

# STATES OF JERSEY

## OFFICIAL REPORT

FRIDAY, 29th APRIL 2022

<b>COMMUNICATIONS BY THE PRESIDING OFFICER</b> .....	4
<b>1.1 Mrs. L. Hart, Greffier of the States - Swearing-in</b> .....	4
<b>QUESTIONS</b> .....	4
<b>2. Urgent Oral Question</b> .....	4
<b>2.1 Senator S.Y. Mézec of the Minister for Treasury and Resources regarding ...</b> .....	4
Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources): .....	5
2.1.1 Senator S.Y. Mézec: .....	5
2.1.2 Deputy G.P. Southern of St. Helier: .....	5
2.1.3 Deputy M. Tadier of St. Brelade: .....	5
2.1.4 Deputy M. Tadier:.....	6
2.1.5 Deputy D. Johnson of St. Mary: .....	6
2.1.6 Deputy K.G. Pamplin of St. Saviour: .....	6
2.1.7 Deputy R.J. Ward: .....	7
2.1.8 Senator S.Y. Mézec: .....	7
<b>PUBLIC BUSINESS - resumption</b> .....	7
<b>3. Channel Islands Lottery: Allocation of 2021 Proceeds (P.68/2022)</b> .....	7
3.1 Deputy K.F. Morel of St. Lawrence (Assistant Minister for Economic Development, Tourism, Sport and Culture - rapporteur): .....	8
3.1.1 The Deputy of St. Mary: .....	8
3.1.2 Deputy R.J. Ward: .....	9
3.1.3 Senator L.J. Farnham: .....	9
3.1.4 Deputy K.G. Pamplin: .....	9
3.1.5 Connétable M.K. Jackson of St. Brelade: .....	10
3.1.6 Connétable D.W. Mezbourian of St. Lawrence:.....	10
3.1.7 Deputy G.J. Truscott of St. Brelade:.....	10
3.1.8 Deputy K.F. Morel:.....	10
<b>4. Public Sector Employment Contracts (P.71/2020) - as amended (P.71/2020 Amd.) ...</b> 12	
4.1 Deputy M.R. Higgins:.....	13
4.1.1 Connétable A. Jehan of St. John: .....	26
4.1.2 Senator J.A.N. Le Fondré: .....	26
4.1.3 Senator I.J. Gorst: .....	27
4.1.4 Senator K.L. Moore: .....	28
4.1.5 Senator T.A. Vallois: .....	28
4.1.6 Deputy M. Tadier:.....	30

4.1.7	The Connétable of St. Ouen:.....	32
4.1.8	Senator S.Y. Mézec: .....	33
4.1.9	Deputy G.C. Guida of St. Lawrence:.....	34
4.1.10	Deputy G.P. Southern: .....	35
4.1.11	Deputy J.A. Martin of St. Helier: .....	35
4.1.12	Deputy R.J. Ward: .....	36
	The Connétable of St. John: .....	38
	Mr. M.H. Temple Q.C., H.M. Attorney General: .....	38
4.1.13	The Connétable of St. Brelade: .....	39
4.1.14	Deputy K.F. Morel: .....	39
4.1.15	Deputy M.R. Higgins: .....	40
<b>LUNCHEON ADJOURNMENT PROPOSED .....</b>		<b>47</b>
	Deputy J.H. Perchard: .....	48
	Senator J.A.N. Le Fondré:.....	48
	Deputy J.H. Perchard: .....	49
<b>LUNCHEON ADJOURNMENT.....</b>		<b>50</b>
	Deputy C.S. Alves of St. Helier: .....	50
	The Connétable of St. Brelade: .....	50
	Senator K.L. Moore:.....	50
	Deputy S.G. Luce of St. Martin: .....	51
	Senator J.A.N. Le Fondré:.....	51
	Deputy C.S. Alves: .....	51
<b>5.</b>	<b>Carbon Neutral Roadmap (P.74/2022) - as amended (P.74/2022 Amd., P.74/2022 Amd.Amd.).....</b>	<b>51</b>
5.1	Deputy J.H. Perchard: .....	52
5.1.1	Senator S.C. Ferguson: .....	54
5.1.2	The Connétable of St. John:.....	55
5.1.3	Deputy R.J. Ward: .....	56
5.1.4	The Connétable of St. Brelade:.....	58
5.1.5	Deputy G.C. Guida: .....	58
5.1.6	Connétable P.B. Le Sueur of Trinity: .....	61
5.1.7	Deputy K.C. Lewis of St. Saviour: .....	61
5.1.8	The Deputy of St. Martin:.....	62
5.1.9	The Deputy of Grouville:.....	63
5.1.10	Deputy J.H. Young of St. Brelade:.....	64
5.1.11	Deputy J.H. Perchard: .....	65
<b>6.</b>	<b>Parishes' Green Waste (P.73/2022) - as amended (P.73/2022 Amd.).....</b>	<b>67</b>
6.1	The Connétable of St. Brelade:.....	68
6.1.1	Senator K.L. Moore: .....	68
6.1.2	Deputy K.C. Lewis: .....	69
6.1.3	The Connétable of St. Brelade:.....	69
<b>7.</b>	<b>Technology Accelerator Fund (P.75/2022) .....</b>	<b>71</b>
7.1	Senator J.A.N. Le Fondré (The Chief Minister): .....	71
7.1.1	Senator K.L. Moore: .....	73
7.1.2	The Deputy of St. Mary: .....	74
7.1.3	Deputy S.J. Pinel:.....	74

7.1.4 The Connétable of St. John:.....	75
7.1.5 The Connétable of St. Brelade:.....	76
7.1.6 Deputy G.C. Guida: .....	76
7.1.7 The Deputy of St. Peter: .....	78
7.1.8 Deputy K.F. Morel:.....	78
7.1.9 Deputy M. Tadier:.....	80
7.1.10 Senator S.Y. Mézec:.....	81
7.1.11 Deputy I. Gardiner of St. Helier:.....	82
7.1.12 Deputy G.P. Southern: .....	83
7.1.13 Deputy H.C. Raymond of Trinity: .....	83
7.1.14 Deputy K.G. Pamplin:.....	84
7.1.15 Deputy J.A. Martin:.....	85
7.1.16 Deputy R.J. Ward: .....	86
7.1.17 The Deputy of St. Martin: .....	87
7.1.18 Deputy T. Pointon of St. John:.....	88
7.1.19 Senator J.A.N. Le Fondré:.....	88

<b>ADJOURNMENT.....</b>	<b>93</b>
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[9:31]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Bailiff:**

### **1.1 Mrs. L. Hart, Greffier of the States - Swearing-in**

The first item of business is an extremely important one in the life of the Assembly. It is the swearing in of the new Greffier of the States. Before I administer the oath to Mrs. Hart, who was unanimously approved by the Assembly as their next Greffier yesterday morning, I would like firstly to welcome her family, colleagues and indeed the former Greffier and Deputy Greffier, Mr. de la Haye and Mr. Harris, to the Chamber this morning. It must look quite unusual for those to be looking down at this and noting what is the same and what is different. But I am sure Members will join me in welcoming everybody. **[Approbation]** We are all familiar with the work of the Greffier designate. She has worked in this Assembly and before that in the Greffe in many different capacities and she has, during that period, secured the confidence and respect of Members of the Assembly. I look forward very much to working with her in her enhanced capacity and to continuing the good work that the Greffe does in support of the work of this Assembly. I congratulate her warmly on her appointment and I am sure Members will join me in doing so. **[Approbation]** Mrs. Hart, will you please stand? Please raise your right hand. Do you swear and promise before God that you will well and faithfully exercise the office of Greffier of the States of Jersey, that you will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, and that you will uphold and maintain the laws and usages of Jersey? Congratulations, Greffier. **[Approbation]**

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

Sir, sorry to interrupt, I know there have been a couple of changes to the Order Paper over the last few days. Would you mind just running through the order of the remaining business for Members? Thank you.

**The Bailiff:**

Yes, I will. As I understand it, there is next an urgent oral question to be asked by Senator Mézec of the Minister for Treasury and Resources. A period of 10 minutes will be allowed for supplemental questions on the basis that that was the same period allowed for all of the other questions during question time. Thereafter I will leave the Chair because the Thai ambassador is visiting and the Greffier will take over, and the next order of business after that is the Channel Island Lottery: Allocation of Proceeds. Thereafter Public Sector Employment Contracts, a proposition brought by Deputy Higgins, thereafter we follow strictly the Order Paper that existed when the Assembly started to sit. So that is what Members might anticipate. I will return to the Chamber as soon as my other obligations are dealt with.

## **QUESTIONS**

### **2. Urgent Oral Question**

#### **2.1 Senator S.Y. Mézec of the Minister for Treasury and Resources regarding ...**

Given the Assembly adopted the first amendment to the Government Plan 2022 to 2025, which agreed to reduce the social housing rental cap from 90 per cent of the market rate to 80 per cent from 1st January this year, why does the new Memorandum of Understanding published in R.56/2022 state that the rent policy is still to charge 90 per cent of the market rate?

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

As my report notes, the Memorandums of Understanding were the subject of a thorough review, which required engagement with the States-owned entities themselves and other stakeholders, including the Economic and International Affairs Scrutiny Panel. This process took in excess of 2 years and the outcome is that we have M.O.U.s (memorandums of understanding) that will ensure the S.O.E.s (States-owned entities) will continue to operate to modern standards of corporate governance. The Senator refers in his question to the Andium Homes M.O.U. and the policy was 90 per cent when originally drafted, and this was the version that the Andium Home board approved in principle ahead of adoption of the Government Plan 2022 - 2025. While this is an oversight in the final draft attached to my report, the clause prior to the one referred to by the Senator does have the effect of capturing the States recent amendment to 80 per cent. Under the rent policy section, the M.O.U. reads in section 1.6: “Andium Homes shall comply with such policy or policies as the States and/or any future regulator shall adopt in relation to the rents payable by Andium Homes tenants.” This clause effectively future proofs the M.O.U. so that if a new rent policy is adopted by the States in the future Andium are obliged to comply with the new policy. I can assure Members that the final version the Andium board are to approve and sign will reflect the 80 per cent policy but, let me stress again, section 1.6 requires compliance with any rent policy adopted by the States Assembly from time to time.

**2.1.1 Senator S.Y. Mézec:**

I am pleased to hear at least some of that. Does the Minister accept that it does look absolutely absurd that 4 months after a new rent policy which was agreed by this Assembly comes into force that a document is presented to the Assembly, which provides what will appear to at least be an inaccurate historic record of what the situation actually is and would she not agree that reissuing this report with the correct rent policy in it from the outset would have been a much better thing to do?

**Deputy S.J. Pinel:**

It has already been amended. As I said, there was a missing part in the paragraph that the Senator is questioning and it will have to be approved by the board, and the next sitting of the board is 25th May, so a new report will be issued after that.

[9:45]

**2.1.2 Deputy G.P. Southern of St. Helier:**

Does the Minister have the up-to-date figures of how much this change will affect the income and finances of Andium Homes and how much impact will it have on those tenants who pay ...

**The Bailiff:**

I am sorry, Deputy, the urgent oral question was to deal with the disparity specifically between one percentage in one document and one percentage in another. It is not intended, and it would not be fair, to make it a more general exploration of rent effects on members of the public. It is just not within the ambit of the oral question, which was urgent.

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

I would just like to ask the Minister for Treasury and Resources, first of all, does she recognise that this did cause alarm for some social housing tenants who saw this and there were lots of questions being asked, for example, to us how come the 80 per cent policy is no longer being effected? Does she think that if it was a different stakeholder and that, for example, a States decision had been made in a different field that, for example, affected businesses and we had made a policy that affected them one way or the other, that 3 or 4 months later this kind of error would have been made?

**Deputy S.J. Pinel:**

No, I do not. The M.O.U.s, and there are a considerable amount of them, it is not just Andium, were published on 22nd April, that is a few days ago, and it has already been amended, as I said in answer to the previous question, and will be approved by the board on 25th May.

**Senator L.J. Farnham:**

May I raise the *défaut* on the Chief Minister please?

**The Bailiff:**

Do Members agree to raise the *défaut*? The *défaut* is raised.

**2.1.4 Deputy M. Tadier:**

Supplementary. I do not think the Minister for Treasury and Resources necessarily understood my question but I will ask the first part. Does she recognise the concern and the alarm that this caused to many social housing tenants when they thought that their rents were going to be retained at 90 per cent and would she like to apologise for that error on behalf of whoever made that error?

**Deputy S.J. Pinel:**

As I said, the M.O.U.s were only published a week ago so I do not think there can be considerable alarm and the preceding, as I have said several times, Article to the 90 per cent said, as I said in my opening remarks, that it can be debated or renewed or whatever by the States at any time. I have already said that, yes, a new report will be published after the board meeting on the 25th so that everybody will know that at the moment it stands at 80 per cent.

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

The Minister made reference to the Economic and International Affairs Scrutiny Panel being involved in respect of the M.O.U. ...

**The Bailiff:**

Sorry, this does have to be a question, Deputy.

**The Deputy of St. Mary:**

Could the Minister please clarify as to whether the necessary Ministerial Decisions approving the M.O.U.s have yet been passed because the R. does not actually confirm that, I do not think?

**Deputy S.J. Pinel:**

No, they have not been signed yet.

**2.1.6 Deputy K.G. Pamplin of St. Saviour:**

I would like to thank the Minister for her answer. It was really clear. Can I ask the Minister what communication plans are ahead to put forward what comes through these M.O.U.s and what the discussion has been about the question this morning?

**Deputy S.J. Pinel:**

The M.O.U.s were established a long time ago and when I first took office as the Minister for Treasury and Resources they had not been reviewed for a very long time, hence the time it has taken to produce the recent review and they will now be reviewed, the M.O.U.s, every 3 years.

**The Bailiff:**

Very well, no other questions then that draws question time ... you would like a final supplementary? I apologise, Senator.

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

Sir, I ...

**The Bailiff:**

Sorry, did you light your ...

**Deputy R.J. Ward:**

I did, Sir.

**The Bailiff:**

I did not see you, I am afraid, Deputy Ward, but that is all right. We still have time.

**Deputy R.J. Ward:**

I usually blame the Mace for not being seen but it is not there today.

**The Bailiff:**

No, there is a different reason this time. I really do not know what it is.

**2.1.7 Deputy R.J. Ward:**

That is what I expected. Can I ask the Minister, just for clarity then, the document will be republished with the 80 per cent on it and that is what the Andium tenants can expect to go ahead from now?

**Deputy S.J. Pinel:**

Yes. As I said, it will be after the board meeting, which will agree the 80 per cent and it will then be republished.

**2.1.8 Senator S.Y. Mézec:**

The first page of the report in its conclusion says: “The new M.O.U.s will come into effect on 1st May 2022”, if you then go to the rent section for the Andium M.O.U. it says: “The rent policy at the coming into effect of this M.O.U. is as follows” and then goes on to stipulate the 90 per cent rate. So the wording in this report could not be clearer. Either the report is wrong or the Minister is wrong. They cannot both be right, so can the Minister confirm without any doubt whatsoever that the strict wording of this report is to be disregarded because it is false and that as of now she regards it as inapplicable and will be withdrawn as a matter of urgency since this strict wording of it is false?

**Deputy S.J. Pinel:**

It is not false. As I have already said - I do not like repetition but it seems to be that I have to repeat - it has taken 2 years to produce this report or these M.O.U.s and it will be re-evaluated, the M.O.U. and the Article within it, to say that the rents at the present time are 80 per cent.

**PUBLIC BUSINESS - resumption**

**3. Channel Islands Lottery: Allocation of 2021 Proceeds (P.68/2022)**

**The Greffier of the States (in the Chair):**

That brings to an end the question time for the urgent oral question. The next item on the list of business is the Channel Islands Lottery: Allocation of 2021 Proceeds, P.68, lodged by the Minister for Economic Development, Tourism, Sport and Culture. I ask the Greffier to read the proposition.

**The Assistant Greffier of the States:**

The States are asked to decide whether they are of opinion – (a) to agree, in accordance with the provisions of Regulation 4(5) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, to allocate £977,709 to the Jersey Community Foundation and the Association of Jersey Charities,

divided equally between them, for onward distribution in support of the Island community; (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 – (i) 40 per cent of the allocation to arts, culture and heritage; (ii) 40 per cent of the allocation to sports and active lifestyle; and (iii) 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.

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

The Assistant Minister, who I am relieved to see is back in the Assembly, will act as *rapporteur* for this item.

**3.1 Deputy K.F. Morel of St. Lawrence (Assistant Minister for Economic Development, Tourism, Sport and Culture - rapporteur):**

I am pleased to present this proposition, which will enable the Government to distribute the proceeds of the 2021 lottery to the Association of Jersey Charities and the Jersey Community Foundation. The total amount to be distributed is £977,709. Following the success of the distribution of the 2020 proceeds, this proposition mirrors the agreement for that 2020 lottery in that 50 per cent of the proceeds would be allocated to the Association of Jersey Charities for distribution to registered charities and the A.J.C.'s own work. The remaining 50 per cent will be allocated in the Jersey Community Foundation. From there it will be subdivided into the following areas: 40 per cent to the arts, culture and heritage; 40 per cent to sports and active lifestyles; and 20 per cent to science-based education and research projects. The Association of Jersey Charities has over 50 years' expertise in the charitable sector and the Jersey Community Foundation has expert panels across a range of sectors that support it in distributing the funds effectively. The amount available for distribution is lower than in recent years due to the additional production costs that were incurred in 2021. It is envisaged that the existing service level agreements will be extended to distribute the funds as set out in this proposition. The Jersey Community Foundation has awarded over £80,000 to 18 projects that will celebrate and commemorate Her Majesty's platinum jubilee. Also, a significant number of organisations have benefited from the lottery, including the Beresford Street Kitchen, Centrepoint, Every Child Our Future, and a range of arts, culture, sport and scientific organisations. There is no doubt that the Channel Islands Lottery Fund continues to have a positive impact across the community. It supports activities such as pétanque in the Island, all the way through to studying blue carbon processes as we try to understand more about the way blue carbon can be extracted from the atmosphere using our marine life. In addition, it continues to support the crucial charitable sector in Jersey and delivers a wide range of services for Islanders of all ages. I urge Members to support this proposition.

**The Greffier of the States (in the Chair):**

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

**3.1.1 The Deputy of St. Mary:**

First, can I congratulate the Assistant Minister in bringing this proposition somewhat earlier than his predecessors? I recall that when I first entered the States 7 or 8 years ago almost a whole year had elapsed between the lottery itself and the distribution and that was really at the expense of the charities being able to use it more timely. I very much support the proposition but I would ask the Assistant Minister if he can clarify 2 points in his summing up. The report refers to the difference in proceeds between the 2020 and 2021 lotteries. Could he please advise what were the gross sales and printing costs, as compared with the previous year? In relation to the S.L.A. (service level agreement), which I appreciate has happened in previous years in what is now an established practice, is he able, please,



to confirm whether there is a maximum administration cost that they are allowed to take into account for their administration costs?

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

I would just like to say to the Assistant Minister, I am very pleased to see the 20 per cent and the allocations for applied science or applied research in the fields mentioned, one of the reasons being it is, if you like, an industry of applied research. We have not grown as much as I think we could in the Island in order that people have opportunity. Does the Assistant Minister believe that access to these funds have enough clarity? It is, hopefully, a constructive question. Does this include courses that may be off-Island; the funding of higher education PhD courses are very specific areas of research that we cannot undertake on the Island? Eventually those skills will come back to the Island because we may need much wider research. Because research in those areas really is worldwide, interdisciplinary and international, to be quite frank. Can I just ask the Minister's opinion on that and whether he thinks that this allocation has the clarity it needs and what he could suggest would improve that?

