétable of Grouville		Deputy of St. Peter		
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy K.F. Morel (L)				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Greffier of the States:

Those voting *contre*: the Connétable of St. Clement, Deputy Guida, the Connétable of St. John, the Deputy of St. Peter, the Connétable of St. Mary, the Connétable of St. Brelade and Senator Ferguson abstained.

12. Safe Singing during COVID-19 (P.159/2020)

The Bailiff:

The next item of Public Business is Safe Singing during COVID-19, P.159, also lodged by Deputy Doublet, and I ask the Greffier to read the citation. The main respondent will be the Minister for Health and Social Services.

The Deputy Greffier of the States:

The States are asked to decide whether they are of the opinion – (a) that the current guidelines on singing should be amended to allow a wider variety of singing activities, including whole class singing, to take place within schools, both indoors and outdoors, so long as it takes place within an established class bubble; and (b) that the Minister for Health and Social Services should consult with a representative group of Jersey singers and musicians in the development of these and all future guidelines around safe singing policies during the COVID-19 outbreak.

12.1 Deputy L.M.C. Doublet:

Can I thank Members for their support with the previous proposition? They will be pleased to hear that I will be withdrawing this proposition today, so this one will hopefully save some time and I just want to thank the Minister for Health and Social Services and his officers for engaging with me over the past few months. It has taken some time but I am pleased we have come to an agreement. I particularly want to thank Dr. Muscat who, during our talks, has recognised and understood the importance of singing, particularly for early years education. I will not go over the whole agreement. Members can view this agreement via the email I have sent round but it covers safe singing within class bubbles only and it limits group sizes as appropriate for safe singing. But just one or 2 brief thank yous to Professor Declan Costello, who is a researcher on the performed study, which is the most recent medical research on singing and COVID. I was very lucky to be able to make contact with him and have his input because I deeply recognise and understand the importance of science and medical advice. I was grateful to have his input and also to the research team and the States Greffe, and the group of singing teachers, conductors and local experts in this field who have been campaigning on this issue. They will also be pleased to hear that as part of the Minister's agreement he is committed to engaging with them on ways to reintroduce singing once the COVID situation begins to ease. I make those thanks and I withdraw the proposition.

13. Draft Amendment (No. 49) of the Standing Orders of the States of Jersey (P.143/2020)

The Bailiff:

Thank you very much, Deputy. The final item of Public Business is Draft Amendment (No. 49) of the Standing Orders of the States of Jersey, P.143, lodged by Deputy Wickenden. The main respondent will be the chair of the Privileges and Procedures Committee and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Amendment (No. 49) of the Standing Orders of the States of Jersey. The States make the following amendment to the Standing Orders of the States of Jersey under Article 48 of the States of Jersey Law 2005.

13.1 Deputy S.M. Wickenden:

Can I firstly thank Members for allowing me to move this so we could get the important Social Security appointments in place? I am bringing this amendment to the Standing Orders of the States of Jersey to improve and strengthen the independence of our system of Scrutiny and to improve public confidence in the system. My objectives in lodging this proposition are solely to enhance procedures and make them stronger, involving clear structures of accountability and to ensure better public perception of those procedures. Currently within our Standing Orders it is possible for a political party to have one of their members be a Minister and another, the chair of the Scrutiny Panel, that reviews the said Minister's policies. I believe that this weakens the public perception of Scrutiny as an independent critical friend of Government and undermines trust that Government Ministers are being held sufficiently to account and that no decisions are being appropriately and properly challenged. In this amendment I am asking that we change Standing Orders specific to Scrutiny Panels and the Public Accounts Committee so that any Member would not be able to be the chair of a Scrutiny Panel if they are simultaneously in the same policy party as any of the Ministers that the

panel scrutinises under Standing Order 120(1A) and (1E), and that the Members cannot be the chair of Public Accounts Committee if any Minister is in the same political party as that Member. I have specified this amendment to just Scrutiny chairs and not all Scrutiny members. The chairs of Scrutiny Panels, unlike panel members, have the ability to call in draft legislation for scrutiny that are lodged by the Ministers that they hold to account. Additionally they are able to set the tone of reviews as the author of the foreword of any reviews that Scrutiny publish. They are seen as the face of the respective panel and this is why I have put it to just the chair. Political party members can still be panel members in this proposition. It only prohibits them from being chairs that directly scrutinise any Minister of the same political party. Back in 2017, it was P.73/2017, which Deputy Russell Labey brought, that the Assembly agreed that there already is a conflict between the chair of the Scrutiny Panel and the Minister, which is why it was changed in Standing Orders to say that the Minister is unable to take part in the election of the chair of the reposing Scrutiny Panel, and that was when we added Articles 120(1A) to (1E) in our Standing Orders. After the debate P.93/2020, which was lodged by Deputy Young on ministerial government review, there was a lot of talk about how political parties are the only accountable way of running our ministerial portfolios and having a proper mandate, which is why I looked at the Standing Orders to see where I could strengthen them in that matter. I have lodged this amendment to Standing Orders and I uphold the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

13.1.1 Senator S.Y. Mézec:

I thought it would be right, as the leader of the only recognised party, to speak early in this. I regret that we are here at all but I will explain how I arrive at that position. I want to start by saying that as a party we really do not like the fact that our organisation is not properly regulated at all both inside and outside the Assembly. Beyond the Political Parties (Registration) Law there is not anything in law or in Standing Orders to say what the rules are about how we operate. We want those rules to be created. We want there to be very clear procedures in place, which facilitate our existence within the framework of a level playing field so that we do not have to make it up as we go along and we can demonstrate ourselves to be whiter than white. We really think that would be a good thing. Because of that I have been happy to engage with the P.P.C. subcommittee that has been looking at this, and some connected issues as well, to point out where I think some of the gaps are, what our experience has been trying to operate within this vacuum of rules and regulations so that we can be as constructive as possible and help the committee when they are looking at wider procedures and election rules as well to work out how parties can be accommodated in a way that recognises their legitimacy to exist and facilitate that in a fair and even way. It is the case that if this amendment to Standing Orders is passed it will be the first ever reference to parties in Standing Orders at all. If you look at the first part of the amendments to standing Orders to part 1, that is about inserting into Standing Orders the definition of what a political party is because currently it is not even in there. There is not anything in Standing Orders to recognise that a party or parties might be part of the Assembly and how that would be recognised. The fact he is having to put it in raises several problems. The definition he is seeking to put in is that it is a party, which is registered under the Political Parties (Registration) Law. That of course does not account for the fact that there may well be parties that do not fit within that definition.

[17:45]

It is entirely possible that people could choose to form a political party that is not registered but that exists as a non-profit organisation instead. So outside of the law. There may be reasons for doing that. At the moment the only benefit of registering as a political party under that law is that you get the name of your party on the election ballot paper. That is literally the only thing it gets you. Some might choose to not do that at all and then they would not be covered by this. The second thing that

it does not include is it does not include other political parties from outside of the Island. I am not going to name names or try to embarrass anyone but I happen to know that there are Members of this Assembly outside of Reform Jersey who are also members of political parties. They are just not Jersey registered parties. They are parties from other jurisdictions. It does not cover that membership. If they were a group who were associated with a U.K. party and maybe even operated as an overseas branch that would not be recognised within this either. But the interesting thing about that definition, about it being a political party which is registered under the Political Parties Law, is that that registration does not sit with the States of Jersey. The registration sits within the Royal Court. The institution of the States Assembly does not have direct access to that party register. The court does and there is no recognition of parties within the framework of the States of Jersey. There is no record anywhere, even in the court, of who is a member of a party. The parties do not have to submit their membership lists to the Royal Court, they do not have to submit it to any part of the administration of the Assembly and if you read the political ... I am sorry, I think it is the Elections Law, it does say that if you want to be endorsed by a political party in an election you do not have to be a member of that party, and that is written very clearly into the law. There is also no way of recognising within the framework of the Assembly if somebody leaves a party. Somebody could choose to leave a party and just not make a big song and dance about it. Members could be kicked out and there is no way of that being recognised in the Assembly. Whether a Member of this Assembly is a member of a political party right now it is a matter of self-declaration. There are no rules in place to have Members registered that they are part of a political party, so theoretically it would be very easy to get around the rules that Deputy Wickenden is trying to implement here. Members could theoretically just lie about whether they are a member of a party or not to get around this. But it is possible. We do not in Jersey have a party system. We just have one party that exists within the framework of an independent system, and what I would suggest that if there is going to be recognition within our rules of the fact that parties might exist then we should have a better starting point than what is proposed here. The starting point should be to have the rules in place that recognise that a block of Members may recognise themselves as a party, that that party will have a parliamentary leader who then will have responsibility for determining whether somebody gets kicked out or where the Whip is or however they determine it within their rules, and they can then transmit that to the Greffe. So the Greffe knows that if somebody claims to be a member of party that it is authentic. Or Members might want a caucus in another way that is not quite a party but forms some sort of association anyway. I would suggest that that is the starting point and you build up there as necessary if or how party politics does or does not develop in Jersey because we cannot predict the future. There is no way of knowing whether what we are doing as a party will grow. I obviously hope it does but it may not. There is no guarantee that other parties may form. We could go in a completely different direction. So setting out party rules in a non-party system in this way does not make a lot of sense. It could also be the case that party politics in Jersey could evolve in a totally different way to other jurisdictions. It could evolve into what appears to be the early stages of it in Guernsey, where their approach is not to have adversarial party politics. They have multi-party grand coalition at the moment, where there are senior members in their Policy and Resources Committee who are independent, who are members of one party and members of another party as well. They are choosing to work together in a non-adversarial system. That could be how it could develop here and implementing this rule would prevent that from happening right at the very outset. It is just not logical to impose these sorts of rules in the first instance and presuppose how a party system could work here when we do not have that party system now. But then we get to P.P.C.'s comments that they have lodged to this proposed change in Standing Orders, which ought to be hook, line and sinker because they have pointed out that in the Deputy's report he has made inaccuracies in it and has misunderstood how systems work in other jurisdictions and the role of U.K. Select Committees, which he sought to make a comparison with here, how they do scrutinise the work of Ministers. Many of those committees which do that Scrutiny work are M.P.s (Members of Parliament) in the Government party scrutinising a Minister who is in their own party. That is not

considered a conflict there. What he is proposing would end up being unique. I said at the start that we are open to having all sorts of discussions about what sort of framework could be imposed. We do not think the framework that is imposed should be one which comes from a position of being antidemocratic or antiparty, because it is down to the public to decide whether they want that. The rules of the Assembly should not make it more difficult to do that. Or on the opposite side, to make it more convenient to do that. It should be absolutely neutral and let the grassroots decide whether it is something that takes hold or not, and we are perfectly clear about being happy to have that discussion to make sure that that framework is fit for purpose. But Deputy Wickenden did not come and speak to us before lodging this, to just say: "Look, I am thinking of doing this. It would be part of the framework you are working within, what do you think? Have I missed anything? Is there anything I would need to think about to make this better?" I have to say if he had come to me to talk about it the first question I would have asked him would be: "Oh right, what has Rob done?" Because the sad fact is that when this was lodged there was one Member who would have been personally affected by it right away. In fact, had the situation been as it was with me remaining Minister for Children and Housing when this was lodged, Deputy Ward would have lost his job at midnight after this being accepted and would have done so on the basis of Deputy Wickenden lodging a proposition, talking about strengthening the perceptions of conflicts and how that works in the Assembly. He can say as much as he likes that that might not have been his intention with this proposition but it is the side effect of it, that it raises questions over whether Deputy Ward holding his position as chair of the Children, Education and Home Affairs Scrutiny Panel was weakening the perception of Scrutiny and its ability to hold Government Ministers to account. I think that is a very unfair thing to have put on to Deputy Ward because I think that he and his conduct as a Scrutiny chair has been first class. For somebody who took that role very early on in his time as a States Member I think he has done a pretty good job and I have never heard anybody suggest that anything has been the case. Members can disregard this if they do not like it, but as Minister for Children and Housing, when I held that role, Deputy Ward was an extremely robust chair who never gave me an easy time. I think there are 2 points of evidence there to demonstrate that. One was he did this multiple times at Scrutiny hearings where he would get to the very end of the hearing and ask me an unscripted question that was topical but unpredictable that he would raise it, that I had no notice of and no idea he was going to ask and put me in quite an awkward position in some occasions having to give answers to that, that I was not necessarily prepared for. He showed no mercy at all in doing that. The other sign of that is that in his capacity as chair of that Scrutiny Panel he has lodged an amendment to the Government Plan on one of the efficiencies that, as Minister, I was responsible for putting in the Government Plan. You could take that as a reflection of him firmly saying that I did the wrong thing there and he has done that for his reasons. I will stand by my original position for my reasons but it shows no favour being shown towards me by that particular chair. It is also the case that chairs of Scrutiny Panels are elected by this Assembly and this Assembly has the ability from the very outset to say: "Because of your association with that candidate we may choose not to appoint you to that." I think it is really unfortunate that that is inevitably the case with the lodging of this proposition. It is badly timed in the evolution of party politics in Jersey. It is out of line with international practice where it is absolutely normal for Members who are in the same party to take on roles in Government, some to take on roles in Scrutiny and it is about the character of those individuals as to whether they will conduct that work the way it is meant to be done, without fear or favour, and holding those in power to account in the way that they should do. I do not think there is any evidence whatsoever that that has not been the case in Jersey. This is a bad starting point. Let us absolutely have that discussion about how a party system may or may not evolve here and how that is put into Standing Orders but this particular proposition has lots of gaps in it, inaccuracies in the report and I think raises an issue that frankly does not exist in Jersey politics. So I ask Members to reject the proposition on that basis.