### **3.1.3 Senator L.J. Farnham:**

As we are approaching the end of the Assembly, could I use this opportunity in support of the proposition, thank Deputy Morel for taking hold of this and a number of other issues and dealing with them admirably? As the Deputy of St. Mary said, putting things back into a more timely fashion. I would also like to record a vote of thanks to the Assistant Minister, Deputy Raymond, and to the former Assistant Ministers, Deputy Tadier and Senator Pallett, all of whom have contributed to this work, especially in their role of championing heritage, arts, culture and sports, all of whom now are world sectors but those sectors will all now benefit from lottery proceeds. I just wanted to place that on the record and of course will be fully supporting the proposition.

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

As many Members know, this area of subjects has been a passion of mine for the last 4 years, given my background and I thank the Assistant Minister for bringing this, as the chair of the panel said, in a more timely place. However, I just have a couple of quick questions, if I may. It does say in the financial and manpower implications: "Subject to States approval [obviously today] the Jersey proceeds from the Channel Islands Lottery will be transferred, as stated and as soon as reasonably practicable." Is there a timeframe for that? I say that because, equally noted, which I think also the chair referenced, was the difference in proceeds between the 2020 and 2021 lotteries, which is due to additional production costs, which has had an impact. I think I would also like to echo the chair that it raises my eyebrows, and to know what that is and how does that benefit our local charities and others who are needing this money after 2 years of unprecedented times? Because the wording it says is: "The incidence of these costs does not have a regular pattern" and I understand of course it follows up: "Is dependent on the timing of the introduction of new games." But I would like to make the point very strongly that the charitable sector of this Island, like many other industries of this Island, have just gone through a very difficult period and are still adjusting and need assurance and certainty when that money is coming.

[10:00]

How can we stabilise this much needed pot of money over the next couple of years? It is not about cost and production cost, it is how much we can make sure that Islanders' contributions when they buy their tickets in every which way is going directly to the charity as urgently as possible. Also, with the changes between the new proceeds, between the unfortunate circumstances with the last time this was brought to the Assembly, has that settled and what is the feedback from those on this process?

### **3.1.5 Connétable M.K. Jackson of St. Brelade:**

While supporting the split in distribution proposed, my question is at the other end and I would ask the Assistant Minister to let States Members know how his department propose to enhance ticket sales because it is the ticket sales which produce the money. That is really a fundamental point in these difficult times where people have difficulty putting food on the table. Let us understand how those sales can be practically stimulated.

### **3.1.6 Connétable D.W. Mezbourian of St. Lawrence:**

I would just like to put on record that the Jersey Community Foundation has recently awarded a number of Parishes some grants that we are able to use towards the platinum jubilee celebrations. I would like to record that it was really tough to get that money; it is not just given away willy-nilly, as it were. I was surprised at the amount of detail and questions that we were obliged to respond to when applying for it. I just want to say that I think that is absolutely laudable, although this money does go to the Association of Jersey Charities, Jersey Community Foundation, they have got to be absolutely clear in the governance of it and ensure that it is not just given to causes, let me say, that may divert the funds essentially. Not only did we have to answer a lot of questions about it, we have had to give guarantees as to how that money will be utilised and spent. I believe that if they felt we did not do that they could ask for some of it back, if I remember correctly. In my view, from that perspective there certainly seems to be good governance regarding the distribution, certainly from the Jersey Community Foundation and I can assure them, if anyone is listening, that St. Lawrence will be spending the money appropriately and as agreed.

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

I understand that the sale of scratch cards has increased somewhat over the years but certainly my impression that the Christmas lottery sales have somewhat waned over the past few years. Is there anything that could have been done to the structure of the Christmas lottery to improve the sales at that time?

### **The Greffier of the States (in the Chair):**

Does any other Member wish to speak? If no other Member wishes to speak, I close the debate and I call upon Deputy Morel to reply.

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

I thank all Members for their questions and their comments; really interesting. The Deputy of St. Mary - yes, I apologise I just need to bring up the correct document - and also Deputy Pamplin because they both asked about the increase in production costs. It was an increase in distribution and print costs in 2021 compared to 2020. Distribution costs increased by about £113,000 from £1,115,000 to £1,229,000; those are approximate amounts so as not to bore the Assembly with the decimal points. Printing costs increased from £456,000 to £570,000; that is between 2020 and 2021. In addition to that as well, in direct response to Deputy Pamplin's question about increase in production costs as well, the creation of new games is an interesting process, so this is particularly for the scratch cards. What happens is a new game is created and the lottery has to pay a company to create those games, but new games are created as the print stock of scratch cards for old games runs out and so that is a highly variable figure. Sometimes the scratch cards could be on sale for over a year and so you are not printing a new game until after that year. What happened in 2021 was that a number of new games had to be created and that caused an increase in costs as well. Yes, it is the variability there which makes it difficult and that means from one year to the next the amount can change. Deputy Ward, is there enough clarity around the scientific activities? To be honest, I would have to ask the Jersey Community Foundation. I believe there is enough clarity around the types of activities; it is applied scientific study, as opposed to theoretical scientific study. It does not necessarily have to be for people spending that money locally, as I understand it. The proposition

that we passed from Deputy Guida back in 2019 and 2020 was about the money should be for local organisations or that will directly benefit the Island. In that sense it may be possible that people could use it for studies but I will check. Please do not take my entire word on that and I will double-check for Deputy Ward. Enhancing ticket sales, and there are enhancing ticket sales of the scratch cards and there are also enhancing tickets sales of the Christmas lottery. In my view there is a need to modernise the lottery in the way that it does its business. For instance, it could go online a lot more in terms of particularly scratch cards, those can be played online, as opposed to necessarily being in just a paper version. I believe that the new Minister should take that and move forward with that because there is an opportunity here to, I believe, create greater benefit from the lottery and it would be for the new Minister to do that. I also feel that as far as the actual system is concerned there is not at the moment, for instance, a point-of-sale system, so when you buy a lottery ticket it does not automatically get registered via a computer somewhere telling you where the stock levels are and things like this. I think there could be greater efficiency built into the actual system itself for registering the tickets which have been sold and all of that. Having done this over the past 15 months that is one of the takeaways that I take from this, is that there is room for modernisation and I would urge a new Minister to pick that up and run with it. The Connétable of St. Lawrence, thank you and thank you for the comments about the stringent application criteria. It is really good to hear people who have been through the process and seen the process because, as an Assistant Minister, I distribute the funds but I do not apply for them myself, so it is good to hear that feedback. Yes, I have no doubt both the A.J.C. and the J.C.F. (Jersey Community Foundation) are diligent in the way they allocate these funds and make sure that the people or organisation asking for the funds are appropriate and have done the paperwork that is necessary. To Senator Farnham, I thank him for his kind words and I am pleased that we have brought this more quickly and it has been a real pleasure serving with Economic Development and the team, the Ministerial team and the officers, over the past 15 months and so I thank him for that. With that I call for the *appel*, please.

**The Greffier of the States (in the Chair):**

The *appel* is called for. I invite Members to return to their seats. In a moment the Greffier will open the voting and those joining via Teams should obviously vote within the chat in the usual way. The vote is now open and I ask Members to cast their votes.

**Senator L.J. Farnham:**

May I raise the *défaut* on Senator Gorst?

**The Greffier of the States (in the Chair):**

Do Members agree that the *défaut* should be raised? The *défaut* is raised on Senator Gorst. If all Members have had an opportunity to cast their votes, I ask the Greffier to then close the voting. I can announce that the proposition has been adopted.

<b>POUR: 35</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				

Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
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. Ouen				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
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)				

#### **4. Public Sector Employment Contracts (P.71/2020) - as amended (P.71/2020 Amd.)**

##### **The Greffier of the States (in the Chair):**

The next item of Public Business is the proposition brought by Deputy Higgins entitled Public Sector Employment Contracts, P.71. Deputy Higgins, you lodged an amendment to this proposition a couple of days ago, will you be making a proposition to the Assembly to reduce a lodging period so that this amendment can be taken at this meeting?

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

Yes, Ma'am. If I could just say very briefly, looking at the dates that I put here in the proposition for action because time has gone on we are getting very close to those dates. The purpose of the amendment is simply to extend the period of time that actions can be taken, which I think would be reasonable all round. I ask Members to approve the amendment being taken at this time.

##### **The Greffier of the States (in the Chair):**

Is that proposition to reduce a lodging period in respect of the amendment seconded? **[Seconded]** Does any Member wish to speak on the proposition? Very well. Are Members content to take this on a standing vote? Those in favour of the proposition, please show. Those against? The proposition is carried. Deputy, therefore I ask the Greffier to read the proposition as amended by your amendment.

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

The States are asked to decide whether they are of opinion – (a) that contracts of employment for all States’ employees from 1st September 2022 should explicitly prohibit the following and confirm, for the avoidance of doubt, that such acts constitute acts of gross misconduct – (i) lying, obstructing, misleading or attempting to mislead a Minister, the States Assembly, any Scrutiny Panel or “Back-bench” Member of the States of Jersey about any aspect of the employee’s work for the States; (ii) covering up or concealing any failure (act or omission) on the employee’s part alone, or together with others, or on the part of others that they have become aware of at any time, on any matter, that could financially damage or bring the States of Jersey and/or the Government of Jersey into disrepute; and that such lying, obstructing, misleading and covering up should be punishable by termination of their employment without any compensation or compromise agreements, pension rights or bonuses depending upon the severity of the offence they have committed; (b) that an independent review of disciplinary policies and procedures should be commissioned to ensure that any disciplinary action follows the rules of natural justice; (c) that an amnesty up to 31st August 2022 should be implemented during which period employees can own up to any past lies, obstructions, misleading statements, and cover-ups (unless of a criminal nature) and/or knowledge of acts or omissions of others, with the employees concerned to face no loss of employment, grade, position, pension rights, bonuses, compensation agreements unless they commit a future act of a similar nature or fail to fully declare any past transgressions that are being addressed by this proposition; (d) that a register should be maintained of any declarations under paragraph (c) that shall record the past breaches of these provisions; and (e) to request the States Employment Board to initiate the necessary steps, including instructions for the development of any legislation that may be required, to implement paragraphs (a) to (d) above.

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

I apologise to Members if I start spluttering and coughing at various times. It is my turn for COVID, I am still suffering with it. I have sat in this Assembly for almost 14 years and I brought this proposition to the Assembly because I believe that we have developed a system of impunity within the Island’s civil service over the past 2 decades. I would like Members to consider all the failures that have occurred in the States for the years in which they have been in the Assembly and the cost of those failures and ask themselves, who has been held accountable for them, both politicians and civil servants? Although politicians can be held to account at the ballot box when the election comes round, how are civil servants held to account and when have they been held to account? I think you would be hard pressed to be able to name one example; I cannot think of any. What do I mean by a system of impunity? I am referring to a situation where some mid-level and senior officers believe that they can do what they like or want without fear of being held to account for their actions or to face any sanctions whatsoever.

[10:15]

Some of them even hold their political masters with contempt and delight in thwarting those who are democratically responsible for the oversight of the public service and their actions. What is worse I also believe they are right, they can act with impunity, as the institutions and people who should be holding them to account have failed to do so and that we do not have any effective checks and balances to protect the public. We have developed a system in which some officers can lie, mislead and obstruct Ministers, Scrutiny Panels and review panels, States Members and cover up their failures and actions, do all 3 of these types of things and get away with it. Before going on to explain why I believe this situation has come about and why I believe this proposition can help to restore the balance, I reintroduced a proper accountability structure. I want to state firmly and upfront that this is not an attack on all civil servants. I hold the vast majority of the Island’s civil service in the highest regard, they work very, very hard day-in and day-out for the benefit of all Islanders. I can say this, having been a civil servant myself at one point in my career and have seen their work and their work

ethic first-hand. This proposition is designed to deal with a small minority of civil servants who I believe have gone rogue and the vast majority of our civil servants have nothing to fear from this proposition and to the changes that I am proposing to make to their contracts of employment. Why do I feel that they have nothing to fear? First of all because the vast majority of our civil servants do not come into contact with Ministers, Scrutiny Panels or individual States Members in the course of their employment. Secondly, the vast majority of those that do do not lie, mislead and obstruct Ministers and Scrutiny Panels and individual Members or engage in cover-ups. Unfortunately, I could not come up with a more targeted solution to this problem and so the contractual terms will have to be written into all contracts for all civil servants. I would also say too that nor should any civil servant who may be alleged to be guilty of an act of gross misconduct fear the process that will judge their guilt or innocence. I have always thought all States workers to be treated fairly in accordance with the principles of natural justice and I would not expect them to be treated any differently. To avoid any red herrings that may come up later, let me just refer to paragraph (a) of the proposition and the paragraph after the (ii) which says: "That such lying, obstructing, misleading and covering up should be punishable by termination of their employment without any compensation or compromise agreements, pension rights or bonuses." Some of you may think this sounds very draconian; it is meant to be if it is to have any deterrent effect. But for those who think it might be overly draconian I would point out it also says and I quote: "Depending upon the severity of the offences they have committed." It would only be in the most extreme cases that such penalties would be, in my view, justified. Again, finally before going on to explain why the culture of impunity has arisen and give my examples of failures where no one has been held to account, I will address the amnesty clause proposed in the proposition. Some Members may question why it is included, as has indeed the S.E.B. (States Employment Board) in their comments. I have included it in the proposition as I happen to believe that there have been some cover-ups in the past which we are not fully aware of and that some of them could be ticking time bombs which could blow up in our faces in the future and end up costing the taxpayer many millions of pounds. I think it is important that we try to find out what is out there and perhaps try and address them earlier rather than sooner. I have also included it because we cannot make contractual changes retrospective. We can only hold people to account for their future actions. However, should a civil servant fail to fully declare a past action which will be recorded on a register and it subsequently comes to light that they did so, then this would be treated as if they had committed a new offence and that action could lead to them being dismissed for gross misconduct. Moving on to the culture of impunity. The culture of impunity, as I referred to, is not the fault of any one Council of Ministers, States Assembly or any specific Members. It has also not come about overnight but has happened over a number of decades in a drip-feed fashion for a number of different reasons, which when taken together have brought us to where we are today. In no order of importance, what do I think are some of the failures we have had in the past that would have led to this situation? I am going to start off with the States Assembly. I happen to think that sometimes our Standing Orders can sometimes hinder effective accountability. In my years in the States I have seen a number of examples of Government Ministers lying to the Assembly and to Islanders and when they have done so they set a bad example, not only for their officers but also give politicians the reputation that we have gained ...

**Senator I.J. Gorst:**

Excuse me, Ma'am. I am not sure whether what the Deputy has just said is in Standing Orders, although he has not named an individual Minister he has said a number of Ministers have lied in this Assembly.

**The Greffier of the States (in the Chair):**

Deputy, I hesitated to interrupt you because I wanted to see where you were going with this but under Standing Order 104(2)(c) I hope you are not going to impute improper motives directly or by innuendo to any Member of the States, past or present.

**Deputy M.R. Higgins:**

Ma'am, if I am allowed to continue it will become self-explanatory. I am not going to name any individuals as such, okay. What I want to do is explain how our procedures hinder the proper accountability of Ministers who I believe and others have believed in the past have lied to the Assembly. I am talking about procedure, not individuals.

**The Greffier of the States (in the Chair):**

If you can ensure that you are not directly inferring that any States Member themselves has lied to this Assembly in the course of the rest of your speech.

**Connétable R.A. Buchanan of St. Ouen:**

Excuse me, Ma'am, I hate to say this but I think the Deputy has just said that.

**Deputy M.R. Higgins:**

Okay, I can give an example in the past where a Member has lied to the Assembly and the States sanctioned that person. If Members wish me to go into that, the former Minister for Home Affairs, Andrew Lewis, lied to the States; that is an example that we are aware of and there have been others when people have challenged Ministers for lying and I want to explain why the system helps prevent proper accountability. If I may continue, Ma'am, I am not going to mention any other names.

**The Greffier of the States (in the Chair):**

Deputy, if I could stop you. The former Minister was in fact sanctioned for misleading the committee of inquiry, rather than this Assembly and at no point was that former States Member found guilty of having lied to this Assembly itself.

**Deputy M.R. Higgins:**

I might dispute that, Ma'am, because if we go back it was the Privileges and Procedures Committee, perhaps they will explain this then. They brought a proposition to the Assembly censoring the Minister for Home Affairs, not only I believe lying to the committee of inquiry but also to the States because the committee of the inquiry drew attention to the fact that he lied to the States.

**The Greffier of the States (in the Chair):**

I think for the sake of this debate if it is to continue and you are to raise some of the concerns that you have, including within your report, it is perhaps best to move on from this particular item because I think you are in danger of falling foul of Standing Order 104(2)(c).

**Deputy M.R. Higgins:**

Ma'am, I will go through this quickly but I am not, I am talking about a procedural thing, rather than individuals. I think it will become quite clear if you give me a little bit of leeway and let me continue and then we will carry on. One of the reasons why I am criticising our procedures is the fact that if I do name a Member in this Assembly of lying to the States, the first thing that will happen is that the Chair of the Assembly, whether it be the Bailiff, yourself or anyone else who is sitting as the Chair, will challenge me and say: "You cannot accuse a Member of lying." I cannot ...

**The Greffier of the States (in the Chair):**

But with respect, Deputy, that is because that is listed within Standing Orders. It is quite clearly written in Standing Orders that you are not able to do that.

**Deputy M.R. Higgins:**

That is what I am saying, our own Standing Orders can prevent us from airing these matters. Ma'am, if I can just continue and then I am sure everyone will be able to calm down. All I am trying to say is that we have a system whereby we cannot accuse Ministers of lying, we cannot accuse them of

misleading the States. We have to say that they unintentionally misled the States, even when we believe they are lying through their teeth. What I am suggesting is we need to look at our own procedures and perhaps change them. The proposal that I have got is that instead of that happening and Members being sanctioned if they will not withdraw their comments about these people, then we should have a system whereby the matter can be immediately referred to the Commissioner for Standards so that it can be adjudicated by him. In other words, the evidence of the allegation can be put forward and he can judge whether the Minister in fact lied to the Assembly. What I am suggesting is he should report back to the Assembly, as a Scrutiny Panel would do, let us say within 2 weeks or 3 weeks or whatever and Members can then see what happened. Because at the present time if a Member believes they have been lied to they are thwarted by our Standing Orders. Basically that is all I am going to say on this particular matter in terms of Standing Orders and that particular Standing Order. What I am trying to show is some of our rules sometimes prevent us from totally airing issues that affect people and it has led to a reduction, I believe, in accountability. If I can give some other examples where I believe that our own rules are hindering accountability and that is, for example, when it comes to parliamentary privilege. We all know that all States Members have the right to speak in the Assembly unfettered and we can say things in this Assembly for which we cannot be challenged in a court of law and, by the way, we can also write things in parliamentary proceedings which cannot be challenged in a court of law. This is fundamental to democracy because the media may come across something and they are constrained by the laws of defamation and everything else from getting something out that is in the public interest. We have this privilege to enable us to speak out when we feel necessary in the public interest to reveal information. We can name people; do we name people every day? No, we do not. We only do it in the most exceptional case when we feel it is in the public interest to do so. Yet, under our rules we persistently have had rulings where people in the Chair have said: "You cannot mention that name and it will be struck from Hansard." It goes out visually on the web broadcast of the States but it is taken out of the Hansard record, which is the long-term record for people going back and see what has gone on. By doing that and restricting the ability of Members to use their privilege also means that the press cannot report on it because if they report accurately what is said and what is written in the parliamentary record, then they have qualified privilege under the law and some of these matters can be dealt with. Another example of where I feel that our Standing Orders are sometimes preventing full accountability is the inconsistency sometimes in which the rules are applied. For example, we can name civil servants if we are going to praise them but if we are criticising we cannot. We are told that we have to use the titles of civil servants, as opposed to their names and yet, as I have discovered just recently with this particular report, we are being told that if you name a particular title it identifies the person, so you have got to be even more obscure. What we are doing is watering it down so we cannot hold anyone to account. I will leave it at that particular point; that is as far as the States Assembly is concerned where I believe we are not holding people properly to account. Let us come on to Ministerial Government. We have already heard that Ministers do not employ their own staff. Under the target operating model the departments were essentially amalgamated in their mega groupings and departmental heads done away with or placed under director generals and accountability was either diluted or disappeared altogether. As Deputy Young told us yesterday, Ministers did not really control their departments and a lot of the powers have been devolved to the exceptionally well-paid and unelected director generals. I hate to say this but we do and the public are well aware of it. We also have some exceptionally weak Ministers who have delegated all their powers under the law to their officers, effectively ceding control of their departments to unelected members.

**The Greffier of the States (in the Chair):**

Deputy, I am afraid I am again going to have to interject because, again, you are in danger under Standing Order 104 of using offensive or insulting language about Members of the States in calling some of the Ministers weak and I would ask that you withdraw that comment.

[10:30]



**Deputy M.R. Higgins:**

Ma'am, I will not withdraw it in the sense that it is my opinion that some Ministers are weak and I am sure other Members will have their own view on them.

**Deputy R.J. Renouf of St. Ouen:**

Point of order, Ma'am, you have asked him to withdraw that comment, he has refused.

**The Greffier of the States (in the Chair):**

Yes, Deputy, I do feel that this is a particularly difficult debate. You do need to ensure that your focus is on the actual proposition that you put forward, which is about public sector employment contracts. The discussion about Standing Orders and this Assembly's conduct is somewhat extra to the proposition itself. If I could perhaps ask you again if you would withdraw that comment that you have made about weak Ministers.

**Deputy M.R. Higgins:**

Okay, Ma'am, I will withdraw it so we can move on but I must admit it is a very strongly held opinion of my own. We also have Ministers who defend the indefensible, for example, when we have failures that have occurred in their departments, their policies or their offices, rather than take responsibility for actions and learn from mistakes, they end up defending what, essentially, turns out to be indefensible. It is not surprising that voter turnout in elections is so low and that politicians are generally held in low regard or contempt. Okay, Scrutiny Panels, and I believe that Scrutiny Panels play an absolutely essential role in holding people to account. But I believe that Scrutiny Panels have become overloaded with work and because they are covering more than one department they cannot, effectively, monitor everything that is going on. In addition to that we have been given extensive briefings and it is great being a member and you get a briefing and you are told what is going on. The only problem is we end up spending so much time having briefings as well as the Scrutiny things that we end up having less time for constituency matters, conducting our own research or bringing our own propositions to the Assembly. I would add that if we look at social policy over the last 9 years most of it has come from Back-Benchers and one of my fears is that if we spend as much time on briefings and being involved in helping formulate government policy through some of the discussions that go on in Scrutiny there will be less time for bringing forward legislation, which Governments tend not to bring. Okay, moving on and moving away from the States, which may make you, Ma'am, more comfortable than other Members in the Assembly, I would like to just talk about generally the failed accountability system. We have created a system whereby members of the public who are wronged by civil servants and States departments are left without remedies. These rogue or incompetent officers keep getting away with their actions. Although the States passed a proposition to establish a Public Sector Ombudsman in February 2018, successive Councils of Ministers have not delivered on it. Funding has been approved for the office but the law itself has not been drafted; it was supposed to be in before this Parliament ended, it will not be and I do not believe that COVID alone is a good enough explanation for this. Is it political failure or obstruction? We have the States Employment Board which is responsible for all staff employed in the public sector but holds no one to account. Failure has been rewarded with compromise agreements in which many senior civil servants are being paid off with enhanced payments to go, and they all include non-disclosure clauses so that States Members and the public have no idea of the extent of their failures or the terms of their leaving; so much for accountability and transparency. We have the States Complaints Board made up of some distinguished lawyers, who I believe have done some excellent work but their reports are contested by Ministers and officers alike and then ignored. The Alwitary case is one case in point, their findings regarding the breach of contract were ultimately endorsed by the Privy Council in London, the highest court for Crown Dependencies. The only problem I have with the board is that they can only hear a limited number of cases and there is a danger, as I found in one case, where if it is very complex and time consuming then will not consider it. The Law

Officers' Department, I believe their role is incompatible with assisting wronged citizens. They are the States lawyers and will defend the officers and departments to the nth degree with unlimited taxpayers' money. Only the very rich can afford to take on the Law Officers' Department in the courts. Our legal aid system is a sick joke; the average citizen cannot afford to pursue their wrongs through the courts when lawyers are charging £400 to £500 an hour for their services and the new much-touted legal aid system would be no better. Even simple legal matters seems ...

**Senator I.J. Gorst:**

Ma'am, I do not wish to put you in a difficult position again but I am really struggling with where the Deputy is going in relation to relevance to his proposition. He is casting aspersions across the whole ... and this is a perfectly political point of view but he is in the elected Assembly casting aspersions against those who have no right of reply in this place, Ma'am, and it cannot be right.

**The Greffier of the States (in the Chair):**

In fairness to the Deputy though he is protected by parliamentary privilege and he is entitled to express his opinion within this Assembly freely, providing that he does not name Members who are unable to respond. I am keeping a careful ear on proceedings, Senator. Deputy, if you wish to continue.

**Deputy M.R. Higgins:**

Thank you, Ma'am. I am coming almost to the end of it, I am going to come on to some examples in a moment. Yes, just going back to the legal aid system, I do not believe that the new legal aid system will assist. What I am trying to tell you is that we all know that people cannot afford justice in the Island. If you are paying £500 for a letter or for a short meeting with a lawyer and cases are going to go on for weeks or months, you soon find that the costs end up at being hundreds of thousands of pounds or in one case I am aware of over £1 million. What I am trying to say here is we are failing the people of this Island to hold people to account. Okay, let me just go on and look at some examples. I have said: do some officers lie, obstruct or cover up? Yes, they do. Do they damage Islanders through their actions? Yes, they do. Their actions have cost Islanders millions of pounds and untold and unjustified suffering for many Islanders. The examples I am going to go through are not just about lying, covering up, et cetera, but it is just where we have failure in the Island and no one but no one is held to account. The first example I want to give is the case of Mr. Amar...

**The Greffier of the States (in the Chair):**

Deputy, before you do go through these examples can I remind you that you must not refer to individuals who have no right of reply. If and where possible you should not include the names or identifiable details of those individuals. I will be stopping you if you do for those details to be taken from the Hansard record. Just before you launch into your selection of examples, just please do bear that in mind.

**Deputy M.R. Higgins:**

Yes, thank you, Ma'am. In fact basically what is happening is you are illustrating what I am saying about our inability to hold people to account, anyway that is neither here nor there. I will comply with your wishes. Okay, I will give the case of Mr. Amar Alwitry, who is a consultant ophthalmologist, ophthalmic surgeon, who applied for a position at the General Hospital in Jersey. They accepted the contract unconditionally ...

**The Connétable of St. Ouen:**

Ma'am, can I just stop you there? The Deputy has just named an individual and has no right of reply in this Assembly.

**Deputy M. Tadier:**

It is in the public domain.

**The Greffier of the States (in the Chair):**

It is in the public domain, Connétable. The case of the individual concerned has been discussed several times by and named within this Assembly. I do not think there is a problem with his name being mentioned in this forum.

**Deputy M. Tadier:**

Could I raise a point of order? I think the Standing Order says that you should not mention people by name unless it is unavoidable.

**The Greffier of the States (in the Chair):**

It does say that, yes.

**Deputy M. Tadier:**

I think it is up to Deputy Higgins to decide whether or not in the points he is making it is unavoidable to make the points he wants to without naming somebody; that is presumably the line to judge, Ma'am.

**The Greffier of the States (in the Chair):**

But bear in mind that it should be avoided where necessary, particularly when that non-member cannot answer back in this forum if he is making indeed allegations about their behaviours or performance in the past. If you would like to go on, Deputy Higgins.

**Deputy M.R. Higgins:**

Okay, Mr. Alwitry, I am mentioning this case because, yes, it is in the public domain. I might also add it has cost the States £2.4 million because of this particular failure. I just need to just give a little bit of background about the case for those who are not familiar with it and then explain the lack of accountability. Essentially, this doctor was appointed, he applied for a job at the General Hospital, he got it and in law of contract if you are offered a position and you accept it absolutely and unconditionally, as soon as you do so a binding contract comes into place. What happened in this particular case? Mr. Alwitry sold his house and started making arrangements for his wife and children to come to the Island and was 3 weeks, if I remember correctly, away from doing so when his contract - it was put forward by the Health Department - was suddenly withdrawn. They said they had withdrawn the offer, the truth of the matter is you cannot withdraw an offer once it has been accepted, as any law student will tell you. It ended up that there were discussions at the S.E.B., and I know there are past members of the S.E.B. who are here who can confirm this, and in fact they told me the information, that Mr. Alwitry at one point would have accepted £100,000 in compensation but they were advised only offering him that in 3 months. He naturally rejected that and started legal proceedings against the States. We have a situation where it has gone on, I think, for 7 years this case and it went through every single court in Jersey up to the Privy Council. On the question of breach of contract Mr. Alwitry won hands down. We then spent probably about another 2 years negotiating the quantum of damages. I know it was spun because as in all these claims he put forward, I think, a claim for £7 million, it was spun afterwards he only accepted £2.369 million in damages. The point is it cost us £2.369 million in damages and in addition to that there was hundreds of thousands of pounds spent on our own lawyers and Mr. Alwitry's lawyers and court costs before the matter was fully resolved. I think the most galling aspect of this case is how it was dismissed and spun by the S.E.B. and Government Ministers and the fact that no one has been held to account for this fiasco, not the medical ...

**The Greffier of the States (in the Chair):**

Again, Deputy, I do again hesitate to interrupt you but, again, I fail to see how this relates to your actual proposition because your proposition is about the conduct of States employees and the States Employment Board is made up of politicians. I am not entirely sure how that does relate to your proposition.

**Deputy M.R. Higgins:**

The reason, Ma'am, is the States Employment Board is made up of politicians and civil servants.

**The Greffier of the States (in the Chair):**

No, the membership of the States Employment Board is purely political. They are advised by civil servants.

**Deputy M.R. Higgins:**

In that case I stand corrected ...

**The Greffier of the States (in the Chair):**

But it is the politicians who make the decisions.

**Deputy M.R. Higgins:**

Okay, I will accept that. Basically what I am trying to say is anyway that no one was held to account for the withdrawal of the offer or, in other words, the breach of the contract. It was not the medical consultants who instigated the action based on their belief that he had made a complaint against one of their colleagues to the B.M.A. (British Medical Association) and thought he would be trouble and, therefore, wanted to get rid of him before he started. None of the Health Department executives who sanctioned this action of breaking the contract have been held to account and neither has anyone connected with the States Employment Board. I will leave that one. The next one I want to come on to is the Jersey child abuse scandal. This scandal cost children to be abused and it cost £29 million-plus in costs for the inquiry, legal fees and compensation and yet no one was held to account. When it first arose, all the question of abuse, former Senator Stuart Syvret was the Minister for Health and Social Services. He became aware in 2007/2008 that child abuse was taking place in States-owned and run children's homes by those employed in the service and others. He told his senior officers to urgently investigate and report back to him. Instead they obstructed him and, with the aid of others in the Jersey establishment, plotted to remove him from his position. In this regard they were successful, he was removed from office and the officers responsible went unpunished and at least one, I think, still remains in a well-paid States of Jersey job. Other officers who allegedly raped, sodomised or physically abused both boys and girls were not prosecuted, despite multiple allegations and credible evidence. A former director of Education - and I will not name the director of Education - was nicknamed the pinball wizard for physically brutalising children by beating them and bouncing them off the walls of his office.

[10:45]

He was protected by politicians when former Deputy Trevor Pitman asked for the Minister for Education of the day to suspend him as a neutral act so that the very credible allegations, which came from both children and staff, could be investigated. He was not suspended, nor was the matter investigated. He was instead protected and allowed to continue to work for many years as director of Education before retiring on an exceptionally good pension.

**The Greffier of the States (in the Chair):**

There is a point of order, Deputy Higgins, will you give way?

**Deputy M.R. Higgins:**

Yes, Ma'am.

**The Deputy of St. Ouen:**

Ma'am, it appears to me that the detail now being given by the Deputy is capable of identifying the public servant in question and it should not be raised in this way.

**Deputy M. Tadier:**

Point of order, a lot of the points to which the Deputy is referring were in the public domain in the committee of inquiry, which we debated early on in this and there were people who probably could be named and their titles referred to if the Deputy was simply to read from a document of the committee of inquiry where they gave evidence.

**The Greffier of the States (in the Chair):**

I think, the Deputy of St. Ouen, Deputy Tadier is quite correct, these are details that have been discussed in this Assembly already in the same situation as Dr. Alwitry. It is a question about whether we would be benefiting in not using the titles or the names because it is already very much in the public domain. Deputy Higgins, while there is a pause in the proceedings I wonder if you would be so kind as to allow me, in the public gallery, accompanied by the Bailiff, His Excellency the Ambassador of the Kingdom of Thailand to the Court of St. James is present in the Assembly and I wonder if Members could welcome him in the customary manner. **[Approbation]** With that, Deputy Higgins, if you wish to continue.

**Deputy M.R. Higgins:**

Just going back anyway to the consequences of the Care Inquiry and the cost. What happened here is no one, and I repeat no one, where a few of the abusers were ever held to account, no one within the public service was held to account for their actions. No one who was supposedly supervising children's homes was held to account. We have a situation where the careers of different people were ruined; former Senator Stuart Syvret removed from office, former chief of the States of Jersey Police, Graham Powell, was suspended from office. Why? Basically it was an act of political revenge for 2 reasons; one because he did not constrain the former chief investigating officer of Operation Rectangle, Lenny Harper, in the view of some of the politicians and, secondly, because he would not take part in the coup attempt to remove former Senator Syvret. People may say, what coup attempt? The former chief of police documented, as did another officer who attended a similar meeting at the same time, where the chief executive and senior officers were plotting to remove Senator Syvret from his office as Minister for Health and Social Services. He will not take part in it. He has excused himself from the meeting, went back to the police station and recorded a contemporaneous file note. When his other officer came back from the meeting they attended with the same things on the agenda, he instructed them to also make a contemporaneous file note. These are not just outlandish allegations, this is a case where civil servants were plotting against a Minister and they succeeded because the States went along with it and the former Senator was removed from his position of Minister for Health and Social Services. I might add that the former chief of police eventually, although he was pilloried in this Assembly and criticised by all and sundry unfairly and was never given a proper chance of reply, ended up after the Care Inquiry retiring. Moving on then, just to give you another example, States Members were often placed in rather awkward positions in how we deal with particular matters. I once received what I consider one of the best written and detailed reports I have ever read from an anonymous source. It was associated with one of the Island's most important independent non-governmental bodies. The allegations detailed a number of governance matters, which included comments made about failures of the body's own internal audit body and its former chief executive, who had just been nominated to sit in another independent body, whose membership was to be nominated by the States. The allegations were very concerning

and I felt they had to be investigated, as was the question of the suitability of the nominee to sit on another independent body, however, it was an anonymous report. The dilemma I faced was I could challenge that person's appointment to this other independent body but doing so on the basis of an anonymous report I just could not do. What I sought was that the matter should be investigated and I wanted the matter to be investigated by the Comptroller and Auditor General. I spoke with the Chief Minister on this, who I might add was totally supportive and he recommended that I go and see a senior officer to discuss the matter to see how it could be resolved. In the end I said that I would not challenge the person when their appointment came up and I might add they were part of a block of appointments; I could have challenged them all or I could have challenged the individual. I felt with an anonymous report it was not the thing to do. What I wanted was the matter to be reviewed by the Comptroller and Auditor General, they could look at the allegations made against the chief executive, against the audit body, et cetera and if the person was criticised in that report then they would not take up their position on this other body. In fact the person indicated that if they were challenged in the States they would not take up the position. Anyway, to cut a long story short, what happened was the Comptroller and Auditor General did not want to investigate this matter. I was not told this, neither was the Chief Minister. Later when I was asking what had happened I found out that the senior officer concerned decided himself to refer it back to the Audit Committee of the same body that was criticised in the anonymous report. To the best of my knowledge, I do not know what they came up with, but I do not believe that they criticised their former colleagues or themselves and, as it happened, the person did not take up the position. But I think it is totally unsatisfactory when we have concerns like this that senior officers are dedicated a task to do, go away, if they find it is impossible but do not come back and explain to either the Chief Minister or myself what has gone on. I do not know if that was due to a mistake, incompetence or instruction or cover up or anything. All I know is that this person is still in place and will be making decisions like this and do I have confidence in those decisions? When you have something like this that happens you do wonder. Okay, let me just move on to another example and this one, again, is well rehearsed in the States ...

**The Greffier of the States (in the Chair):**

Deputy, will you give way for a point of order?

**Deputy M.R. Higgins:**

Yes, Ma'am.

**Senator S.Y. Mézec:**

Ma'am, I am genuinely trying to be helpful in raising this point of order. The proposition that the Deputy has brought is very specific in what it is asking this Assembly to agree and the Deputy is going through lots of examples, which are perfectly interesting to listen to but, in my mind, I am not understanding what case he is making for what impact what he is proposing would have in those examples or any future ones which are similar. I think he is meant to address the proposition in his speech and he would be helping the Assembly for us to get to grips with this proposition if he was being much more direct in his speech, rather than talking about examples and not addressing how the proposition itself would impact on those or future similar ones.

**The Greffier of the States (in the Chair):**

Thank you, Senator, for putting the point succinctly, what I had been trying to do in my interjections a couple of times throughout the speech. Deputy, the speech you make in support of your proposition really needs to do just that. I do agree with the Senator that at the moment I am struggling to see the relevance. I can see that these are allegations that you have about specific incidents but how they relate to what you are proposing the Assembly should endorse is difficult to see. If I could ask for your speech to be more in line with your proposition and to support your proposition. The allegations that you have made are listed within the reissued version of the report that accompanied this

proposition, so I am not entirely certain it is necessary to rehearse each and every one of them, unless they have a specific reference to your proposition.