The Bailiff:

Thank you, Senator. Just to remind Members that the bell indicates the end of the 15-minute period but there is of course the facility to finish a sentence. It would be inappropriate to cut someone off just before they finish the last part of the sentence. You have a point of order, Deputy Tadier?

Deputy M. Tadier:

It is just to ask who the main respondent is in this, and the reason I ask is that we have a proposition about ...

The Bailiff:

I have identified the chair of Privileges and Procedures as the main responder.

13.1.2 Deputy G.C. Guida:

It is interesting because I agree with many of the points made by the previous speaker but I do not come to the same conclusions. I do not find this proposition badly timed because we are now in the era of the political party and we do have to deal with this. This is something that we need to take very seriously. Something yes, that was quite personal 6 hours ago now becomes very general and we have to take care of that. I would like to remind the Assembly that conflict of interest is something extremely serious for us. It is something that we hunt and destroy wherever we find it. Can I remind the Assembly that we just got rid of the head of the civil service over a conflict of interest? Now when a political conflict of interest appears we will not consider it important, we will say: "That is fine, you can talk to each other and arrange things with each other and work towards the same goal all week", but when you are scrutinised all of a sudden you will not work with each other? You will work against each other?

[18:00]

It is not possible. I am sorry, this is a first step. An extremely important one to regulate party politics in Jersey and we need to take it today because it happened today.

13.1.3 Deputy L.M.C. Doublet:

I question the timing of this proposition, and I can understand perhaps the concerns that the proposer might have, but given that there is only one States Member that this could have applied to I do think it feels a bit personal and it might have come best at the end of a political term. But to address the content of the proposition; the previous speaker spoke about conflict, and I totally agree with him about ... I think he said hunting down and eradicating conflict because this is always ... right from the start of my political career, this has been something that I have wanted to be aware of because integrity is just so important to me to the point where I think I had a standing agenda item on every single Scrutiny meeting that I had to declare any conflicts. I have since been told that was perhaps a little bit too much. I think the point that I want to make is that there is always going to be perhaps the perception of conflict because we are such a small Island. It does not necessarily mean that there is a conflict there or that a Member is conflicted in practice. I questioned this myself when the appointment was made. I did not put myself forward for chair of a Scrutiny Panel this time around and when Deputy Ward was appointed, I did have a moment where I questioned this myself. So this is perhaps why I can understand where the proposer is coming from but I have had the absolute pleasure of working with Deputy Ward on the Children, Education and Home Affairs Panel. I can say that having been aware of this issue and kind of looking out for it, Deputy Ward has acted without exception with the utmost integrity and objectivity. That objectivity is something that is key to being a good scrutineer and, again, this was something I was taught some 6 years ago, I think it was, when I first became the chair of a Scrutiny Panel. Deputy Maçon and then Deputy Vallois kind of schooled me in some of the principles of Scrutiny and indeed the Scrutiny Officers, and that is drilled into us as new Members when we join a Scrutiny Panel. It is absolutely drilled into us by other Members and by the officers who are supporting us, that objectivity, and we are so used to doing that going into a Scrutiny Meeting and you do not go in there as yourself with your own passions and views.

You put that to one side. I am very well practised in doing that now. Nobody is completely perfect but I do think it is possible to put your own views and needs aside and be carried along by one's passion for the people that we are representing and for the issues that we are scrutinising. I see that in Deputy Ward and in other Scrutiny members and therefore I do not feel that this proposition is necessary and I think, notwithstanding the qualities of the chair that I have been talking about and indeed all the other Scrutiny chairs, the chair is not the only person on the panel. You can be absolutely certain that if other panel members thought that the chair was not holding a Minister to account in a robust enough way, that would be dealt with within the panel. As States Members, I think integrity is so important to us and where we see any kind of lack of integrity, lack of objectivity or conflict in another member, we are very quick to point it out. Indeed, I think we would all welcome somebody pointing it out to us if anything like that did arise. I would feel totally comfortable pointing that out to Deputy Ward or any other member and I think we all should feel that. We police each other in these matters. Another point that I would like to make, and Senator Mézec may have already made this point, is that we have an official political party but there are friendships, there are other groupings and I think we would be foolish to assume that the official political party grouping that we have is the only alliance that exists out there. In fact, the fact that they are officially formed and it is clear for all to see that they are allied with each other, I think that makes them more transparent and I applaud them for doing so. So I will not be supporting this proposition, I do not think it is necessary at all and I urge Members to reject it.