**Deputy M.R. Higgins:**

I think, Ma'am, I will accept that. They are in the report and what I have tried to do is to illustrate specific cases where we have failed and no one, and I repeat no one, is ever held to account. In fact if I may, I just might quickly just mention them in headings and just explain again the fact that in each incidence where no one was held to account and then I will move on directly to the thing. My next one was to do with the health service and if you remember we had the fiasco when some in the health service were given unauthorised pay awards by the head of that body and they were advised not to tell their colleagues. It ended up costing taxpayers £900,000 and yet no one was held to account for this. We have had examples where in Children's Service people have defamed members of the public and made statements about them, which were false and although complaints have been made against them, they have never been properly investigated. In fact, what investigations were a travesty. So the member of the public who was defamed has no rights and certainly they were not in a position to sue because defamation cases, as people know, are probably the most expensive type of case to bring against any individual. So we have people who can be defamed by officers but are never held to account. We have cases where officers have broken the Data Protection Law and the Data Protection Commissioner has highlighted that they have broken the law and yet no action is taken against the officers. We have senior officers who automatically by default defend their junior officers and in some instances have almost tried to cover up for it by trying to cite that ... for example, when people took tape recordings of conversations, which included what the officers were doing, being told you could be prosecuted under the Data Protection Law for what you did recording it. That is the not the case. I have already discussed it with a former information commissioner and people are entitled to take tape recordings, secret tape recordings, of meetings they have with officers, whether they be social workers or anybody else, providing they do not just put them on the web, but they can use them as a record of meetings. Very often in cases dealing with the States, it is vital they do so. Okay, I have talked about the Children's Service. I believe there are routine cover-ups in the Children's Service and I would ask Members to look at the report and see what I have written. The Planning and Environment Department is another one. This department is just unbelievable in the way that it has acted. I have been helping someone ... sorry, there are 2 cases here. The law is being applied in all sorts of ways, officers promising that they are going to take enforcement action because of things that have happened and then not done so, officers telling me as a Member and members of the public that a file has been referred to the Attorney General for action, only to find out from the Attorney General himself just over a month later that the file was pulled back from the department and no action was ever taken. So we have been, I believe, certainly in this department, not served well by our civil servants and yet how are they held accountable? The one case that I have been dealing with for over 12 years was a man who was taken to court for a breach of an enforcement notice, which required him to remove plastic windows from the rear of a property. He was convicted in the Magistrate's Court and given a fine and a criminal record and the whole process from start to finish was a travesty of justice. It did not show the States of Jersey or the legal justice system very well. In fact, it showed it at its worst. Following this trial, this man - by the way, the trial took place in 2010 - was advised by the magistrate to take his argument up politically. He did. He spoke to the Chief Minister of the day, in fact, and the Chief Minister asked his chief executive to investigate the matter. The chief executive goes to the department and is told that the man ... well, in fact, he made various false and unsubstantiated, defamatory allegations against the complainant. This stopped the investigation in its tracks. Why? Because the chief executive chose to listen to his officer, his senior officer, instead of a man who had just been convicted in the Magistrate's Court. Now, the complainant appealed his conviction in the Royal Court 3 years out of time and his conviction was quashed but he suffered unnecessary financial loss, mental trauma and family stress, which cannot be completely undone. It also led to the independent Norfolk Police investigation into the

department, which cost £50,000 looking into allegations of the perversion of the course of justice, perjury and misconduct of public office.

[11:00]

This investigation was completed in December 2021 and after almost 4 years no written report has been made to the S.E.B. or to the public. Now, we have been told, however, that there will be no criminal prosecutions of members of the department, primarily because the department is found not to be fit for purpose, deficient in policies and procedures, with the result that individual officers were applying the law differently, unchecked and as they saw fit. A number of officers have already left the department and one of those who deliberately lied to the court and should, in my opinion, have been tried with perjury, seems to have escaped on a technicality, which is highly debatable and should really be tested in court. The police officers, however, were very clear in their verbal report that one of the planning officers deliberately lied to the court. Now, whether it was technically perjury or not is irrelevant, as I do not believe there are any circumstances whatsoever where an officer should deliberately lie to the court under oath, not least in a criminal court where the accused will face substantial criminal sanctions.

**The Greffier of the States (in the Chair):**

Deputy, there is a further point of order from Senator Mézec. Will you give way?

**Deputy M.R. Higgins:**

Yes.

**Senator S.Y. Mézec:**

It is a point of order so he does not necessarily need to give way to it and I am afraid that it is the same point of order I raised before. I am trying in my head to work out whether I ought to vote in favour of his proposition or not and he is raising examples now that very clearly are irrelevant because he is talking about perjury. That really is not anything to do with what is in his proposition, which is about employment contracts, and he is not helping the Assembly understand what he is trying to propose and he really does need to keep it more relevant so that we can have a constructive debate.

**The Greffier of the States (in the Chair):**

Indeed, Deputy, as has been said before, it would be incredibly helpful if you were to aid the Assembly by highlighting exactly what actions you would expect to be taken in relation to the proposals that you have put within your proposition and highlight how this would be practically applied, and to keep the examples that you are giving purely to support the specifics of your proposition because we have gone quite a way off at a tangent at times. I appreciate that you are covered by parliamentary privilege, so you are able to express your opinions in this Assembly freely and that is your democratic right, but it is making it very difficult for the Assembly to determine whether or not they should indeed support your proposition because your speech is not directly connected with the proposition that you have put forward.

**Deputy M.R. Higgins:**

Thank you, Ma'am, and in fact everybody will be pleased that I am finishing the examples in a moment, and I will. This particular case, though, is highly relevant to the proposition. If officers do lie to the court or to their Ministers and others who are supporting the department in actions that are brought against them, then it is highly relevant and you question what actions have been taken against these people. Now, this officer has been in service for a long time and given evidence in other cases. How can we be sure that the other evidence is not tainted? Anyway, I shall leave it at this, but there is one other case I have got. There are 8 examples in the report and I would ask Members to read them, but I just want to give 2 other examples too and then I shall come to the end of this. I talked about a culture of impunity and about us not really defending individuals. The system seems to act



against individuals. There are 2 other Deputies and a Senator in this Assembly who have helped a young woman in a harassment and stalking case and we have had lots of discussions with the States of Jersey Police, and we wanted to make sure the case was properly investigated and that all evidence was presented to the prosecuting authorities so they could make a decision on it. Without going into all the details, we were given assurances on multiple occasions that all the information was given to the Law Officers' Department so that could take place. Nothing was left out, all the things that we raised concerns about were put forward, and yet one of the Deputies in this Assembly wrote to the Attorney General and had it confirmed that not all the information was handed over. Therefore, we have this problem about we are being assured, for example, by the police that everything is done but then we find out it is not. What service is it doing for the Island? There are other cases and in fact in the case that involved the Planning Department, one thing that I found particularly egregious is the fact that while this case was being investigated by Norfolk Police, the Master of the Royal Court was trying to strike out the civil part of the action because it was taking too long. The Solicitor General was going to take part in those discussions to terminate the orders of justice. Now, when I checked ... and this is highly relevant because when I heard this I was absolutely aghast. I thought we have had a person who has suffered an injustice, it is being investigated criminally and yet in the meantime the courts are trying to strike the civil action out. When I checked I found out that the then Solicitor General was not acting on the authority of the States Employment Board, which was defending the action. When I spoke to the chairman and the vice-chairman, they had not discussed it. They did not know that there were discussions about striking out the civil action. As a result of that intervention and finding out they did not, it did not go ahead. What I am just trying to say is we have people acting on behalf of bodies and the bodies do not necessarily know what is being done in their name. I will leave that one at that particular point. The only other thing I would say is that there are many people, including the Senator who has brought a point of order, and I know there are other Assistant Ministers, who have got other examples of where civil servants have either obstructed them or lied to them or who maybe have attempted to cover up. We hear these things in private, we are told. I just hope they will be honest and come forward in the Assembly and give the examples. So, going back to the actual proposition itself, I happen to believe that we do have this problem with some - and I stress that again - rogue elements and that we need to bring it under control. How can we do that? Well, we can do it by changing their contracts of employment and making it quite specific that they cannot lie to a Minister or to a Scrutiny Panel or to individual Members in the course of their employment, that they should not obstruct, mislead or cover up or hide cover-ups. Now, there is nothing in their contracts at the moment that prevents them doing that. In fact, believe it or not, the States Employment Board when they speak no doubt will say: "We have got codes of practice. They have to be honest" and everything else. There is no requirement for them to tell the truth. So I am saying that our codes of practice are defective, that we do not have effective checks and balances and, therefore, I believe that we should change the contract so it is quite an explicit statement in their contract that these things are totally unacceptable, will not be tolerated anymore. If they do then they will be guilty of gross misconduct and should, after investigation, they be found to be then they could, in the most extreme of cases, lose various privileges in terms of bonuses, let us say, or compromise agreements. So I think I will leave it at that. I think I have demonstrated, with all the interruptions and the fact that ... and explaining how our procedures do not help, how our accountability system in terms of an ombudsman does not help. We are not helping the people we are supposed to be representing in this Island and I do believe that if we adopt this proposition ... and I just ask every States Member: do you think it is right that civil servants should lie to you or to a Minister? Do you think that they should obstruct Ministers? Do you think they should mislead or they should cover up? If you do, do not vote for this because we need to have something explicit in writing and the most direct way of doing that is putting it in the contracts of employment of our civil servants. The vast majority it will have no effect on but those individuals who are rogue it will affect quite directly. I shall allow other Members now to continue on this. I put forward this proposition.

## **The Greffier of the States (in the Chair):**

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

### **4.1.1 Connétable A. Jehan of St. John:**

When I first read this proposal I had some sympathy with the Deputy. However, I do not believe that the proposal is necessary or that this lengthy speech has helped the case. I have spoken to many employees in the year that I have been in this Assembly and I have to say that I am aware of the progress that is being made, has been made and continues to be made, particularly with the health service staffing issues. Perhaps what is needed is more training. I have expertise in employment law. I have sat both sides of the desk. I have represented people as a young trade union representative and I have taken cases as a manager and heard appeals as a director. I am very proud of my record of never having to have an appeal turned over. We need to make sure that people are trained, both employees and Members of this Assembly. They need to be aware. The comments from S.E.B. I think are quite clear: we have got everything and more that we need to manage our staff and we have got some amazing staff. I think that this proposal is a negative thing and that what we have got to do is utilise the tools that we have already been given. There are examples where we have not utilised the tools, and Ministers are aware of that, but we have to do that and we have to do better. It may be not the Ministers' fault for not utilising the tools; it may be about awareness. We really have to start to give people the training that they need, the awareness that they need. We come from a wide range of backgrounds and we may not be aware of the employment law, but we have got, as S.E.B. says, plenty of tools to use where we can deal with the scenarios that the Deputy has put forward. We do not need more. We just need to use what we have got, that is the contracts, the code of conduct and the standards in public service. I will not be supporting the proposition but I would ask S.E.B. to seriously consider an amnesty period. I think that would be a useful thing to do. I think that could help us and I would ask them to take that away and seriously consider that, but unfortunately I will not be supporting this proposition.

### **4.1.2 Senator J.A.N. Le Fondré:**

There are many times that I often listen very carefully to what Deputy Higgins says and at times agree with him, and obviously this is not one of those occasions. In fact, I am very glad to follow the Connétable of St. John, which has also shortened my speech even more, so I am going to try and keep it fairly brief. As he has said, and as we have said in our comments, we believe that all the issues have been dealt with by the States Employment Board, particularly during the whole range of procedures and changes that we put through as part of that cultural change that we have been dealing with the organisation. That does include new policy frameworks that do impact on public sector duties to conduct themselves to a high standard, including following natural justice, the policies of best practice and follow the requirements of the law. The proposition does not really add anything to what we have done. Agreeing to the proposition will effectively mean that the States Assembly has little or no faith in the good conduct of the public service and I think we need to think what message that sends. I understand the comments that Deputy Higgins has said but what message that sends to the 7,000 or so employees that we have. I am not clear at the moment on the legal position of the Assembly and the Parliament essentially changing the individual contracts of 7,000 staff, which is effectively what is being sought. I will make the next comment, the comment I was going to make very shortly. The term "punishable by termination of their employment without any compensation or compromise agreements, pension rights or bonuses depending upon the severity of the offence they have committed" does rather seem to predetermine an outcome, which in our view is not natural justice. All allegations that are made must be investigated. There is no question on that, but there must be evidence and the level of proof sits at the balance of probability, depending if it is criminal activity that is being alleged. That is a high bar in terms of prosecution evidence as opposed to other areas, and I am definitely not a lawyer on this. The sanction or punishment has got to be proportionate

to any degree of misdemeanour and mitigation put forward, and that does already exist. As far as I am concerned, criminal activity will never be covered up.

[11:15]

Indeed, on the very rare occasions when there is a criminal investigation the S.E.B. allows that to conclude before taking any actions. We do not interfere or confuse that investigation. Just to put things into perspective, in 2021 there were 63 disciplinary case investigations out of over 7,000 employees. That is less than 1 per cent of the entire public service and of those 5 resulted in dismissals. In terms of the amnesty, we are not entirely sure of the mechanism and whether that would actually work in terms of what one is trying to achieve, but we will listen to the debate on that. For all sorts of reasons in terms of this proposition, within the proposition, it does not work. The idea of a register, you then run into issues around data protection and requirements. That is not covered by the proposition and potentially, by voting for this proposition, certainly the advice I have got, we wonder if it will place us into issues of G.D.P.R. (General Data Protection Regulation) and breach of data protection. I will make one other remark that in Article 47 of the States of Jersey Law it specifically states: “A person who intentionally and without reasonable excuse engages in conduct (including the use of words) that the person knows or suspects will substantially interfere with the carrying out of any function of the States, or any committee or a panel established under Standing Orders, commits an offence and is liable to imprisonment for a term of 5 years and to a fine.” In fact, depending on the severity and the circumstances and without going into the details of this - I am trying to keep my words short - it would seem to me that there is a legal degree of protection there already at a law level rather than interfering with the contracts of 7,000 people on the basis that that is what we already require them to do. On that note, I will very clearly not be supporting any part of the proposition. I really do urge Members to vote against all parts of this proposition.

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

I was hoping the Greffier had not left my name on the paperwork, but she obviously had. I do just want to start by saying, Sir, while you were doing other important business I think I would like to pay tribute to the Greffier who just handled a very difficult opening speech very well indeed. **[Approbation]** I would not wish to have been in her seat. I think that the Constable of St. John is absolutely right when he reminds us that the States Employment Board have a number of tools at their disposal already to deal with some of the issues that the Deputy has referred to. I do not think that his proposition will deal with the issues that he has raised. I refer the Deputy to the work of the Democratic Accountability and Governance Sub-Committee of P.P.C. (Privileges and Procedures Committee) which gloried in having a membership of political opposites and yet recognised in that work that there is work that needs to be done around the constitution of the States Employment Board and the political framework that the States Employment Board sits in and the accountability of the States Employment Board to this Assembly. I think that the issues that the Deputy is trying to refer to ... it is always difficult because I think the Deputy comes to this Assembly sometimes with a kernel of truth and a kernel of a problem that should be addressed and then he cloaks it in all sorts of conspiracy theories. He accuses those either Members of this Assembly or members outside of this Assembly of all sorts of misdemeanours where they have no right to reply and that is completely inappropriate. I cannot support this proposition today. I do think that the incoming Government will need to take notice of that work that I have just referred to and think about how we can enhance the role of the States Employment Board. Could we remind ourselves that it was always a creature that was trying to stretch between the committee system and the Ministerial system? It always had almost an impossible job to do. It has largely done it well but there are occasions when in hindsight, and I only say this with hindsight because I sat on that body, that maybe there is a different formation that would give greater confidence to this Assembly and to the public at large. The reason I worry about debates like this is because officials do listen to the machinations of this Assembly and they will be taking personally the things that Deputy Higgins has accused them of. To listen to his speech you

would believe that corruption, a disassociation with the truth, was rife across the public service and in this Assembly, but my experience is it could not be further from the truth. People of great intellect, of great skill, of great experience put themselves forward for a different type of public service from the one in this Assembly put ourselves forward for but they have the same ethos at heart in seeking a job in the States of Jersey or the Government of Jersey. Whether that be nurses, whether that be doctors or teachers, whether that be care workers, whether that be social workers, the system in which we invite them to ply their trades is not always fit for purpose. There are occasions when the system feels overwhelming to individuals and they are not able to perform in the way that they would like to but I pay tribute to those officials who I have worked with over the years and I have been fortunate to work with during this particular term of office. I joked with the Senator to my right - that is geographically not politically - that whenever a Minister stands up in this Assembly and achieves something it is the team behind them that is the achieving team not the individual Minister or Assistant Minister that might be on their feet. It is a well-known management theory that the most successful people in the world are surrounded by people who are more skilled, have more intellectual power and have more experience than the leader of the team. I leave it to others to say whether I am successful or not but in my case it is certainly true that I am surrounded by individuals of that calibre. So if we think about the kernel of the issue that the Deputy wishes to address, it does need to be addressed, improved accountability to the Assembly and to the public through some of our structures, but this is not the way to do it. I do wholeheartedly disassociate myself from the derogatory comments that the Deputy made about our officials and the conspiracy theories that he espoused.

**[Approbation]**

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

I shall not keep Members. I think Senator Gorst said it very succinctly in the wrapping up of his speech, which was, I thought, excellent. However, I would like to ask the Deputy a question, if I may, because during this term I have become very familiar with Article 6 of the code of conduct for States Members, which is the article that identifies that public comments regarding a States employee or officer should not be made. That article does outline very clearly the process that lies behind any concerns that a States Member has about a particular employee or officer. I would like to ask the Deputy whether he has used that Article and made the complaints that the Article asks Members to do if they do have any concerns. In saying that, the Corporate Services Scrutiny Panel have also conducted a review of people and culture and made a number of recommendations during this term and we found that it was a very important area, of course, and one where there are always improvements to be made. I think previous speakers have outlined some of them. The code of conduct for civil servants is still under way and that has taken a considerable amount of time and we do look forward to that being completed. Just last week in our public hearing with members of the Government we impressed upon them the need to communicate clearly with staff and to encourage use of the improved whistle-blowing process that has been put in place. But I think for Members of the Assembly perhaps one of the greatest disappointments of this term has been the failure to bring to the Assembly the new ombudsperson that was directed by a previous Assembly. I think that role would help considerably to offer the finality for those who do become caught up in a process and have frustrations. I really urge the next Assembly to complete that much-needed work, which hopefully will bring the resolution that is needed to some of the people with genuine concerns that I know Deputy Higgins has dealt with, with great compassion and care and concern, but we must ensure that we use the proper processes that we have available and also look to enhance those that are yet to come.

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

I stand to speak because over my time as a States Member I have had a number of issues I have dealt with, whether they are constituency cases or members of staff that do not know which way to turn when it comes to things like bullying and harassment or issues of potential dishonesty and other

things that are in the public sector. Historically, the States Employment Board I do not believe has been given the sufficient consideration around the governance procedures and the way that it should work, but I would like to take this opportunity to thank the current group director for People Services. The reason why I do that is because if Deputy Higgins took time to read the Comptroller and Auditor General's report on the States Employment Board, took time to read the report of the Democratic Accountability and Governance Sub-Committee and Public Accounts Committee reports as well, which refer to issues around governance of the States Employment Board, there are already things within the report of the Democratic Accountability and Governance Sub-Committee that are out of date because that group director has put in place a people strategy, has updated the values that we expect of our staff, which are much more comprehensive and go further than the Nolan principles that we see all too readily in other jurisdictions. That includes the requirement to be honest and the requirement for the right ethics and all the values I think we all share. One of the recommendations we make in our subcommittee report is that that exact value system should be reflected in States Members own code of conduct. I do not know whether anyone has taken the time to read that code of conduct but it is severely out of date and it really does need to be updated, but it should be the same shared values as we expect of our public sector. I stand because I do understand the frustration that Deputy Higgins is trying to put across but, like I stated, I have had many cases where I have had to demand my way through to speak to the States Employment Board. Some areas come out in the public domain, the HR Lounge report; some of the cases that were within that were things that I had to deal with directly.

[11:30]

That is why I refer to the governance of the States Employment Board. I think there is a great deal of frustration by the public, and Senator Moore quite rightly referred to the fact that we missed an opportunity in bringing in the Public Service Ombudsman and I hope it is on the top of the priority list for the next Government to make sure that the way that administration works within the public sector there is a route for people to be able to feel like they are listened to and heard and their issues are taken into account, whether that is lying or not. I cannot bring myself to support this proposition and I think it is wrong for us to expect people to apply for a job with the public service on the basis of mistrust. **[Approbation]** The Constable of St. John referred to about the training and about the culture that we need to change, the expectations that we have. I made the point to Deputy Guida yesterday about the power dynamics. We are here as public representatives and if there is a political will to do something and there is an underlying issue, no one person can deal with that directly, especially as a politician. We do heavily rely on our officers and rightly so because they have experience and knowledge and that is why they are employed to do those jobs. But we want to be able to make sure that the States Employment Board can function so that accountability is in the right place and it is identified that any cases that may come forward are upheld in the spirit of the law as per what the Chief Minister referred to. I am unable to support this proposition because I do not think it is the right solution for the issues I think that the Deputy is frustrated with. I have experienced concerns and I have raised them with the direct lines of management. Senator Moore referred to what you have to do if there is an issue or you are speaking about particular public sector staff in a particular way or in the public domain, but if there are any other cases or issues then there is a certain way to approach that. The frustration comes when nobody does anything about it or there is no response or there is no ... and I think the other issue that we have to take into account as well is how well our States Employment Board handles H.R. (human resources) cases. If we look at the number of tribunals and things that we have seen, we could do much, much better in this area and I think there is plenty of room for improvement. I think we have made great strides and, as I referred to the group director of People Services, the changes to the codes of practice. There has been a culture programme. I am not sure whether it has had the impact that we would all wish for it to have but, like I say, I think there are plenty of recommendations. There are plenty of pieces of work that are going on and we referred to in the debate on my proposition yesterday about a supervisory committee

and the fact that it should not just be a nodding dog or a boys club or whatever it was referred to as and there should be sufficient challenge in that. I expect the same of the States Employment Board. There should be sufficient challenge at the States Employment Board to make sure that we have got the right policies, that we are making sure that we are following through with notices served on the States Employment Board. They are a legal entity within their own right and, like I say, there is always room for improvement. There is a lot of improvement that is needed here, I believe, specifically with regard to accountability. I hope the Employment of States of Jersey Employees (Jersey) Law will finally be resolved next term. So, as a top priority, I would suggest the Employment of States of Jersey Employees (Jersey) Law and the Public Services Ombudsman, because I think that will go a sufficient way to try to deal with some of the concerns that Deputy Higgins has raised.

#### **4.1.6 Deputy M. Tadier:**

I will not comment on the merits or otherwise of the Deputy Higgins' argument and the way he presented. I think it is important to remember the Deputy is a long-standing Member of this Assembly and he has no doubt over the time built up a long list of casework and frustrations with the system. I feel very much that this proposition is born out of frustration but also a desire to see what we all want to see; an accountable civil service. What I would say is that I do not accept the principle that just because what this is trying to do is quite stark - and I will speak to that in a moment - in any way impugns the general integrity. I am talking about the proposition here rather than the content of the Deputy's speech. In the same way as when we pass laws on anything to do with murder or domestic violence, we are not saying that the whole of society is full of murderers or domestic abusers. We are saying that in those cases where these things happen we need sanctions and we need consequences to people's actions. So I am very much looking at this, first of all, in a spirit of seeing what I can and what I want to support, because I think I agree very much with the thrust of what Deputy Higgins has done. I think Deputy Higgins and I were very much formed in the same fire in the sense that we both came to politics in the aftermath of the revelations in 2007 of historic child abuse and we followed that process through and followed the committee of inquiry very closely and we listened to some very traumatic stories of individual experiences. It is again alarming today to be in the same situation where you hear stories about a child being kept at La Moye Prison or Greenfields not being up to scratch and being told that they failed an inspection, especially when we have just started this particular term by putting children first and being told that this will not happen again. The reason I think those arguments are relevant is that the whole trust in the system only needs one or 2 bad eggs in order for the whole thing to be discredited. When I read through this, and I read in particular through parts (a) (i) and (ii) and I hear about behaviour like "lying, obstructing, misleading and attempting to mislead a Minister" or any of us here, of course those are things that should not have any place in a modern or indeed in any civil service that holds itself to be accountable and democratic in upholding standards of natural justice. We do not want to see those things. Deputy Higgins does not want to see them and nor do I, and I do not think any of us wants to see them. So then the question arises, I suppose, of what happens in those situations. Should it automatically constitute gross misconduct? Of course, there is a second part to (a) which is about covering up or concealing failure, et cetera. So my inclination very much in reading part (a) is, yes, I want to support that. Does it mean that I do not have certain alarm bells that go off in terms of how that might be used? We have to also think about a scenario whereby, in the very same scenario whereby politicians in the past that I think Deputy Higgins has accused and I sympathise with ... he is saying that there was a political conspiracy to get rid of a Minister and to get rid of the former deputy chief of police. I think there is some evidence of that. Could something like that happen from what we are passing today inadvertently? Of course if somebody has lied, has been proven to lie or to obstruct or to mislead a Minister or any of us, that should have very serious consequences and I do not have a problem that that is gross misconduct, but presumably that has to be proven and there would have to be a process and an appeal mechanism to go through. I guess when it goes into misleading a Minister or attempting to mislead a Minister that is where we start to get into a grey area. I am thinking about

a scenario whereby a Minister - and it could be a Chief Minister and it could be a particular type of Chief Minister who has consolidated a lot of power with himself or herself - takes a dislike to a particular officer and says: "I think you have misled me there" and the officer of course says: "No, I did not mislead you. It turned out that the information I gave you might have been not correct but it was the best information I had at the time." So I think the whole area of good faith needs to be put in there. I think lying is black and white. Lying is often misused. People say: "So-and-so lied to me" when in fact they mean that they did not tell you something that was factually correct. Lying, as my mother told me, is to speak against your mind or to speak against your will or, in more prosaic terms, to say something that you know to be false. That is how I have always understood what lying is and if people are acting in good faith and people do make mistakes, I think that has to be taken into account. So I do not have a problem with most of the definitions in part (a). Part (b) I think is also okay. I do not really have a problem with part (b). I think that an independent review of disciplinary policies and procedures should be commissioned to ensure that any disciplinary action follows the rule of natural justice. I think that is okay. I think that hangs together with part (a) really. I also think that part (c) about the amnesty is quite a novel one. I think indeed that is something we could have done directly in 2008 in the wake of the inquiry report. We could have had that period of saying: "Okay, if anybody knows anything in the system that is incorrect and indeed if you have done something on this list that you would like to own up to now then please tell us and there will not be consequences." But even that, I guess, does have some issues because where is the line? What is the area of gravity that you can own up to something without having any consequences at all, especially if you think that you are only owning up to something because it is about to be discovered a few months down the line and straightaway you get off scot-free? I will let others speak to that who might be more critical. What I would say at this point is I have seen people in the civil service ... and I am talking about in the recent past. I cannot comment on what the latest thinking and feeling and morale is in the civil service, and it is a wide scope of departments, of course, but I know that when I was still an Assistant Minister I did have very senior officers confide in me often and I knew that they were people with the utmost integrity and dedication to the civil service who could have also worked easily, and maybe had also worked, in the private sector. They said: "I am not sure how much longer I can go on with this with the pressure that is coming from the type of culture we have got." I have not met the new chief executive yet but I am hoping that there is - and it needs to be a constant review - going to be culture change that is going on under her leadership and one of openness where people feel that they can speak out, because we do not want good civil servants and good officers feeling that they cannot do their job because there are restrictions from somewhere up above them. I suppose the last point - it might be a slightly strange thing to say but I think I feel some of the frustration as well with Deputy Higgins - is that we get so often casework that comes to us and he and I will have had people coming up who do believe that there is corruption in the system, they do tell us that. We have been dealing with a particular department - I will not mention it, there could be more than one - and certainly from day one I have had people saying to me, coming to my surgeries every week where it gets to a point where you have taken it so far and you cannot do anything; "This officer here has lied to me. This is clearly not correct" and they just hit a brick wall with where they can go. I will not mention the department but you get that point. In this I am reminded of something that is called the serenity prayer. I think it is used often in A.A. (Alcoholics Anonymous) circles about having the ability to accept things, so you need to know the difference between the things you cannot change, the courage to change the things you can and the wisdom to know the difference. I think that is something that we all need to bear in mind when these issues come to us. I think we do need something of the judgment of Solomon in all of this but when it comes to the spirit of what the Deputy is trying to do, I am very much minded to want to support him and support as much of this proposition as I can. I do think that detail is important and that we do not want to see any unintended consequences, and that process is also really important if we are going to make strong allegations against people who may have done things wrong in our civil service that could constitute gross misconduct.

[11:45]

I would want to know a little bit more about what the process for natural justice is and I am sure the Deputy can help me in the summing up.

#### **4.1.7 The Connétable of St. Ouen:**

I will keep my comments brief. Many in this Assembly will appreciate that acting with integrity and honesty is an implied term within any employment contract. In my view, we do not need an explicit insertion into our employment contracts. One has to think of what impression this creates with any prospective new employee. The employer-employee relationship is, in my view, built on trust and wording in the way that the Deputy suggests erodes this and gets the employer-employee relationship off on the wrong foot. As many will know, recruiting good staff at the moment is difficult enough as it is and this, in my view, will not help. I have to say in all my time as an employer in private industry I have never seen a contract that explicitly lists the offences the employer thinks his prospective employees will commit listed in this way. It would put us completely out of step with the rest of the employment market in the Island and indeed elsewhere. Most of us will have at some stage signed contracts of employment. Imagine how you would feel if your own contract was worded in this way, and I think that is an important point to think about. As I said, it starts a relationship off on the wrong foot, to say the least, and suggests that we almost expect our staff to commit these offences. I would contend that a requirement not to act in a dishonest manner is an implied term in any contract. The States Employment Board is wholly satisfied that our existing policies and procedures are adequate for addressing any allegations of misdemeanours outlined by the Deputy and we have robust procedures for dealing with any breaches such as those outlined in the proposals. We have recently reviewed them at the same time as reviewing and updating our code of conduct. As we say in our comments paper, the code covers all the offences and we are entirely satisfied that they are compliant with Jersey employment law and natural justice. Specifically our code refers to governance, loyalty, integrity, objectivity, probity, accountability, respect and ethics and, in my view, covers all the errors of concern listed by the Deputy. However, and this is very important, it addresses it in the right way by referring to our code in the contract of employment rather than thrusting all the potential offences we think or presuppose our employees might commit up front in a way that suggests we almost expect our employees to commit such breaches. The proposition states that lying, obstructing, misleading and covering up should be punishable by termination of the employee's employment contract "... without any compensation or compromise agreements, pension rights or bonuses depending upon the severity of the offence they have committed." If adopted it would, in my view, limit how the S.E.B. discharges its duties fairly and proportionately, potentially when dealing with disciplinary matters and the arbitrary application of such penalties could give rise to potential claims, particularly where there are concerns of accrued benefits within a pension scheme where a member's entitlement is accruing over a period of time. Such matters are determined by regulations of pension schemes and employees policies. This would create unintended consequences to the S.E.B. over which it would have no control. In fact, in many ways the proposition contradicts itself, asking for natural justice and then suggesting we mete out predetermined and possibly excessive and punitive punishment. I just do not think it has been thought through. I will strongly make the point that we have a proper disciplinary policy that is fair and objective and where wrongdoing is proven it will ensure that the appropriate penalties are applied. Furthermore, while any breaches of our code is regrettable, where this happens we will take robust action where it is justified. In 2021 there were 63 such disciplinary cases, which is less than 1 per cent of our workforce of 7,500, of which 5 resulted in dismissals. However, these numbers do not suggest a pandemic of problems that would justify this proposal in my view. I do understand the Deputy's concerns because I have had some discussion with him on these matters but I do not think that the proposal is justified by the number of concerns that he has. The amnesty, in my view, is pointless because other than not suffering any direct penalty for their actions, the employee concerned would be effectively destroying their career. All staff know that we have a fair and effective disciplinary process but once again what



does offering an amnesty say to our staff about their employer's view of their integrity? Perception in this instance is an important factor. As far as the register is concerned, again disciplinary actions are recorded on staff records, so this, in my view, is unnecessary and is riddled with potential G.D.P.R. issues. I am not convinced that the Deputy has put forward any systemic issues that would require this action to be put into place. Most of what I have said is set out in the detailed comments paper from the States Employment Board and I do urge Members to read this before voting on this proposition. I will finish by saying this. Our public service has particularly risen to the demands of the past few years during the pandemic. They are a credit to us. I cannot see how any Member can support this proposition without seeing the intended slight to the professionalism of our employees as such approval of this would give. To approve this would also put S.E.B. at a serious disadvantage in the employment market with no gains as any areas of concern expressed by the Deputy have been covered by our codes of conduct and disciplinary process, which I believe are fit for purpose. I urge the Assembly to reject this proposition.

#### **4.1.8 Senator S.Y. Mézec:**

Can I start by apologising to Deputy Higgins for twice throwing him off his flow when I raised points of order? I know that can be a frustrating thing to be on the other side of and I was genuinely trying to be helpful in doing so. In his opening speech he raised lots of cases, some of which are in the public domain and are well-known by Members and members of the public. Some of those referred to incidents where, frankly, things were handled appallingly in some instances, where I have concerns, that I am sure Deputy Higgins has concerns as well, that lessons have not necessarily been learnt and things do still need to be dealt with. The reason I made those interventions is because before us we have a proposition that is very specific in what it is asking us to agree and I want to know how it would help. Would it actually improve on things? Would it enhance accountability and would it improve the ability of Ministers to get on with their jobs and have their policy agendas fulfilled? That is something I care a lot about, partly because of my experience as a Minister, which Deputy Higgins did make a passing reference to in his speech, and in particular an incident that I have spoken out publicly about before and spoken to him about before, where I believe I encountered, shall we say, problems in attempting to fulfil my policy aspirations as a Minister. So I want to know what will improve as a result of adopting this proposition and having listened to the Deputy, having read the report to his proposition, being already aware of many of the examples that he raised, having read S.E.B.'s comments and having spoken as well to some of my colleagues outside the Assembly who have expertise in employment law matters, I have come to the conclusion that certainly part (a) of his proposition does not achieve anything. That is something I regret, not least because the optics are not great for voting against a proposition that asks you to agree that lying is bad. Of course lying is bad, but the point is that this is already implicit in employment contracts. It is superfluous to put these clauses in and in fact if you word them particularly specifically you may end up inadvertently having your hands tied beyond your back and not being able to achieve an appropriate outcome if there is some sort of dispute that needs to be dealt with. So it feels like it is superfluous and, therefore, what is the point in amending employment contracts for States employees when it is blindingly obvious that it is already the case that they should not be lying, they should not be obstructing and they should not be misleading. There are processes in place to deal with that when it occurs and if those processes are not working it is the process that is the problem, not necessarily what is written in their employment contract. I look back at instances that I had as a Minister where I was deeply unhappy with how things went and this sort of thing having been in the employment contract would have made no difference whatsoever and would not have assisted me as a Minister in trying to achieve my policy agenda. I think that if we want to improve accountability for particularly senior civil servants who work closely with Ministers, I think there are more important changes that need to be made in the structure of government, what responsibilities Ministers have directly with some of those officers they work with and moving away from the wholly unsatisfactory situation at the moment where Ministers do have to work very closely with officers who they rely on to implement their

policies, who are not accountable to the Minister, but who are accountable to somebody else who the Minister does not have any particular influence over. I think the way that our government structure has evolved in the last 4 years has unfortunately been regression and that needs to be seriously looked at. That is why I was pleased at the adoption of Deputy Young's proposition earlier, inspired obviously by the work that Senator Vallois and her subcommittee members had done too. That I think will do more good to enhance accountability from States employees in the future. The question of an amnesty, I could be open to that but I think we need much greater discussion on it than simply a Back-Bencher's proposition where we do not really know any more about it. It is not necessarily the worst idea in the world, but it would need to be thought through more, I think. Part (b) on the other hand, I may well vote in favour of that, to have an independent review of disciplinary policies and procedures, get that commissioned and make sure that disciplinary action follows the rules of natural justice. I do not see a problem with that at all, as long as that investigation that is done is wide-ranging and that it does speak to those who have an interest in this area and who are involved in employment matters, whether that is the workers' representatives or Government Ministers past and present. That could well be a useful exercise and that should be something that everybody would welcome, and I know while Deputy Higgins may refer to matters where he thinks things were handled badly from one side, I am sure that there are examples of workers being treated unfairly through disciplinary procedures that currently exist and making sure that it is fair to both sides is absolutely fundamental, so that those who work for the Government and ultimately for the public can know that they can uphold the standards that almost all of them join the civil service to uphold, because they care about the Island and want to see the very best for it. I know that the structures are there in place to support them doing their work, to be democratically accountable and to have a fair process in place when something does go wrong. I would urge Members to vote against parts (a), (c) and (d). I am openminded about part (b) though and I would give a friendly word of advice to Deputy Higgins, who I do respect and do think has time and again raised some extremely important issues in this Assembly on some of these cases, that he would be doing himself a lot of favours if when it came to his closing speech he was as direct as possible to the wording in this proposition, because what he is asking for is something very specific for which we have had an argument posed against it in the comments of the States Employment Board that make perfect sense and he has to overcome that if he seeks to win this proposition. I do not think his opening speech, where he really did go off the mark and talk about things that were very irrelevant, did him any favours. So on that basis I will vote against most parts of this proposition but possibly in favour of (b).

#### **4.1.9 Deputy G.C. Guida of St. Lawrence:**

I was going to make the same speech as the Constable of St. Ouen, except of course much less eloquently and with a very strong Jacques Cousteau accent. All this reminded me of travelling to America in the 1970s and if anybody else has done that they may remember the arrival cards that you had to fill out and sign. One of the items was: "I swear not to be a member of a communist party" which makes a lot of sense, and the other item was: "I swear I am not coming to the United States to kill the President of the U.S.A. (United States of America)." I always thought as a teenager that they have a law against murder. Does not murdering a head of state or an important political person carry aggravating factors? Why are they asking me this?

[12:00]

This is exactly what I find in this proposition, that we have got these practices, we have contracts, we have laws, all that is suggested here is already covered, and already exists. What it does is that it puts it in your face in a way that is resentful, distrustful and quite offensive and I do not see how this Assembly can go to its employees in that way. We just cannot do that.

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

I have been looking at the words contained in part (a) and I have to say that had the Deputy sought any advice from me, and he has not, about what he would put into this proposition, which may or may not be totally and utterly valid, what he has put I think is a nice, healthy vent. I would have said to him that: “An act of gross misconduct such as lying, obstructing, misleading or attempting to mislead a Minister, the States Assembly, any Scrutiny Panel or ‘Back-Bench’ Member of the States of Jersey about any aspect of the employee’s work for the States [take a breath] covering up or concealing any failure (act or omission) on the employee’s part alone, or together with others, or on the part of others that they have become aware of at any time, on any matter, that could financially damage or bring the States of Jersey and/or the Government of Jersey into disrepute [take another deep breath] and that such lying, obstructing, misleading and covering up should be punishable by ...” and it does not say “death” but, “termination of their employment without any compensation or compromise agreements, pension rights or bonuses depending upon the severity of the offence they have committed.” Take a third breath. Now, Mike, feel better yet? Because it sounds like it is just a vent. What, that is useful, is contained in (a) apart from that you feel better? I think the answer is very little. Those sorts of statements are difficult to prove with or without a framework around them that works to help or not. I would then say, ah, but when you come to article (b), vent over, maybe you have got something: “That an independent review of disciplinary policies and procedures should be commissioned to ensure that any disciplinary action follows the rules of natural justice” and if that applies to both sides of a relationship then so much the better. Would you want to tidy this up to make sure that it was clear and was going to be a fair process and not one-sided? Well, then, yes, do work on (b), Mike. This will do nicely. I can see what you are trying to achieve. I can see that it is probably worthwhile defining some of these actions and certainly investigating some of these actions, and that is where I stand, I think. (b) may be of some use and may be useful. (a) is just do you feel better now? Calm down.