13.1.4 Deputy M. Tadier:

I want to take issue with something that Deputy Guida said. He said that we got rid of the chief executive over a conflict of interest. That is not how I see it. I think that we did not get rid of the chief executive. The Chief Minister got rid of the chief executive incidentally who was an honourable, capable and hardworking man and the Chief Minister also said those things. More or less, I think that is what he said. He did not get rid of him because of a conflict of interest. He got rid of the chief executive to save his own skin, so the Government got rid of the chief executive who was doing a good job, in the Government's own words, to save the Chief Minister's skin the day before a vote of no confidence. So let us just put that on the record and that has absolutely no relevance to this debate. Now the way this always worked is that the Assembly chooses who it thinks is the best person for any one job. In the past, I have thought that Ministers should be excluded from choosing the chair of Scrutiny Panels because there is a possibility that Ministers might want to put somebody in who might give them a soft time, depending on who the Ministers were. That was roundly rejected and I can see that the Assembly decided, no, it is important for the prestige and for the importance of the Scrutiny Panels that the whole Assembly chooses who those chairs are. I have come around I think to, by and large, accepting that point of view or at least I go along with that. I think that is a very strong argument. What Deputy Wickenden would be saying here is that when the Assembly elected the current chair of the Scrutiny Panel, in this case Deputy Ward, they already knew that Senator Mézec at the time was the Minister for Children and Housing. When they elected Deputy Ward, they did it on the basis that they presumed that he could do the job and that he was the right person capable of doing the job. Now I cannot remember if that was contested but if it was not contested, presumably that is because nobody else had a problem with it and that there was nobody else who wanted to put themselves forward for that role. If it was contested, which I do not think it was, then he would have been elected again because he was the best person for the job in the eyes of the Assembly. So Deputy Wickenden is effectively saying that the Assembly was wrong on that occasion, their judgment was flawed and that we need a system in place whereby it is never possible for 2 Members of the same party to scrutinise one and for the other one to be scrutinised by that person. I would say: "Be careful what you wish for" because I remember the current Chief Minister saying in the past: "You do not design a system for the current day. You design it for all eventualities." Of course, if the concern, if it is a genuine concern, is one that you do not want somebody doing an ineffective job scrutinising because they are going to do soft scrutiny on one of

their political mates, then there is a counter-risk that it only leaves really Opposition Members potentially, especially if we are seeing a rise of party politics, as I think we will. I think now that we have passed these very good reforms, there are going to have to be parties to contest these bigger districts. Even if it does not happen - and this is a strong possibility - we are likely to see the emergence of 2 or more parties. Let us imagine a scenario whereby there are significant party memberships in more than one party. If we say that one party cannot be scrutinised by fellow party Members, there is a strong risk that they will only be able to be scrutinised by the Opposition because those Members will be excluded. Imagine a scenario where we have a Government who is in power who are, by and large, of a single party. So let us say at the next election, the Jersey Progressive Party wins 30 seats and Reform Jersey wins 14 and the Green Party wins 5 and let us just use that hypothetically, what we are saying is that none of the Government can scrutinise the rest of Government so you effectively get the Opposition chairing the Scrutiny Panels. That is probably even worse I think because the Opposition, you could argue, will be opposition and how many times have we heard that Scrutiny is not meant to be as opposition? It is, at best, supposed to be a critical friend. I do not particularly like that expression but I think we know what it means. It is that you take your Opposition hat off, you take your party hat off if you are of the same party and when you are doing the Scrutiny work, you treat it objectively. Now I remember as a young States Member in the first couple of years going over to Westminster and looking at the Select Committee system and I remember watching I think it was Keith Vaz. I cannot remember which panel it was. It might have been the Home Affairs Select Committee who were scrutinising the Labour Government of the day it would have been. If it is not him, I apologise. I remember thinking what a veracious job he and many of the other Select Committee chairmen did and it is almost impossible to tell, if you did not know, whether they were party colleagues or Opposition members because they did take off their hats. There was no interest in them going soft on their party colleagues because they have integrity, they wanted to do a good job and it is publicly broadcast, as are our Scrutiny meetings as well. I think Deputy Doublet made some very fine points. What about other conflicts of interest? Are we going to say that drinking buddies are not going to be able to scrutinise each other? I know these things are not covered by Standing Orders, and that might be what Deputy Wickenden says in the summing-up but what about members of the same golf club? What about Freemasons? Are we going to say that if somebody is a Freemason, he is not allowed to scrutinise another Freemason? Where do you stop with all this? I think it gets back to the point that we choose the best people for the job, we trust them to do the job and only when they show that there is a problem, then we take them to task about it. As Deputy Doublet said, the Scrutiny Panels themselves will be the first to say: "Hang on a minute" and take them aside afterwards and say: "What were you doing in that one? You were either being too hard on the Minister as an Opposition Member or you are being too soft on your party colleague and you are embarrassing the rest of the panel." So we choose the best people for the job and so I think that is where it has to remain. You choose whoever is best for the job and, until there is a problem, I do not think we should be trying to solve a problem that does not exist.

13.1.5 Deputy J.A. Martin:

When I first saw this proposition, I did speak to Deputy Wickenden and I did say to him: "This probably would be best to bring starting in 2022 after the next election" because it did seem that it could be possibly targeting a certain Deputy who scrutinised a certain Minister. I will take the last speaker and Senator Mézec back to the elections of Scrutiny chairs. Deputy Ward was elected unopposed. It is not his problem. Nobody put their name up against him but I did feel uncomfortable because I knew who he would be scrutinising. I am not saying from that day forward he has not done a good job. There is the question of perception. Is what he is doing to the rest of the Island tainted because he was absolutely questioning his party chairman and that party chairman holds the big whip with the other 4 Members.

[18:15]

I sit in front of the other 4 Members not here now but when I used to sit in this Assembly, many a time Senator Mézec runs around and speaks to the 4 Members who sit directly behind me. I think they think, in my ageing years, I have gone totally deaf but I hear every word that they say and, absolute respect, they are upfront that they are a party. This has now been, to me, complicated in the last week or 2 - and I was denied an urgent oral question - that they are now declaring themselves Opposition. One of my members of the Scrutiny Panel who questions me is my opposition and one of the other Members is the opposition for the Minister for Health and Social Services. Not the chair. Two Members. I feel really uncomfortable because I absolutely understand what Opposition does. They bring alternative policies but when you sit on Scrutiny, you look at the policies that are being put forward, you analyse them, then you bring evidence if they are not right and you either improve them or you absolutely make the argument as to why they are wrong. You really do not necessarily need to bring alternatives but Opposition do. So is it the wrong time? Am I impugning the integrity of a Deputy? I absolutely do not want to. I am going to support Deputy Wickenden because I think, going forward, we are going to have a big problem. I do not know where the 2 members of the party are going to fall. We know where they sit on Opposition. I do not know where they are going to fit in if they are going to sit on Scrutiny and they will not now be scrutinising any member of their party but I know they have big plans. They want to grow. They absolutely 100 per cent believe the best way for this Island is to go forward with political parties and how does our Scrutiny system or their opposition work? I do not think it works well when you have the Members of the same party who meet weekly, they divvy up questions and they decide who is going to ask what. They do not deny this. I am not talking out of turn. They know exactly what happens. Five strong votes in this Assembly. Do not then tell me there is no part of your brain if you are challenging one of your party, especially if that person happens to be the chairman or a leader politically, that you might be a bit softer. I listened to Senator Mézec speak and I hope it was a slip because he said: "At the end of many Scrutiny meetings, Deputy Ward goes off script and asks me a few questions." Well, he did not finish that but I am like "off script"? I get areas for my Scrutiny Panel. I do not get set questions. They are tough on me absolutely and I do not always have the answers. I am very concerned that we need to look at this and I think if we do not support Deputy Wickenden today, and he might not have all the answers, we are 18 months away from the next election and we may have more parties. Where does Scrutiny fit? Where does the Opposition fit? I do not think it sits comfortably so I really, really ask the Assembly to take the personalities out of this. I am not impugning anybody. It is certainly not comfortable. People do remark on it. I am going to support this and I really ask people to support it. Take the personalities out but the principle is absolutely right.