#### **4.1.11 Deputy J.A. Martin of St. Helier:**

I did have to go into the coffee room after this proposition was seconded, because I think new Members were saying around me: “Has it ever happened before, that a proposition has been so outrageous and went so off the mark?” Sir, I know you missed the delightful opening speech and I hope I can try to stick to the proposition, but it is so far off the mark the new Greffier did her best to bring him back and it was one of those: “Do I stand and give oxygen to the argument?” But, the Deputy said this Assembly is full of weak Ministers whose officers lie to them. Well, Deputy, I have never been weak but I have stepped up to the mark. I have challenged the positions of Ministers for a Ministry I think in the last 4 terms. I have been Assistant Minister, I have been Minister and not one of my officers have lied to me and that is because I do know my brief. I do not know where the Deputy thinks he can come in this Assembly from afar, Sir, no aspersions, I have been off with COVID and I am back today, and say, and he scatter-gunned it so far it was everyone, Scrutiny was being lied to, Scrutiny did not ask the right questions, officers tell us this and that and the Deputy, I have worked with the Deputy since he has been in here. He has his hobbyhorses. He sometimes tells the public that he will sort this. It is unsortable. He has gone right through to the end and then he still drags in Ministers to tell him the obvious, that you cannot give records to the parent of somebody who is now 30 years old, but the parent wants the records, and the Deputy tells you he will get them. The Ombudsman is going to be the answer to everything. Read what the Ombudsman does in the U.K. (United Kingdom). They look through all the process, they look through and find out whether this happened. They do not uphold every case because every case cannot be upheld, but it is one of them. I speak because it has been an absolute steep learning curve. We have been in 4 years where decisions and Ministers have been saying to officers: “No, this is what I want.” I go back to the very quick setting up of the co-funded payroll scheme. Now, Ministers were demanding everyone was in, et cetera. Of course officers were telling us: “Well, this is the consequence, absolutely.” Ministers obviously went to Council and things like that, we were given good advice. We still said: “No, this

is what we want.” I do not recognise anything, not one thing the Deputy told me this morning. Yes, all the cases that are in the public domain, even the hounding out of Senator Syvret. I had great respect. I did not vote for the vote of no confidence in Senator Syvret. It was carried. Senator Syvret left Jersey. There was a clause if you are out of the Island for so many States sittings and off the Island for 6 months you are disbarred from being a States Member. That is exactly how Senator Syvret became not a States Member. If it was 31st March he came back on 1st April. He had been away for 6 months. The Deputy rewrites history in his own memoirs. Nobody else remembers anything like this, but he is allowed to come in, he has put it in writing. I am sorry, Sir, you do not approve but the word “lying” in P.71 occurs again and again and again, and he is accusing us of being lied to and he is accusing Ministers of lying again and again and again in this Assembly. I absolutely cannot see any merit in this, absolutely what Deputy Guida has said, do we really want to go to all of our employees: “Well, what else are you not?” Come on, you have got to go through a list. I mean you are not sexist, racist, misogynist, you are not this, you have to put everything in which you would obviously think your employees are not going to be, because we have got it in codes. It is one of them and I am thinking probably I should not have spoken, because I am so angry, but I am not speaking for myself. I am speaking for the people that the Deputy maligned in his speech, and I am speaking for my officers, the people who have dealt with me for the last 4 years, the people who dealt with me when I was Assistant Minister at Health. I did have responsibility for Children’s Services and what a responsibility that was, going around homes making sure that children were listened to, et cetera. But I do not regret, as I say, standing up. He brought it into the Law Officers’ Department. I mean, the advice we get is really good advice, but no, no, no, people are undermining, striking things out. The Deputy has got so many tentacles he must be 6 octopuses, listening around and he knows all what is going on. The Deputy does not know a lot. The Deputy has never tried to find out a lot. The Deputy has never put himself up to be counted. He does not want to be a Minister. It has always suited him to stand back and throw the stones, throw the stones and throw more stones and see where they land and he has scattered them far and wide today. Everyone here, Ministers, Back-Benchers, the law officers, even the Greffier, everyone and I disassociate myself with the Deputy as far as I can and I am not voting for anything, and I am sorry that Deputy Tadier did second this, because you do not second something that is so outrageous.

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

I want to focus on the words of the proposition and ask some genuine questions about what it means. I think that perhaps I have been called a pedant before, and I do not think that is fair, because I do not think I am. I think I just want to understand what the words mean and the implications of something. So it comes from a background of representing people in disciplinary cases and obtaining training and the wider implications of that, and being involved in the reality of the effect on people’s lives when they face actions. Also, from listening to some of the things that the Deputy talked about and the situations that we have that I personally think that in many of the cases if they had been dealt with early on with proper procedure they would not have drawn people into outcomes or no outcomes that have ruined lives. That is why it is important that we have mechanisms correct. First of all, right at the beginning, part (a) it says: “That contracts of employment for all States’ employees from 1st July 2022 should” and then continues. Is that for anyone entering the service from July 2022 or is that for everyone pre-existing? That is *en masse* changing contracts of employment. Now, being absolutely detached from the reason for doing that, any action in changing everyone’s contract of employment *en masse* overnight is not something that I would support without consultation with the employees and with their union representatives, because they have to have a say in that. So I want to know what that means, “lying, obstructing, misleading or attempting to mislead” defining that and who is going to make the decision on that. I think this may well be what is implied in terms of, and I think there is an irony here it would be the S.E.B. that would bring forward the legislation, given that the S.E.B. faced a lot of criticism and I have to say I have had criticism of the S.E.B. myself in a previous life. I have sat with the S.E.B. and had those direct arguments and fought my case for

people and am quite proud of the fact that I did, and that is the right thing to do. But anyway, we move on. “Any aspect of the employee’s work for the States” I mean that is very wide-ranging. I just want to know the mechanism for doing that. What would that look like if we were to do that, because I have a concern, and I think Deputy Tadier touched upon it, in terms of unintended consequences for employers who want to get rid of one of their employees and ruin their lives? It is the part after part (ii), “lying, obstructing, misleading and covering up should be punishable”. The word “punishable” I do not think should be in any contract of employment. It is not constructive, it is not useful and it is not conducive to any sort of relationship. “By termination of their employment without any compensation or compromise agreements”, we will come to talk about compromise agreements later. “Pension rights or bonuses depending upon the severity of the offence they have committed.” Now, the Deputy mentioned a number of high-level situations and I agree action needs to be taken, but I think court action needs to be taken on some of the things that he was talking about. They are crimes. Where is the scale here of this “upon the severity”? I cannot agree with something that says “upon the severity” without knowing the scale of the severity. If somebody obstructs a Minister by not passing on a piece of paper and not passing on the report so that they stand up in the Assembly and are not equipped for a question, look like a complete idiot and then go away and say: “You made me look like a complete idiot. You have obstructed. I have never liked you. Right.” It might sound like a strange situation but what we are trying to solve here is that action by giving more power to possibly that action.

[12:15]

I just want to know from the Deputy how that would be insured against, because I am not voting for anything that is going to put employees who are not guilty of such severity in a difficult position. Some employees get things wrong in their careers over long periods and when they get them wrong the severity of the action taken about them can make or break them as people. I have defended people whose careers were on the line I thought totally inappropriately because the severity of what they have done “wrong” was not that, but that is what they faced, and so we have to be extremely careful, is the point I am making, in how we deal with that severity. That is not covering anything up. That is transparency and everybody knowing where they stand and what action will be taken, so that is very important. Part (b), an independent review of disciplinary procedures, yes, absolutely in the report produced from the panel it recommends, I would just point out recommendation 15, which is the Public Service Ombudsman by the end of 2022, before the 2022 election, which has not happened, but we did recommend that. Also, we recommended a terms of reference for a public inquiry into the resolution of outstanding complaints against the Government of Jersey, so recommendation made, and I think that should happen. That could be part of an independent review on disciplinary procedures. There are legacy things that do need to be addressed appropriately and we may not like the outcomes, but they need to be there if we are ever going to get any form of closure for some people who are still suffering, so I understand that. The amnesty, I do not know what that means, to be quite frank. You can own up to something but that owning up will be kept on a register. It is not like a gun amnesty where you give the gun up and that is the end of it. I just do not understand what that means, and I think the wording here is so important, because it will have an impact on people. How is that going to be presented? Every Member of the States civil service and beyond, employed by the States, will get an email to say: “It is amnesty week. Own up to something that you have seen happening, shop your colleagues if you want” because I do not understand how that is going to work. I do understand the frustration of the Deputy. I have heard many times the issues that he has raised, and I do understand in many ways. “To request the States Employment Board to initiate the necessary steps, including instructions for the development of any legislation that may be required, to implement paragraphs (a) to (d) above” personally I think we need to have some independence from the S.E.B. in terms of these structures, so that they are agreed upon and the Public Service Ombudsman role is very important in that and an independent commission perhaps needs to be set up for the public service, in order that the structure and the way it is working with the disciplinary

rules and legacy issues is there, so that we cannot say to anybody: “Well, you only came to that outcome because of this reason.” That true independence is going to be really important, at some time into the future, but we do not want to give anything away about future ideas. I understand the frustration. I hope in the summing up the Deputy can answer the questions as questions about the wording of this proposition and not beyond that, because that is what I am asking. I am asking how this is going to work, because very frequently in this Assembly I do think that we have not looked at the wording to see the implications of it. I think we did it in this sitting, but we will not go into that now. So those are the problems I have with this. In terms of natural justice, one of the important keys of natural justice, and I do not know why I am telling you this, Sir, you are the judge on these things, but there you go, I will give you my 10p worth ...

**The Bailiff:**

You have to tell me. You are not allowed to tell the Members directly.

**Deputy R.J. Ward:**

Yes, exactly. But the severity needs to be reflected in the punishment and in some areas it is not about ... if we get that severity wrong we end up punishing and amplifying the problem that we started with and that is the complexity of industrial relations and people relations and relationships with people. As soon as we get into: “We are just covering everything up” that is not what we are talking about because we will never come to a resolution for people whose lives have been seriously affected by the past on this Island and we have to do that and we still have not done it, to be quite frank. Those are my thoughts on this proposition.

**Deputy G.C. Guida:**

Sorry, Sir, are we quorate?

**The Bailiff:**

We are quorate, because I am making the assumption that those who have spoken recently online are still online and they have not all gone home, or at least gone out for a cup of tea.

**The Connétable of St. John:**

Sir, can I ask a question of the Attorney General, please?

**The Bailiff:**

You can ask a question of the Attorney General, yes.

**The Connétable of St. John:**

Is it permissible for an organisation to withhold pension payments in any circumstances other than fraud?

**The Bailiff:**

Are you able to assist, Mr. Attorney, or would you like more time for that?

**Mr. M.H. Temple Q.C., H.M. Attorney General:**

In general terms, Sir, I think the Constable of St. John raises a very valid point. In terms of pension contributions, those are contributions where someone in the past has provided services in part in return for those contributions, so to withhold those pension contributions or to deprive that person of their pension rights is a very draconian step and, for my part, I am not immediately aware of any circumstances apart from fraud where that might be justified.

**The Bailiff:**

Could Members who are participating remotely please indicate that they are here? Senator Ferguson has done so, the Deputy of St. John has done so. Could others please because it will depend upon whether or not we are quorate?

**The Connétable of St. Ouen:**

Sir, I am still alive and kicking.

**The Bailiff:**

Thank you very much indeed, so we have 5 definitely here online. I think we are not quorate, are we? Yes, we are still quorate. The States is competent to continue, unlike my mathematics, I think. Very well. Does any other Member wish to speak on the proposition?

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

Just a few words which I would like the Deputy to clear up in his summing up, and I speak with experience received between 2008 and 2011 of having a seat on the States Employment Board, so I have a bit of previous, if I can call it that, in the matter. The Deputy refers to lying, obstructing, misleading and so on, but we do need to be careful about how that might be interpreted. While actions may be done based on the best information of the day and decisions made based on the best information of the day, later on it may turn out not to be the case and those particular accusations could be accurate. So retrospect is a wonderful thing, but I do not think that it is something that would stick. When I say “would stick” that is quite an important point, because it is not for me to be categorical but in my experience as a Centenier and when charges are brought the case has to be pretty good, otherwise it is a complete waste of time bringing them to a court situation, because they clearly and upon advice will not succeed, so everybody’s time gets wasted and lots of money gets wasted. I think the Deputy very often overlooks that process aspect of what has to be dealt with. So while one supports the principle that the Deputy brings, that there should be none of this going on, I do not believe that it does at the level that he suggests and certainly my experience when I was Minister between 2008 and 2011 was not the case. I felt I had an excellent working relationship with officers and was very pleased of their support and, as Deputy Martin alluded to earlier on, it is a question of knowing your brief. If a Minister fails to know their brief then I think they have to take the penalty for that.

**4.1.14 Deputy K.F. Morel:**

I apologise to Members for extending the debate. All I really wanted to say was, like others have said, I understand where Deputy Higgins is coming from with this. Having heard him over the years, it does not surprise me that he is bringing this, but it is an entirely misguided proposition in so many ways and I just wanted to highlight the way that I feel it is most misguided. That is, it has been mentioned many times by this States Assembly and other States Assemblies going back years, Islanders who are not States Members have said it, one of the concerns or issues that has been highlighted about the public service is a blame culture, and a blame culture restricts people and stops people doing things, it stops people trying to find new solutions and be innovative, it stops people acting quickly because they are worried about acting too quickly and they will get blamed for it. While I do not condone in any way anybody who misleads or lies any time, any place in life, full stop, let alone in public service, when I read this proposition all I read is something that is going to entrench the blame culture even more firmly, because effectively this proposition, if it were to be adopted, is States Members saying we blame ... we as States Members are adopting a proposition that blames public servants in general in the main. So I do not believe that a blame culture in any organisation helps that organisation flourish and so to put my vote to a proposition that I believe would entrench a blame culture even further is something that I just cannot do. So that is my main point. The second, perhaps slightly lesser point, is the idea of an amnesty. It does play into the blame

culture thing. The idea of an amnesty I think is equally misguided because by saying there is an amnesty it says that we believe there are cover-ups, lies, et cetera, and we are going to give public servants a set amount of time to own up to those lies. I have been trying to put myself into the position of someone who perhaps works in the public service and would be faced with this amnesty. You can imagine the email coming through, dropping into the inbox and saying: "Dear employee, thank you for your valued service over the years. States Members have decided that there should be an amnesty because we believe public servants have been lying and misleading and we are giving you this opportunity, up until 30th June 2022, to tell us about your lies and your misleadings and your cover-ups." I am just trying to imagine seeing that email dropping into my inbox and thinking: "I am a public servant who has worked very hard for the States, for the Island, and who has always done so diligently and with the Island's best interests at my heart. How am I meant to react to this email? What am I meant to do?" and my real concern here is that some people who perhaps at some point have ... I do not know, perhaps they sent an email saying: "Sorry, I read your email" but they had not read the email. Maybe they will suddenly be thinking: "Do I need to own up to that because that was a cover-up? I was covering up my not having read it by saying I had read it." I fear that you would get lots of people coming forward with tiny indiscretions and tiny misdemeanours for fear that they might be found out at a future date and then lose their jobs and their pensions while anyone who perhaps has been involved in something which is genuinely of a serious nature would almost certainly not wish to test whether this amnesty was genuine or not, and so they would probably keep that quiet in any case. I feel that we would end up with lots of public servants telling us about lots of tiny effectively meaningless indiscretions. Nobody should lie or mislead; that is a simple fact. Nobody should lie or mislead a Minister; that is a simple fact. This proposition does not deal with any of this. This proposition entrenches a blame culture and is in genuine danger of creating a greater sense of fear in the public service, at a time when we want trust. People work diligently and innovatively if they trust the people they are working with and the people they are working for. There is no world in which I can support this proposition.

**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 upon Deputy Higgins to respond.

[12:30]

**4.1.15 Deputy M.R. Higgins:**

I do thank Members for taking part in the debate. I know many have been critical. Some think there were elements that might be acceptable, but I think it was an important debate to have. I also think it is important that these matters should be discussed in public and so whether people agree with what I am saying or do not at least the matter is vented out in the Island. Anyway, I will go through and respond to some of those who have asked me questions and some of the comments that have been made. The Constable of St. John did not think it was necessary. He thinks the existing processes are fine, are being made, perhaps more training. He mentioned the S.E.B. say they have everything we need and we should utilise the tools, although he does mention that he does support the idea of an amnesty, although some people have obviously mentioned some concerns with it, and he asks the States Employment Board to consider. What I will say on this is that I expected nothing other from the States Employment Board than to say that we have everything we need, everything is hunky dory and we do not need anything, we do not need to consider these issues. The truth is far from that and anyone who has read the Comptroller and Auditor General's reports, for example, just even on compromise agreements and nondisclosure, will see that they have been repeatedly criticised for failure to act and I do not even think at this particular point in time they have complied with them all. I do look forward to the next Comptroller and Auditor General's report on the States Employment Board, which he has written one report, and equally on nondisclosure because you will see how good they really are and if everything is hunky dory. Senator Le Fondré obviously does not agree; he is



chair of the States Employment Board. He, like others, has mentioned it sends the wrong message to employees. He talked about the level of evidence that would be required, again some data protection issues, but what I would say is that those who have mentioned data protection, of having a register, I am not asking for any register that was not totally 100 per cent compliant with the Data Protection (Jersey) Law. I would expect the officers, if they go away and come up with an amnesty, that they will consult with the Office of the Information Commissioner and make sure it is totally compliant and that employees do not need to worry about it. Again, Senator Gorst was saying the same thing, that there are a number of tools available, and he does not think the proposition would work. I think he did mention that work needs to be done about some aspects of the States Employment Board. He also said there is a kernel of truth in what I say but then I cloak everything in a conspiracy theory. Well, I am sorry, I do not. I have served in this Assembly for almost 14 years, and I am probably one of those Members who have brought more individual cases and fought for individuals than anybody in this Assembly. If I move on to Deputy Southern, and I will just mention this now while I remember it, he said I was probably venting. Others have mentioned frustration. The truth of the matter is being a States Member is frustrating. It is especially frustrating when you feel you are trying to represent people and bring forward the wrongs that have happened to them and try to get the system to address the problems and they do not. You feel like you are beating your head against a wall. I will say that again, like others, you sometimes wonder whether you really want to be a part of the Assembly. What are you accomplishing if you are just going to be beating your head against the wall all the time? Yes, there is a degree of frustration, and I think back to the very first day, and I must pay tribute to the former Deputy Roy Le Hérisier who told me 2 things right at the very beginning, and I think it is relevant to all States Members, especially people who are thinking of coming into the States. First of all you are going to be totally frustrated. That was number one. The second one is you will not have any real friends, because again there are so many other factors that come into it. Anyway, just a few comments here, he said basically I was effectively smearing all civil servants. That is totally not true and I stressed at the very beginning of my proposition about my admiration for most civil servants. Having been a civil servant myself I know about their work ethic and how well they do. I also stated at the very beginning I am not criticising them. I felt that the only way to deal with the rogue few, the minority, was to try to find a way of constraining them and I thought the contractual method is one way. The only thing is I could not target it directly at them, so therefore it would have to be a general provision in a contract of employment and, as I have stated, they had nothing to fear from it. First, they do not meet with Ministers, Scrutiny Panels or even States Members normally and, secondly, they would not lie. It is the very small minority that this proposition was aimed at, so I do not believe I am smearing them all. In fact, when you speak to many civil servants it is interesting what they say about the senior civil servants in their departments and so on. Now, Senator Moore, she mentioned that the Corporate Services Scrutiny Panel has reviewed this area and the code of conduct is still being considered and under review. This has been going on for as long as I have been in the States. In fact, the current vice-chair told me when he came into the position that the whole thing was not fit for purpose and they were working on it, but it has not come to fruition. This is again one of the frustrations of being in the States; 4 years later we still have not got it. I am trying to read my own writing, which is a problem, and in fact I will ask Members at the end if there is something I do miss at the end they can always ask me again and I will answer it. Deputy Vallois, she has helped people in the past with regard to bullying and honesty, et cetera, and does not believe that the S.E.B. has always worked as well as it should. I have written down here again the Members' code of conduct is out of date and I accept that. I understand the frustration and she has had her own issues, and in fact I wish she had elaborated a bit more on some of the ones that she privately confided to me and others, because I do believe these things should have been put out. She believes that the public is frustrated. Well, not only is the public frustrated but so am I. We seem to fail to deal with these issues and she mentioned again the Public Sector Ombudsman. To be honest, this has been one of the biggest failures in the States and I think for almost 14 years we have been considering a Public Sector Ombudsman scheme.