The Bailiff:

Senator Mézec, Deputy Ward and Deputy Tadier all would ask you to give way for a point of clarification. Will you give way?

Deputy J.A. Martin:

Absolutely, Sir. If I can help, I will.

Senator S.Y. Mézec:

It might be 2 points of clarification. Am I able to clarify something I said that the Deputy has just referred to?

The Bailiff:

Yes, the Deputy has given way for a point of clarification. You can clarify something in your speech or ask for a point of clarification in the Deputy's speech but it must obviously be clarification and not a further point.

Senator S.Y. Mézec:

Yes, of course, Sir. She mentioned that I had referred to Deputy Ward going “off script”. Just to clarify, what I meant by that is with all Scrutiny hearings of Ministers, Ministers are sent the question areas in advance. We do not get sent the questions but we get sent the question areas and when I said “off script”, I meant off that plan so going into an area that I would not have had notice in that way is what I meant by that.

The Bailiff:

That is a valid point for clarification, yes.

Senator S.Y. Mézec:

Just to ask her to clarify something in her speech. She referred to me going and joining my colleagues on those benches and her being able to hear what we were saying. Could she just clarify if she has ever heard me give instructions to my colleagues?

Deputy J.A. Martin:

Does he really want me to answer? When the colleagues are asking him: “Which way are we voting on this?” have I never heard him answer that question? I will leave it there.

Senator S.Y. Mézec:

That is not an instruction.

The Bailiff:

Deputy Tadier no longer wishes to have a point of clarification. Deputy Ward, do you still wish to have a point of clarification?

Deputy R.J. Ward:

Yes, Sir. This is a very important one because I believe - and I do not know what the phrase is - that this is bad enough anyway. It is an absolute insult. Regarding the questions, is the Deputy suggesting that I would have passed on the questions to the Senator in complete contravention of the rules of Scrutiny? If that is the case, then she needs to take that further. I would like to know directly please.

Deputy J.A. Martin:

I never said that. The Deputy needs a reason ...

Deputy R.J. Ward:

That is implied.

Deputy J.A. Martin:

I never said that.

Deputy R.J. Ward:

That is implied and I would like a direct answer to that question. Sir, I would like a direct answer to that.

The Bailiff:

Because you began to speak, Deputy Ward, while Deputy Martin was answering, you may well have a point that you wish to make in response if it is in accordance with Standing Orders but if both are talking at the same time, it becomes absolutely impossible to hear either. That is the only point that I wish to make. Deputy Martin, you were asked for a point of clarification. Are you prepared to give that point of clarification which is were you, in any manner, suggesting that Deputy Ward had passed questions to Senator Mézec?

Deputy J.A. Martin:

No. I said that, as a party, they meet on the day that questions need to be in and they discuss them. I did not say they passed questions to Senator Mézec.

Deputy R.J. Ward:

No, I am sorry, Sir. That was not what was said. It was a reference made directly about Scrutiny about Senator Mézec's comment about the question that is "off script" in Scrutiny and the Deputy implied that I pass on questions that are for a Scrutiny list to the Senator. So that is a direct reference.

The Bailiff:

So the question is, Deputy Martin, could you clarify in your speech whether you are intending in any way to suggest that Deputy Ward passed the questions during the course of his Scrutiny function that he was going to be putting to Senator Mézec during the Scrutiny Hearing?

Deputy J.A. Martin:

Absolutely not, Sir.

Deputy R.J. Ward:

Then, Sir, I would like the Deputy to withdraw that part of her speech because that is what was implied. That was directly what was implied, Sir, from the words that were said. I am sorry, I can put up with so much questioning my impunity but then I have to question it and I am afraid I will continue to question it.

The Bailiff:

Deputy Ward, you have already heard from Deputy Martin and that is a withdrawal of any suggestion that you may have taken from that speech, that is it is not alleged against you that that happened.

Deputy R.J. Ward:

Sir, I am very sorry, but that is what happened in the speech. That is exactly what was said in the speech with approbation in the chat. This is a personal attack and I believe there are Standing Orders to stop that happening. I have no idea why they are not being applied in this situation.

The Bailiff:

Well, Deputy, I am afraid we have to leave it there. You rose on a point of clarification, which Deputy Martin accepted. She has given the clarification that you sought. That I think must be an end to this matter. Hence, I will recall what the Deputy said in her speech and will recall what she said in response to your point of clarification and indeed the observations I have made. I do not think we can take the matter any further than that in the context of this debate. Very well, Deputy of St. Mary, did you have a point of clarification?

The Deputy of St. Mary:

Yes, Sir, if I may, perhaps for Senator Mézec. My recollection is that ...

The Bailiff:

No, I am sorry, points of clarification cannot fly around in a vacuum. You can only have a point of clarification of someone who has just spoken.

The Deputy of St. Mary:

Sorry, I have no candidate, I do not think. I withdraw it then.

The Bailiff:

All right, Deputy Young, you have a point of order.

Deputy J.H. Young:

I am not sure it is but you are the master of Standing Orders. My concern is this debate is turning into a very nasty and unpleasant situation that should not be allowed to continue after we have had a very successful hearing. Sir, I do not know under what Standing Orders I can say that we should really move to the next item. I do not know if that is possible but there is 5 minutes to go before adjourn time. This should not carry on. I am sorry, Sir, but that is how I feel about it.