The current Chief Minister said he was going to bring it in. It has not happened. I have given him credit in the past, because a lot of things have been kicked down the road by other Chief Ministers and he has taken them by the horns, but on this one he has dropped the ball. It should have been in and it is something that is necessary. Unfortunately, I think it will go on for many more years. Why? We are trying to make it too complicated. They are wanting to bring in all the health service complaints under the Ombudsman. It is far better to bring in a straightforward ombudsman system and then bolt bits on as we did with the Data Protection Law and the Freedom of Information Law, bringing different bodies into the legislation because if we want the perfect plan it will never happen, but it is something that is desperately needed by the public. She mentioned, and this is true, the frustration that comes when no one does anything and does not respond. This is characteristic of the States of Jersey. We can have meetings with civil servants, we can have meetings with Ministers, and you do not get the feedback and you have to press, things go by and nothing ever happens. Deputy Tadier, again he is aware of the long list of casework and frustrations that I and others have had and would like to see the civil service perhaps more accountable. He does not - and I cannot make out my own writing here - believe that my proposition impugns the reputation of the civil service. It was never meant to; I was trying to deal with a problem, and it is the very small minority. He agrees with the thrust of what I am trying to do. Nobody wants to see obstruction, et cetera, and he says he would like to support part (a). He thinks gross misconduct ... but he was worried about the process and possible abuse, as did some other Members. Let me say this. Although I have mentioned that people who, let us say, are accused of lying or any of the other things I have mentioned and end up being brought to book for it would go through a procedure, which I believe has to be completely supported with natural justice, I have supported States workers on many cases where they have been abused by their management and the process has been wrong. I will give you one example, and this is not one that I dealt with but someone else has dealt with. Over 2 years was spent investigating or trying to fight an investigation and in the end it was won because the whole process was unfair. So, I am not in favour of anything that is not fair to both workers and the employer. It has to be scrupulously fair to everybody. For example, you should know, if you are accused of something, what you are accused of. You should have access to all the evidence. Does this happen? No, it does not. It should but it does not. So there is no question any Member who thinks that I would support anything or want anything that would not treat employees fairly is totally wrong. Constable Buchanan says that he thinks integrity is an implied term and that if we put it into contractual terms it will put people off and who would want to be in the public sector. But the truth of the matter is it is the public sector. It is not a private company who can put whatever they like in their contracts. Remember it is taxpayers' money and it is the lives of the citizens of this Island that are being affected by the civil servants. I see absolutely no reason why we should not have an explicit term in their contract of employment. As I say, he has already said that he thinks that existing procedures are in place that deal with these matters but address them in the right way, and he thinks it would limit the ability of the S.E.B. to act. I think that is absolute rubbish. Again, he has admitted that we have talked about some of these issues, but he does not see that it meets the need. He mentioned data protection as well; I have already answered that. Senator Mézec was concerned that some lessons have not been learnt but he would like to know how this would help; for example, make things better for Ministers. Well, for a start, it acts as a deterrent. At the present time I do not think there are any deterrents to civil servants if they wish to lie to Ministers. We may say these things are there. Name anyone in the public sector who has been held to account for their actions. I cannot think of anybody. I hope people afterwards will give me examples, but I cannot think of any. He does not think part (a) will achieve anything because of optics. He thinks the process is the problem. He thinks there are more important changes that can be made. Well, I would like to know why he has not brought them forward or anybody else has not brought them forward. I am putting forward a proposal to try and deal with what I think is a perceived wrong. It may not be right but at least I am making the attempt. Who else in the Assembly has brought forward a proposition to try and deal with these things? Okay, Deputy Young has with talking about machinery of government; I applaud

that. He thinks part (b) is fine and would support. Again, he does not want to see workers treated unfairly, and neither do I. Deputy Guida just repeated what others have said. Deputy Southern criticised the wording of the proposition. True. I accept it was long and perhaps verbose, but one of the problems we have as States Members is we have to write our own propositions. Yes, we can get some help from some of the officers in the Greffe now - we never had that before - but we do not have law officers, law draftsmen, and all the other aids that Ministers have, so therefore we do not always get the wording right. I think it is a bit much to expect us to get everything right in the proposition because much of this proposition would be for others to do.

[12:45]

It would be for the States Employment Board to come forward with proposals to deal with a change in a contract and also for dealing with ... if we have an independent review of disciplinary procedures, then that would be built into this as well. The working of the amnesty, again I cannot be overly prescriptive on that, but again proposals will come forward and we have to decide whether we agree with them or not. Okay, I think Deputy Southern agrees with (b) because again it is a review and it would probably be worthwhile. Deputy Martin was very much on the defensive and she said that I said the Assembly was full of weak Ministers. No, I said there are some weak Ministers, in my opinion, and I know others have expressed the same view. She felt it very necessary to defend her own position. I do not know if that is insecurity on her part but certainly I did not name Deputy Martin as a weak Minister but she obviously feels she must be to try and justify it. She mentioned Senator Syvret and she has got this wrong. I mentioned how officers conspired to get rid of Senator Syvret and he was removed from his position, from the Minister for Health and Social Services position, by the Chief Minister and the States supported it. It was not when he was removed from the States because he had been out of the Island for 6 months. She is conflating 2 separate instances. She also mentioned that she was responsible for the Children's Service when she was an Assistant Minister. I did note that when the Care Inquiry came she did not give any evidence whatsoever to the Care Inquiry, and yet she was responsible for the Children's Service at a time when many of the abuses were taking place. She also said that I have not put myself forward to be a Minister. That is false. I have been in the Assembly 14 years and I can remember I think it was within the first 3 days I put myself forward to become the Minister for Economic Development. I remember Senator Maclean, who did get the job, saying to me afterwards he was shocked I got 20 votes and they did not even know me, and he had been an Assistant Minister for, I do not know, 3 years before. So it is wrong to say I have not tried. I would be prepared to try for Ministerial office. Deputy Ward was more concerned with ...

**The Bailiff:**

Deputy, I do not particularly want to interrupt your closing speech but it is not necessary to deal with every point raised by any individual. It is more appropriate to deal with the relevant points, the relevant points which will enable Members to decide whether or not to vote for your proposition and, if so, in which parts.

**Deputy C.F. Labey of Grouville:**

Sir ...

**Deputy M.R. Higgins:**

I will be finished in a few moments anyway.

**The Deputy of Grouville:**

... could I interrupt?

**The Bailiff:**

Well, it depends why; on what basis?

**The Deputy of Grouville:**

I am absolutely very reluctant to; however, I have a lunchtime appointment to attend where I am giving a speech and I just wondered how much longer the Deputy is going to go on for.

**The Bailiff:**

Again, Deputy, this is entirely a separate question but it has been asked. Because we have reached the point past where we would normally propose the adjournment, could you indicate roughly how much further you have to go with your closing speech? We do not want to inhibit you but it may be that it would be best to adjourn and continue afterwards.

**Deputy M.R. Higgins:**

No, Sir, I expect to be no more than 5 minutes maximum.

**The Bailiff:**

Do Members agree to remain for ... yes, very well, it appears that we can continue and then we will deal with the adjournment after that. Thank you.

**Deputy M.R. Higgins:**

Deputy Ward wanted to know about the words in the proposition and he also mentioned did it apply to pre-existing as well as new. I would like it to apply to everybody and the point is to have an amnesty we need to have it to apply to pre-existing ones. It is one of these things, as I mentioned with Deputy Southern. We write these propositions. We are trying to get it over. We do not always get it right, but the point is I would do nothing, absolutely nothing, that would put existing civil servants in jeopardy of the system being abused against them. I think that is the main point that he would have. He also mentioned perhaps court action should be taken in many of the cases I have talked about. Well, as I mentioned very early on, who can afford justice in Jersey when you are being charged £500 an hour? Again, he was asking me about prescribing circumstances where, say, obstruction occurs. I could not, as I think anybody else could not, define every example of obstruction to tie it down completely. He also said he believed he could support part (b). I think, unless anybody else has anything that they really want me to address, I will just close and say that in terms of the proposition itself I have identified what I believe is a problem of a small minority and I really refute all the claims made that I am trying to smear everyone and it would stop recruitment. Anyone who is honest and wants to do a good job would not lie, would not obstruct and would not cover up anyway. In terms of part (b), there are people who are prepared to support that and I hope most Members will support it. It is absolutely right that we have a set of procedures for our employees that are fully compliant with the best practice and natural justice. I do not believe we have. There are too many examples that have come forward where the existing system has failed, but I would expect if we have an independent review maybe there is one that we can get confidence in. As far as (c) is concerned and the amnesty, the amnesty goes with the fact of trying to uncover what has gone on. Because I have tried to give some examples very early on that we have had problems. I was accused by, I think, the Constable of St. Brelade or maybe Senator Gorst, I do not know, of trying to wrap things up in a conspiracy theory. Unfortunately, we know there have been cover-ups. The Care Inquiry proved beyond all doubt that abuse had been going on about children and about how people had tried to raise issues, including Senator Syvret, and yet they were ignored or they were blocked and all the rest of it. These things do happen. I do believe there are some other cover-ups taking place in areas. It enables us to find out. In terms of (d), the register to go with the amnesty, there were a lot of people who said that it goes against data protection. It does not. You work with the Information Commissioner's Office and you make sure the register is totally compliant. So, finally, I have asked the S.E.B. to initiate the necessary steps and bring it forward. Now, I think it is highly unlikely with some of the comments made that it is to go through, but I think part of it is well worth looking at the amnesty and looking at the review of the existing disciplinary

procedures and so on. So, where Members cannot support the whole of the proposition, and I shall take it in part, then I would ask them to support those parts they can.

**The Bailiff:**

Thank you very much, Deputy. How do you wish to take the parts, just (a), (b), (c), (d) and (e) quite separately?

**Deputy M.R. Higgins:**

Yes, Sir.

**The Bailiff:**

Well, then the first vote is on part (a). I ask the Greffier to open the voting and Members to vote. Those who are participating remotely please vote in the what has become customary way. The vote is on part (a) of the proposition. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Part (a) has been defeated.

<b>POUR: 1</b>	<b>CONTRE: 34</b>	<b>ABSTAIN: 1</b>
Deputy M.R. Higgins (H)	Senator L.J. Farnham	Deputy M. Tadier (B)
	Senator J.A.N. Le Fondré	
	Senator T.A. Vallois	
	Senator K.L. Moore	
	Senator S.Y. Mézec	
	Connétable of St. Brelade	
	Connétable of Grouville	
	Connétable of Trinity	
	Connétable of St. Peter	
	Connétable of St. Mary	
	Connétable of St. Ouen	
	Connétable of St. John	
	Connétable of St. Clement	
	Deputy J.A. Martin (H)	
	Deputy G.P. Southern (H)	
	Deputy K.C. Lewis (S)	
	Deputy J.M. Maçon (S)	
	Deputy S.J. Pinel (C)	
	Deputy of St. Ouen	
	Deputy R. Labey (H)	
	Deputy of St. Mary	
	Deputy G.J. Truscott (B)	
	Deputy L.B. Ash (C)	
	Deputy K.F. Morel (L)	
	Deputy G.C.U. Guida (L)	
	Deputy of St. Peter	
	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:**

We come to the vote on part (b). I ask the Greffier to open the voting and Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Part (b) has been defeated.

<b>POUR: 9</b>		<b>CONTRE: 27</b>		<b>ABSTAIN: 0</b>
Senator S.Y. Mézec		Senator L.J. Farnham		
Deputy G.P. Southern (H)		Senator J.A.N. Le Fondré		
Deputy K.C. Lewis (S)		Senator T.A. Vallois		
Deputy M. Tadier (B)		Senator K.L. Moore		
Deputy M.R. Higgins (H)		Connétable of St. Brelade		
Deputy J.M. Maçon (S)		Connétable of Grouville		
Deputy R.J. Ward (H)		Connétable of Trinity		
Deputy C.S. Alves (H)		Connétable of St. Peter		
Deputy K.G. Pamplin (S)		Connétable of St. Mary		
		Connétable of St. Ouen		
		Connétable of St. John		
		Connétable of St. Clement		
		Deputy J.A. Martin (H)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Ouen		
		Deputy R. Labey (H)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy L.B. Ash (C)		
		Deputy K.F. Morel (L)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of St. John		
		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy J.H. Perchard (S)		
		Deputy I. Gardiner (H)		

**The Bailiff:**

We come to part (c). I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Part (c) has been defeated.

<b>POUR: 1</b>		<b>CONTRE: 34</b>		<b>ABSTAIN: 1</b>
Deputy M.R. Higgins (H)		Senator L.J. Farnham		Deputy M. Tadier (B)
		Senator J.A.N. Le Fondré		
		Senator T.A. Vallois		
		Senator K.L. Moore		
		Senator S.Y. Mézec		
		Connétable of St. Brelade		
		Connétable of Grouville		
		Connétable of Trinity		
		Connétable of St. Peter		
		Connétable of St. Mary		
		Connétable of St. Ouen		
		Connétable of St. John		
		Connétable of St. Clement		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy K.C. Lewis (S)		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Ouen		
		Deputy R. Labey (H)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy L.B. Ash (C)		
		Deputy K.F. Morel (L)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		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)		

We come to part (d) and I ask the Greffier to ... well, I think (d) falls away because there is the managing of declarations under paragraph (c) and as none of the other paragraphs have been adopted (e) falls away as well.

### **LUNCHEON ADJOURNMENT PROPOSED**

#### **The Bailiff:**

The adjournment is proposed.

**Deputy M.R. Higgins:**

Before we do adjourn, can I just say I thank Members? Even though it has been comprehensively defeated, I do thank Members for their contribution. This matter has been aired and no doubt it will be aired again.

**Deputy J.H. Perchard:**

Point of order, Sir.

**The Bailiff:**

Well, the ...

**Deputy J.H. Perchard:**

Sorry, apologies to Members, but Members indicated to me in the coffee room that they preferred me to raise this before lunch, so I am. I am asking if Members would be minded to take the Carbon Neutral Roadmap - that is the next item - changing the order of the Order Paper. For reasons I outlined earlier in the week, it will be problematic for me as proposer of the proposition to have to leave the Chamber and return during the debate. So I wonder if Members would be minded to ... we do not need to have a big debate on it. I am sure Members already know their views. If we could have a quick vote that would be wonderful.

**The Bailiff:**

It may be useful for Members to bear in mind that, of course, Deputy Young is not able to be in the Assembly and ...

**Deputy J.H. Perchard:**

But will be listening this afternoon. Thank you, Sir.

**The Bailiff:**

Very well, that is proposed. Is that seconded? **[Seconded]** Does any Member wish to speak?

**Senator J.A.N. Le Fondré:**

Sorry, Sir, we did consider this as the Council of Ministers at the time and that is why the order on the Order Paper in terms of events coming through. The tech fund is before that. I do make the point I absolutely understand Deputy Perchard's reasons. A whole number of people will have different commitments. I do have both official and family commitments as well tonight and I very much stress that from my perspective I would like us to keep to the Order Paper. That is the discipline we have. I do not like doing these things at very short notice.

**Deputy M. Tadier:**

I am minded that it is right for the Assembly to decide what it debates next in order of importance. We do have to be mindful, of course, that if we bring one proposition forward, and this is likely to be not insubstantial and so is the tech fund, that at 5.00 p.m., the normal time when we adjourn, and we have not decided anything else but to adjourn at 5.00 p.m., I would presume until June, I think we should ... so I would like to bring this point up at the moment. I think when we get to 5.30 p.m. that should be the end of this sitting and the Assembly should then not sit again until June. Because if we are to be a family friendly Assembly, we need to be family friendly for everybody in the Assembly and we have to draw a line under business at some point. So I think we need to decide now what the points ...



**The Bailiff:**

Well, let me stop you. We have a proposition to deal with what is next. What you are saying now would amount to another proposition to be brought immediately afterwards if you wish, but you cannot ask the Assembly to make a decision on 2 different matters within one proposition.

**Deputy M. Tadier:**

I am not actually asking the Assembly to do that. What I am saying is that there are always consequences to these things, so if we decide to move this forward and we still do not know whether we are coming back at all after 5.30 p.m., somebody's proposition may have to fall off the paper. That person may not even be standing for election is what I am saying.

**The Bailiff:**

Very well. Does any other Member wish to speak? I close the debate. Do you wish to say anything, Deputy Perchard?

**Deputy J.H. Perchard:**

Yes, I would like to, Sir. On the point of consistency, this week we decided on I think it was Wednesday that we would not stay late on Thursday, so therefore nobody was able to make arrangements in preparation for Thursday evening. We then at 5.25 p.m. on Thursday decided to stay late. So in terms of consistency, I just completely rebut the idea that we have been in any way consistent with this.

[13:00]

I am trying to give adequate notice. I was not the only Member left in a very difficult position on Thursday, which was as last minute as you could get. So I would just like to make that point to Members in their consideration.

**The Bailiff:**

Thank you very much. I think in the circumstances we will deal with this by way of *appel*. The *appel*, therefore ... I will open the voting and ask Members to vote. The vote is whether we take the Carbon Neutral Roadmap as the next item of business after the luncheon adjournment. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition has been adopted.

So, we will deal with the Carbon Neutral Roadmap at the next item of business. Could I just ask Members - I am afraid I simply do not recall - are we adjourning for the full lunch or are we adjourning just until quarter ... I did not think we had made a decision to change the luncheon hour.

**Senator J.A.N. Le Fondré:**

I do apologise. I think for clarity as well we do need to know then what is going to happen, because the question is going to be with the carbon neutral fund I do not see that ... well, my guess is it is going to be 3 hours of time, I am guessing. That will leave I think 3 items left on the agenda and the question will be what we are going to do. That is are we prepared to continue until we finish, which is normally what we have done, or do we reconvene on ... I know the funeral for ... well, we have just moved things for a Member's particular reasons. I will not be in the Assembly on Tuesday to meet on Tuesday. Are we going to choose another day next week to complete? Can I suggest that is left with the Chair of P.P.C. perhaps to consider?

**The Bailiff:**

I was going to say exactly the same thing, Chief Minister. This might be a thing to be considered over the lunch adjournment by the Chair of P.P.C. consulting, and if it needs to be moved as a procedural matter first thing after lunch, then it can be dealt with at that point but then the chair of

P.P.C. at least has the opportunity of consulting and seeing what the mood of Members may be. Very well, in which case until 2.15 p.m. we stand adjourned.