The Bailiff:

Well, that is not a point of order, Deputy. You are entitled to make procedural propositions in accordance with Standing Orders. You are entitled to give notice if the debate has been going for half an hour that you intend in half an hour's time to move the guillotine. There are other things you can look at in Standing Orders but I am afraid simply wanting it all to end because it has got rather unpleasant probably is not really in accordance with Standing Orders. I cannot deal with that.

Deputy J.H. Young:

Sir, if we are continuing, can I give notice of a Standing Order to guillotine the debate please in half an hour?

The Bailiff:

Well, we have been speaking for half an hour so, yes, that is possible. You can give half an hour warning.

Deputy K.F. Morel:

Sir, I believe we need to have had 10 people spoken.

The Bailiff:

That is true. Not before notice is given though. Anyway, all right, there is some suggestion that 10 people need to have spoken. Ten people at least need to have spoken before the motion for the guillotine can be put but not before notice can be given. It has to be done by someone who has not spoken. That will be so. Deputy Young has not spoken. He is entitled to give half an hour's notice. Deputy of St. John, do you wish to propose a reference back?

Deputy K.F. Morel:

Sir, may I just ask, having given notice a long time before the Deputy of St. John that I wish to speak, should I not be able to speak before people are allowed to do things like references back and things like this because all I want to do is speak?

The Bailiff:

No. Standing Orders provide that a Member can make a motion for a reference back, I am afraid.

The Deputy of St. John:

Sir, I would propose a reference back to give the proposer of this proposition the opportunity to rethink his stance.

The Bailiff:

No, I am afraid, Deputy, it needs to be a little bit more than that. Just let me turn to the appropriate Standing Order, if you will bear with me.

Deputy M. Tadier:

Sir, will the Deputy of St. John give way for a moment?

The Bailiff:

No. I am afraid there is no option to give way because there is no speech being made at the moment. I have been asked a question about a reference back. I must manage these things in the order in which they are put as far as I can. A reference back can be proposed at any point without notice during a debate on a proposition and the reference back asks that the proposition is referred back for one of 2 purposes that: "Further information relating to the proposition can be provided to the States or that any ambiguity or inconsistency in information relating to the proposition which has already been provided to the States can be clarified."

[18:30]

"The Presiding Officer shall not allow a proposal if the effect would be to prevent a debate on the proposition resuming as a future meeting." That does not apply. "The debate on the proposal to reference back shall be confined to the merits of the reference back" and the rest of that Standing Order does not apply. So it is open if you can identify what further information you want, Deputy of St. John, or ambiguity or inconsistency in the information provided that needs to be clarified to make a proposition for a reference back in these circumstances. Generally speaking, a reference back is discouraged when it is a Back-Bench single Member but you are entitled to make the proposition if you wish. With that guidance, Deputy of St. John, do you wish to make a proposition for a reference back?

The Deputy of St. John:

Sir, you may be able to direct me here but I would suggest that there needs to be rather more clarity in relation to the nature of the development of political parties in this Island.

The Bailiff:

The nature of what, I beg your pardon?

The Deputy of St. John:

Of political parties in this Island and the potential for this becoming a useful proposition within the framework of that development.

The Bailiff:

You would like the proposer to come back with information relating to the nature of political parties in this Island?

The Deputy of St. John:

The nature of the development of political parties in this Island. Currently we only have one political party and the majority of people in the Assembly are not part of political parties. Would he come back to this Assembly to let us know exactly what his thoughts are in relation to the development of political parties, given that his proposition is geared to deal with political parties plural?

Deputy K.F. Morel:

That is not, in my humble opinion, in any way something of information that someone can get.

The Bailiff:

I am sorry, in this instance this is not a democracy. It is not for Members to argue. It is for me to decide in accordance with Standing Orders with advice from the Greffier. Deputy of St. John, I am afraid the question as put, I do not consider to be a suitable question for a reference back. What you have asked for is the nature of the development of political parties in Jersey. That is very much an overarching, politically philosophical area. Generally a reference back is to provide more concrete information and detail. Unless you can put the question in those terms, I cannot think that it is in accordance with Standing Orders.

The Deputy of St. John:

I would have hoped the proposer would have given those elements thought before making the proposal. Thank you, Sir.

The Bailiff:

Thank you very much indeed. We have reached the point where the Assembly agreed to adjourn. Deputy Perchard, you have proposed the adjournment. Deputy Morel you have seconded the adjournment. **[Seconded]** We cannot propose the adjournment, because we will be continuing with this debate tomorrow morning in those circumstances. If we propose the adjournment we will, effectively, be fixing tomorrow as a continuation date and continuing with the States sitting tomorrow morning at 9.30 a.m. The adjournment is proposed and seconded. Does any Member wish to speak on the adjournment?

Deputy R.J. Ward:

I am sorry, Sir, this should not be adjourned. We need to sort this tonight. This was put to the end of today. It was put to the end of today, so that people could stand up and impugn my integrity, which is what has happened and then walk away without any comeback. This needs to be voted on. I put the guillotine, I am up to speak, I would like to have a right of reply, seeing as this was directed directly at me. This is very bad practice. It questions the process of Scrutiny, it questions the integrity of a Member of this Assembly, which happens to be me, and it questions the integrity of the Scrutiny Panels and the Scrutiny Liaison Committee themselves. For this to be left in this way is just wrong. It is not about emotions running high. What do you expect when somebody stands up and gives a speech, as they have, suggesting things that are outrageous and then they can walk away and get away with it? We need to deal with this for the well-being for members of Scrutiny and we need to deal with it tonight. The guillotine has been asked for. I thought that is what we were doing. Now, all of a sudden, we are walking away, so that people can feel better about themselves. I totally oppose adjourning tonight. I would like to finish this debate tonight and I would like to have a vote. If the Assembly believes that this is the right thing to do, well so be it, we have serious issues to deal with in Scrutiny. I would like to continue, please. Thank you.

The Bailiff:

Perfectly understood. Deputy, I am sure you understand, firstly we were not debating the guillotine. A half an hour notice had been given of bringing a guillotine motion. We were not yet at a point where we could debate the guillotine, because ...

Deputy R.J. Ward:

My apologies, Sir.

The Bailiff:

No, not at all. The second thing is that I have to ask about an adjournment, because the Assembly resolved earlier today to sit until 6.30 p.m. and no later. Therefore, I have to ask. It is entirely a matter for the Assembly whether the Assembly wishes to continue with the debate going on this evening or alternatively to adjourn until tomorrow morning. Constable of St. Ouen.

The Connétable of St. Ouen:

I am not wishing to take the emotion out of the arguments that have been put forward. I think it would be good to try for at least another half an hour to see if we could finish this, rather than come back tomorrow.

Deputy M.R. Higgins:

I would like to argue for the adjournment. We agreed that we would finish at 6.30 p.m. We have gone beyond that. One, people have made arrangements. Two, if we need to come back tomorrow morning, I think it would be better to do it, because tempers would be lower and other people could

speak. I would like to speak, but I am going to have to go off shortly and I do not wish to leave this hanging. I would rather we decide on the adjournment, other Members can come forward and argue their case tomorrow. If Members think it is going to take a full day, I doubt it very much, it may be one or 2 hours at the very most. I recommend to Members that we adjourn.

Deputy L.M.C. Doublet:

Sorry, I withdraw my request to speak.

The Bailiff:

Thank you very much indeed. Does any other Member wish to speak on the question of the adjournment?

The Deputy of St. Peter:

Deputy Young gave us his intent to raise the guillotine in half an hour, which was about 10 minutes ago. Given that, should we not carry on and complete this debate? We will be over by 7.10 p.m. and there is a huge day involved tomorrow for many of us, which I would rather like to start afresh on other key business.

Deputy S.M. Wickenden:

Just to add on to this: can I ask leave of the Assembly to pull this proposition. I do not think it is fair to bring everyone in tomorrow. I am sorry that Deputy Ward ... the right of reply by me doing this. Maybe he would like to speak on that. Rather than drag everyone through all of this and coming in tomorrow, quite honestly I would rather not do that to the Assembly or yourself, Sir.

The Bailiff:

Thank you very much, Deputy. Obviously, it can only be withdrawn with the leave of the Assembly. The difficulty with people sitting remotely is that it is impossible for the chair or the Presiding Officer to form a view as to what the mood of the Assembly might be. Could any Member who wishes to argue that the Deputy should not be allowed to withdraw his proposition indicate on the chat?

Deputy R.J. Ward:

Sir, I think I am entitled to a right of reply.

The Bailiff:

In which case then I propose that we deal with this in the order the proposition has been raised, because clearly the leave of the Assembly would be required to withdraw. First, we need to deal with the question of the adjournment. That is the proposition that is being debated before the Assembly. As I say, Deputy Wickenden cannot, without the leave of the Assembly, withdraw the proposition.

Deputy J.A. Martin:

I have a point of order, Sir. I know you are taking them in order, but if the Deputy wants to pull the proposition and you are asking us to then vote on whether we adjourn tonight and come back tomorrow. Are we going to, in your words, Sir, adjourn tonight, come back tomorrow, just for the debate?

The Bailiff:

That may not be a sensible course, but it seems to me that ...

Deputy K.F. Morel:

May I suggest that Deputy Perchard withdraws the proposition of adjournment and then we can do the proposition of withdrawal?

The Bailiff:

Very well. I think that would be a sensible course. Deputy Perchard, are you prepared to withdraw your proposition to adjourn at this point?

Deputy J.H. Perchard:

I am happy to withdraw it, but like other Members, I have commitments. I will be staying as long as I can, but leaving when I have to go to those commitments, because we agreed to finish at 6.30.

The Bailiff:

Deputy Wickenden, you have asked for leave of this Assembly to withdraw.

Deputy S.M. Wickenden:

Yes, please, Sir.

The Bailiff:

Is that seconded? Because it will have to be voted on by the Assembly. **[Seconded]** Does any Member wish to speak on the application to withdraw? It is whether the Deputy should be permitted to withdraw his proposition.

Deputy R.J. Ward:

As part of my speech at the bottom I had the following: I have great disappointment in the questioning of my integrity in the role I have taken as Scrutiny chair. I worked tirelessly and committed significant time to the role. Reviews have been thorough and have produced numerous recommendations that are challenging to all Ministers. I work collaboratively with Members from across the Assembly on a panel which does not include another Reform Jersey member. I see the proposition as badly considered and a personal attack on myself. I cannot account for why this is the case. Indeed, the factual inaccuracies would have meant that this would never have passed fact checking in Scrutiny. There is a lack of understanding the independent role of Scrutiny and governance as a process, made worse by Deputy Martin's total lack of understanding of what Opposition means. I would urge Members to look at the C.P.A. (Commonwealth Parliamentary Association) benchmarks for Parliaments. I have a long speech, but I will not go through it all. I would ask the Deputy to take the opportunity to withdraw this proposition. If he believes I have not worked with integrity or indeed any other chair or the chair of the Scrutiny Liaison bring a vote of no confidence with evidence and have the Assembly vote on the outcome. That is all I have to say on this.

The Connétable of St. Ouen:

I really regret having to make this speech. It is really such a shame that we have got into this position. We have confused the principle of good governance with emotions. What the Deputy is proposing is simply a matter of good order, rather than an attack on Scrutiny. It is a great shame that we have gone off down an emotional path, when we should just be speaking about the principles of conflicts of interest. As such, I greatly regret that this proposition is being withdrawn, because we have gone completely down the wrong path. We should just be talking about principles, not bringing emotions or personalities into this. On reading the proposition I cannot find any reference to a personality. It is merely about panels and Ministers. It is a great shame that the debate has gone this way. Up until then it was a very useful debate. I would have to say, if the Deputy wants to withdraw his proposition then reluctantly and very reluctantly I would support it.

Senator K.L. Moore:

Just briefly, I would like to contribute. My thanks to Deputy Wickenden for offering to withdraw his proposition. As president of the Scrutiny Liaison Committee I was intending to speak at a later point.

[18:45]

If Members were simply to read the comments of P.P.C. they will have a greater understanding of the alternative perspective. I think withdrawal is the best thing this evening. With that I will let others speak, so that we can all draw this to a close. Thank you.

Deputy J.H. Perchard:

It is appropriate that we give the Deputy leave to withdraw, because of the comments of the P.P.C., of which I am a member. It is very clear that some Members have not read those comments. It is P.P.C.'s view that this is also an ill-conceived proposition. It contains factual inaccuracies, which we address in our comments paper. We were disappointed that the proposer did not take up our offer of engagement to correct those inaccuracies. On top of that, it was P.P.C.'s finding and is presented in the comments paper that you cannot help but construe this as a more personal attack, given the nature of the proposition. These are all points that P.P.C. independently came to. I want that to be made very clear. I feel that Deputy Ward is being slightly characterised as being unrightly emotional about this and the conclusions of P.P.C. very much match Deputy Ward's interpretation of this proposition and indeed that of the leader of the Reform Party, who spoke very eloquently about the issues in the proposition. For those reasons, it is important that Members respect the findings of P.P.C., who gave this matter serious consideration. If they are ready to dismiss the decisions of P.P.C. then I would put it out there: why do we have a committee dedicated to procedure if we are not going to take their advice? I would urge Members to give the Deputy permission to withdraw and indeed urge him to withdraw it.

Deputy J.H. Young:

I very much agree with the last 2 speakers. I am delighted that Deputy Wickenden has, with a magnanimous gesture, agreed to withdraw this. It means that there is an issue potentially to be examined. I have to read out for the record the last few sentences of the P.P.C. comments. They say: "Any changes in relation to political parties should be considered holistically, with a view to the possibility of there being more parties and more Members who are party members in the future." There is a manifest unfairness in targeting individual parties and situations, because there are certainly other issues of formal and informal arrangements between Members. This does need further work. P.P.C. needs to look at this. If this hot period we have had has had any purpose it is to make us realise there is work to be done. Senator Mézec highlighted numerous gaps and failings in the arrangement. P.P.C., I am so pleased, they should take it on board. Withdrawing the proposition is the right thing today, because Government and its integrity ... we must not lose public confidence by internal squabbling. There is an issue here, not properly resolved, so I say: thank you. I hope the Assembly approves Deputy Wickenden's proposition and I 100 per cent support him.

Deputy G.P. Southern:

From the very beginning I have felt that this was a personal attack. There was only one person among us, Deputy Ward, of whom, it could be said, fitted the description in the proposition. I am glad the proposer has decided to withdraw it. It was a cheap and shoddy attempt to impugn the name of Deputy Ward. Deputy Ward has done a magnificent job since he has been in this Chamber. He takes my breath away with his energy and the way he involves himself with all cross-sections of the Assembly. He should be praised for that, rather than undermined, which is what this proposition does. The proposition, if withdrawn, could then be discussed in proper manner with P.P.C., because there is obviously a shed-load of work to be done as we move towards a party political system. There are lots of considerations from beginning to end as to how we deal with this. Yes, it is welcome and I certainly give my permission and I hope Members will allow the withdrawal of this proposition, so that the proposer can get on with some real work, instead of coming with this type of proposition, which clearly impugns the integrity of another Member. I am surprised it was allowed.

The Bailiff:

Could I invite Members only to speak if they have something new to add to the matter? That is not an observation on any of the speakers who have gone before, merely that I am conscious that it is getting late in the day. Members will undoubtedly wish to know how their day is going to end and, indeed, if it is ever going to end. With that in mind, Senator Farnham.

Senator L.J. Farnham:

I support Deputy Wickenden’s proposition to pause. I wanted to say, it is an interesting subject and one that maybe has to be discussed as we have agreed to reform the electoral system, so it is very likely we will be moving into a different type of Assembly. If the system allowed, for example, Ministers to scrutinise Ministers, that would probably be deemed by many as unacceptable. The Reform Party, who I am sure we all have a great deal of respect for, have declared themselves now the formal Opposition. It is not unreasonable to ask the question whether members of the official Opposition should be able to scrutinise each other. It is not an attack. It is a valid point for debate. It is absolutely right that, perhaps with hindsight, Deputy Wickenden, should not have brought this. It should have been a matter for the Privileges and Procedures Committee to discuss, not just in relation to reform. As we move towards a new electoral system, these are new issues that we are going to have to agree a process on for the future. That was all. I certainly would not agree that there is any intended disrespect to any Member of the Assembly, but it is a debate perhaps for the future.

The Bailiff:

Thank you very much, Senator. There is one Member who wishes now to speak. Again, I repeat, please could we avoid points that other Members have already made. Aside from that, I do not have a basis for preventing people from speaking if they wish to.

Deputy M. Tadier:

I was not going to repeat anything, I have a new point, but given the late hour, I will withdraw that and show some self-discipline. Thank you.

The Bailiff:

Thank you very much indeed, Deputy. Does any other Member wish to speak on the proposition to withdraw? If no other Member wishes to speak then I close the debate and I call on Deputy Wickenden to respond.

Deputy S.M. Wickenden:

It is really sad how this debate has gone. I, when bringing this proposition, saw a flaw in our Government and our rules and I have impugned my own reputation. I am withdrawing this, so that we do not have to come back tomorrow, because everyone is busy. We have had a long week. I will be relodging it. We will be debating this, because it is a point of principle that I agree with. Sir, I do withdraw it and I do ask for the vote and I do ask people to allow me to withdraw it, but it will be relodged and we will be debating this at another time. Thank you.

The Bailiff:

Thank you very much. Greffier, if you could place a vote in the link, please? The vote is on whether Deputy Wickenden is given the leave of the Assembly to withdraw. I open the voting and ask Members to cast their vote. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The proposition to withdraw has been adopted:

POUR: 41		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Connétable of St. Clement		
Senator L.J. Farnham				
Senator T.A. Vallois				

Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy K.F. Morel (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

That concludes Public Business.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

I, therefore, call on the chair of P.P.C. to propose Future Business for the Assembly.

14. Deputy R. Labey (Chair, Privileges and Procedures Committee):

I need to advise the Assembly on the effect of the new public health guidance on our sittings. After consultation with yourself, Sir, our view is that we should follow the guidance on home working and revert to Teams only meetings until the guidance is relaxed. The XYZ system that has been in operation, which Members have made work extremely well, and we thank them for that, is now not and please work only on Teams from your homes. There has not really been any change since the

Consolidated Order Paper was published, apart from additional amendments to the Government Plan that were lodged. With that, I propose Future Business.

The Bailiff:

You propose Future Business, does any Member have anything to say on Future Business? In which case the Future Business is as proposed by the chair of P.P.C. and the Assembly stands adjourned until 9.30 a.m. on 14th December.

ADJOURNMENT

[18:58]