[13:02]

## **LUNCHEON ADJOURNMENT**

[14:17]

### **The Bailiff:**

Yes, the Chair of P.P.C., are there any propositions or any matters you wish to raise arising out of the matters we dealt with shortly before the adjournment?

### **Deputy C.S. Alves of St. Helier:**

Yes, please, Sir. I would like to propose that we have a half an hour break at the end of this sitting, so at 5.30 p.m. and then readjourn at 6.00 p.m. until 8.00 p.m. I did also put around a suggestion as to things that are still on the Order Paper falling off and I have had my attention drawn to Standing Order 34(4), which states that a proposition in respect of which debate has not been completed by the end of the last meeting before an ordinary election shall be taken to have been withdrawn at the end of that meeting. This can be proposed at any time. I have already had a couple of replies, about 4 replies, regarding how people feel about that so I will just for now propose that we sit until 8.00 p.m. with that half hour break and see what happens after that. Thank you.

### **The Bailiff:**

So the proposition is that there will be a half hour break at 5.30 p.m. and thereafter the Assembly will reconvene and sit until 8.00 p.m. this evening?

### **Deputy C.S. Alves:**

That is correct, thank you.

### **The Bailiff:**

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

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

I would just like to make the point that having had my proposition bumped forward, which I am quite comfortable with, as proposed by Deputy Perchard, I would like to have a debate. It is going to be short and to the point from my point of view but just casually dismissing this, having been pushed forward, I would be not content with, if I put it like that.

### **The Bailiff:**

I think that is an argument for the next occasion because obviously it will only be if there is a suggestion that the business falls off the Order Paper because it is not completed that one would need to be concerned.

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

I do think this is still rather short notice for many people. It is a Friday evening, and albeit we have known for a long time that this would be our final sitting and that business had to finish today, I myself have commitments and I know many other Members have commitments ahead of the weekend. I do believe somebody in the Assembly has a birthday and so that might impinge upon their commitments as well. I wish them a very happy birthday. I will not be accepting this. I think we should have prepared ourselves well enough to complete business within the week. We have had 5 days of debate and 5.30 p.m. is absolutely adequate for me.

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

I would just like to take Members back 36 hours when I asked the question of P.P.C. as to what we would do if we got to the end of Friday afternoon and had not completed business. The answer was we would carry on until we were finished. I am little surprised there is even an end time put on this evening. I was very much expecting to come here and go home at the end of business.

**Senator J.A.N. Le Fondré:**

Only just to support the proposition as I understand it, which is to stop for half an hour and then continue until 8.00 p.m. I imagine that we can take an assessment exactly at that point in time if we need to and on that basis I will certainly be supporting this proposition and hopefully we can get back to normal business.

**The Bailiff:**

Does any other Member wish to speak on the proposition? If no other Member wishes to speak, I close the debate and ask the Chair of P.P.C. to respond.

**Deputy C.S. Alves:**

I sympathise and agree with what Senator Moore said and the Deputy of St. Martin as well. I would just like to draw Members' attention as well to Standing Order 48. It states: "A Member of the States may at any time propose without notice that the States proceed immediately to consider the arrangement of public business for future meetings and that the meeting then be closed without further consideration of any outstanding business." So there is a provision there that anyone in this Assembly can propose that the meeting is closed and therefore the Standing Order that I quoted earlier would apply. On that basis I would like to maintain the proposition.

**The Bailiff:**

I ask Members to return to their seats and ask the Greffier to open the voting. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The proposition has been adopted: 25 votes pour, 7 votes contre and no abstentions. Very well, the Assembly will sit until 8.00 p.m. this evening with a half hour break at 5.30 p.m. for whatever people want to do and then a decision will have to be made at that point what the position is with regard to continuation or otherwise.

**5. Carbon Neutral Roadmap (P.74/2022) - as amended (P.74/2022 Amd., P.74/2022 Amd.Amd.)**

**The Bailiff:**

The next item is the Carbon Neutral Roadmap, P.74, lodged by the Minister for the Environment and I ask the Greffier to read the proposition. Before doing so, there are 2 amendments, one lodged by the Environment, Housing and Infrastructure Panel and there is an amendment to this amendment lodged by the Minister and one by Deputy Ward. Minister or Deputy Perchard, are the amendments from the panel and from Deputy Ward accepted by the Minister?

**Deputy J.H. Perchard:**

On the assumption that the panel has accepted the Minister's amendment we will be happy to take it as fully amended by both.

**The Bailiff:**

In which case, could I ask the Environment, Housing and Infrastructure Panel whether the Minister's amendment to their amended is accepted?

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

The panel is in accord with the Minister's amendment to our amendment.

### **The Bailiff:**

Do Members agree we can read the entire proposition as amended by the amendments to the amendments and that kind of thing? Excellent. I ask the Greffier to read the amended proposition.

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

The States are asked to decide whether they are of opinion - (a) to refer to their Act dated 2nd May 2019, in which they agreed that there existed a climate emergency likely to have profound effects in Jersey and, in order to respond to the climate emergency, to approve the Carbon Neutral Roadmap for Jersey as set out in the Appendix to the report accompanying the proposition, except that within the Carbon Neutral Roadmap as set out in the Appendix - (i) on page 76 in the row relating to TR1 the figure £6,255,000 should be replaced with a figure £4,855,000 and the words "1,600 electric vehicle incentives" replaced with "1,200 electric vehicle incentives", (ii) on page 77 in the row relating to TR10 the figure £300,000 should be replaced with the figure £1,700,000, (iii) on page 87 in the row relating to TR1 in the deliverables 2 column, the figure £1,600 to be replaced with £1,200 and in the 4-year budget column the figure £5,734,000 should be replaced with £4,334,000 and (iv) on page 88 in the row relating to TR10 in the deliverables column the word "N/A" should be replaced with "provide strong start on the active travel items detailed in the Carbon Neutral Roadmap, and in the 4-year budget column the words "£300,000" should be replaced with "£1,700,000; (b) to recommend that, at the start of the next Assembly, the Chief Minister considers creating a new ministerial portfolio for Energy and Climate Change; (c) to request the Minister for the Environment (or if created following the successful adoption of paragraph (b) the new Minister for Energy and Climate Change) to (i) establish an independent scientific climate council for Jersey with composition, scope and focus that it is proportionate to Jersey's size, the full terms of reference and membership of which shall be agreed by the States following a detailed proposal brought forward by the Minister before the end of 2022, (ii) bring forward a budget proposal for the Climate Council, to be agreed by the States before the end of 2022, and reviewed every 4 years to ensure that the Council is provided with appropriate funding, (iii) present to the States, on behalf of the Climate Council, a report at the end of every 4-year delivery phase for the term of the roadmap prepared autonomously by the council which reports on and evaluates the Government of Jersey's progress on reducing carbon emissions and the climate change policy initiatives being delivered by the Carbon Neutral Roadmap, (iv) ensure that the membership of the Climate Council shall not include members of the States and must include - (a) an odd number of members, (b) a chair chosen by the membership, (c) one member with expertise in the field of energy, (d) one member with expertise in the field of economics, (e) one member with expertise in the field of climate technology, and (v) ensure that the focus of the Climate Council includes (but is not necessarily limited to) - (1) providing independent science-based advice on setting and meeting carbon budgets and preparing for climate change, (2) monitoring progress in reducing emissions and achieving carbon budgets and targets and recommending actions to keep Jersey on track, (3) conducting independent analysis into climate change science, economics and policy where such information cannot be transposed from other peer reviewed scientific research or analysis, (4) engaging with a wide range of organisations and individuals to share evidence and analysis.

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

Over the last 10,000-year period the global temperature of our planet did not move by more than plus or minus 1 degree, however the regulatory systems of the planet that previously allowed such stability have been compromised by the mounting pressure humanity has placed on Earth and its resources. In just 50 years we have warmed the planet by more than 1 degree. In one lifetime we have pushed ourselves out of the state in which we thrived over the last 10,000 years. We are approaching the

tipping point. The window to prevent the collapse of our habitable environment is still open but it is about to shut. Humankind has never been particularly good at taking action in the present to negate the risks of a faraway future, a future that might feel irrelevant, a future beyond our own lives. Societies and leaders often live in the moment. We prioritise often according to chronology. This problem needs to be resolved today so tomorrow's problems can wait. We wait until the pressing becomes urgent and we have done it with the state of our habitable planet. So the urgency is today, not tomorrow but today. In May 2019 Deputy Ward brought a proposition to this Assembly to declare a climate emergency. That proposition was endorsed by a huge majority of the Assembly. At that time we agreed that we needed to take urgent action to decarbonise our economy and we agreed the process we wanted to follow to achieve this goal.

[14:30]

Today's debate is the accumulation of that journey. The final version of the Carbon Neutral Roadmap is a framework, it provides an outline of policies needed to achieve carbon neutrality by 2030 and a pathway to net zero by 2050. The roadmap provides a timeline of when future Assemblies will need to make key strategic and financial decisions. Following the adoption of Deputy Ward's proposition we have had the citizens assembly, the preferred strategy, the draft Carbon Neutral Roadmap, the subsequent public consultation and now the final draft. We have engaged with Scrutiny throughout the process, at least 15 times, and we are incredibly grateful for their constructive collaboration, rigorous challenge and valuable insights. The climate emergency has been on the Council of Ministers' agenda at least 25 times since 2019 and, of course, this Assembly has discussed this matter in the Government Plan when debating money for the Climate Emergency Fund. This roadmap is a 4-year delivery plan. It is a set of policies to change the behaviour of people away from using hydrocarbons. It is supported by the strategic policies set out in the preferred strategy. One of which was to provide £23 million initial investment to cover decarbonisation costs of policies spanning the next 4 years. The policies in the document you will find are divided into 4 areas, heating policies, transport policies, on and off-Island policies and enabling policies. I would like to just briefly draw Members' attention to the implementation schedule, which is in one of the appendices of the roadmap. This is something that I requested officers to draw up prior to the debate to assist Members in understanding and to give them an overview of what happened when. The purpose of this implementation schedule was to identify each policy, detail the route of implementation, i.e. how it will be done, who is politically accountable for the policy, the target quarter and year of the delivery of that policy and, importantly, the approvals process. I designed this in such a way to assure Members that this Assembly will and does have, and will continue to have, political oversight of the development of this process. One of the main concerns voiced to me by Members in the run-up to this debate has been around the financing. I would like to first start by saying to Members that the £23 million we are proposing to spend in the roadmap is money that we already have ringfenced in the Climate Emergency Fund. This fund starts us on this journey and supports the first 4 years of delivery. As we now know, the amendment proposed by Deputy Ward has been accepted in full and, as a result, some of the money that was going to be used for electric vehicle grants has been reprofiled to accelerate active travel initiatives. We are grateful to him for this addition. Members have rightly voiced concern over how the long-term costs of decarbonisation will be funded. Within the roadmap there is a commitment to bring forward a long-term financing strategy to the next Assembly for debate and for approval. This strategy will look to give global examples of innovative funding and is worth remembering we are not alone in deciding how to face this challenge and we will look to learn from best practice. Like other jurisdictions, we will look to leverage private and public funding mechanisms but today is the start. Approving the roadmap will allow us to release money that has been ringfenced in the Climate Emergency Fund and allow us to help Islanders start decarbonising sooner rather than later. The second concern raised to me by Members in the run-up to this debate was that around how this might impact those who may find it a financial struggle to decarbonise. Decarbonisation will have significant financial implications for the Island and we will have to work

hard to ensure that we avoid unintended consequences of the policies that are implemented. In the roadmap, under principle 5, you will see a commitment to ensuring what is known as a just transition. That means that the Carbon Neutral Roadmap should not detrimentally affect the most vulnerable members in our community. It is a pledge to ensure that we do not worsen income inequality in any of the policies. During the policy development process we took into account the impact of policies on multiple factors, including income, gender, disability, age and more. By reducing our carbon emissions there are opportunities to help everyone enjoy a better quality of life. The policies that tackle greenhouse gas emissions in particular come with the added benefits of supporting biodiversity, improving air quality and Islanders' health. The interests of both future generations and those currently reliant on polluting industries for employment will continue to be closely considered. Neither of these groups should be actively disadvantaged by being left to live with the impacts of inaction now or to bear a disproportionate burden of the costs to mitigate and adapt to climate change in the future. Earlier this week the Assembly demonstrated its commitment to securing a future for our children and grandchildren by firmly rejecting a proposal to suspend the drive to net zero. This showed Islanders that we recognise the sobering scientific evidence and are listening to the concerns of our young people. The international community has made it clear that we need to make urgent changes to how we live our lives now and not tomorrow. We can help Islanders reduce their reliance on fossil fuels, we can reduce our contribution to global emissions. We can demonstrate to the world that we take our obligations seriously, that Jersey is an ethical jurisdiction in which to live, work and do business. No doubt some of the decisions ahead will be difficult and complex, however doing nothing is not an option. We cannot predict the future but we do have thoroughly researched, evidence-based policy and the people power to make it happen. The time for action is now. Thank you.

### **The Bailiff:**

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

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

Remember that the forecasts we are working on are based on computer models and the accuracy of these depends on the assumptions made. For this reason there are queries as to why I.P.C.C. (Intergovernmental Panel on Climate Change) 6 contradicts I.P.C.C.5, for example, with regard to sea-level rise. A review of climate statistics shows no significant effects or deterioration of the climate. The Public Accounts Committee in the U.K. has produced a report which is extremely critical of the overly low estimates of net zero cost by the Westminster Parliament. We need a similar P.A.C. (Public Accounts Committee) review in Jersey. Before we indulge in the detailed planning for carbon neutrality, it is essential that we evaluate the work required and the costs involved. As I have said already, the expenditure involved is significant and will impose even greater costs on Islanders already burdened with excessive costs. We must first pick the low-hanging fruit and not until then consider the more expensive projects. The simple environmental projects like seagrass and eel grass into the local ocean, the use of sale proceeds of houses to increase the quality of insulation by a given percentage. These are all ways of doing it without hurting the low-income families and the people who are between income support payments and paying tax. These are the people who will be caught out. There is no way that we should start down this road without knowing what the cost is. Would you build a house without knowing what it was going to cost you in the end? No, you would not. That would be extremely improvident of us, particularly when informed estimates forecast something between 11 per cent and 17 per cent of G.D.P. (gross domestic product), which is significantly more than the £251 million quoted by the current Minister for the Environment and Assistant Minister. Please, can we have a proper reasoned estimate and based on not just the research that you agree with but also looking at the research that you do not agree with? You know, there are a lot of papers on both sides of the fence and they all need looking at, not just the one view. Please let us have a proper costing before we start on this.

### **5.1.2 The Connétable of St. John:**

I fully support these proposals before us today and I believe that both of the amendments strengthen the original proposal. The money identified for active travel is much needed and will, I believe, give us a better return against our objectives. I recently attended both sessions hosted by I.H.E. (Infrastructure, Housing and Environment) on active travel. It was extremely interesting and frustrating in equal measure. The I.H.E. team are doing their very best to make improvements but do not have sufficient resource, either physical in terms of people, or capital to carry out much needed works. This lack of resource means that it has taken me almost 12 months to set up a joint board with the team in St. John to look at road safety measures. I have only just had confirmation at lunch time that Bonne Nuit Bay will be included in the water-testing scheme this summer. Again, 12 months. The Scrutiny Panel amendment is also welcome and, in my view, particularly the Climate Council. My interest in this area goes back many, many years. In 2015 Jersey was the first Island in the Island Games to introduce a walking map for the visiting competitors and supporters. A simple solution to reduce the amount of traffic. This could be easily replicated for Islanders at little cost and could help take vehicles off the road rather than fund E.V. (electric vehicles). This could and should be done at Parish level as well as Island level. There are areas on the Island where people literally use their car to access local shops and facilities as it is the safest way for them to do this. That does not support our ambition for an active lifestyle or indeed our ambition for this Carbon Neutral Roadmap. If we look at Les Landes School, it is a great example of what can be done. It can be achieved on a local basis when there is a will to make a difference, when there is leadership, real leadership. Funding to assist other schools and/or organisations to achieve similar levels of active travel should be encouraged. How about cycle buses being used to get groups of youngsters to and from school as is seen in Europe? For a small investment that could reduce significantly the amount of vehicle movements, particularly around schools at pick-up and drop-off. Another measure that will have a good impact is a hoppa bus. Something else that I used during Jersey 2015. Too many people make journeys over a short distance that could be accommodated by alternatives. Perhaps we should be considering different tools to encourage people to move to alternative fuel vehicles rather than giving grants. The removal of G.S.T. (goods and services tax) from electric and hybrid vehicles could be funded using this money. The removal of G.S.T. could be capped at a certain value of vehicle to limit the impact on G.S.T. income and to ensure it is targeted in the right areas. Also in 2015 I worked hard to reduce the emissions of the fleet where I was working. I can tell you that it was not easy. A big issue for any local business is the general lack of mileage the vehicles do each day, each week, each month. We are talking about commercial organisations. In a larger jurisdiction it is much easier to use the lifetime fuel savings against the benefits of an electric vehicle or hybrid vehicle, therefore paying for the original increased capital costs. Help from the Government at the time was zero, with the exception of the Deputy of St. Martin, I could not get any support from Treasury, I.H.E., et cetera.

[14:45]

We did manage to get support from the J.E.C. (Jersey Electric Company) who helped us make the change possible with the support of the Deputy of St. Martin. I was told at the time: "It is too difficult, you cannot remove G.S.T." as we heard in a previous debate. It is surprising really because all new vehicles come through D.V.S. (Driver and Vehicle Standards) where they calculate the vehicle emission duty and so there is only one point of entry so why can we not do that? Something very simple. I have also introduced renewable diesel into 2 Channel Island commercial fleets. Both times this was a commercial decision. Any support? No. No, support. When you see the results of a renewable diesel vehicle against a conventional fuel, it is simply quite amazing. The results improve with the heavier the engine but even on a modern Mercedes car it is beneficial to use. I have asked the Minister for Treasury and Resources in this Assembly on a number of occasions about removing the environment levy from renewable diesel. When I fill my car up I resent paying an environmental premium on an environmentally friendly product. It appears too difficult. The option? I pay the

premium because I am able to do so or, at times, 50 pence is the difference per litre. Why do we not just remove the environmental fuel element from that fuel? We need to be more ambitious with a view to exporting energy rather than importing it. Hydrogen is becoming more of an option as every month goes by. What did we do to try and work with the French on their wind farm just a short way off our coast? Apparently according to some you are a lefty if you catch the bus. Well, I have been called many things and this label will not deter me from catching a bus. The label is clearly incorrect but, hey, let us not allow facts to get in the way. If we are not going to finish at 8.00 p.m. I would like to assure Senator Gorst that I have a bus at 10.25 p.m. and 11.25 p.m. so he need not worry about how I am going to get home. I will encourage Members to support the proposition as amended.

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

It is always difficult to follow the Constable of St. John because he makes some points that I was going to ... he has done it twice in this sitting, he has taken some of my points. But anyway, let us have a little go, I will keep it as short as possible. This is a significant proposition that has been brought to this Assembly at the very last opportunity and it has actions for the future. The notion of a roadmap is perhaps a correct one, a map gives a choice of directions and a choice of roads to pass down. However, this roadmap is our pathway through an existential threat to our existence, not a map you want to read upside down or indeed lose. Now while thinking about this and what I would comment, there happened to be on my TV the 1999 film "The Matrix" in my house. It occurred to me that we have a sort of Matrix-type choice that you take the red pill or the blue pill. The terms "red pill" and "blue pill" refer to the choice between the willingness to learn a potentially unsettling or life-changing truth by taking the red pill or remaining in contented ignorance with the blue pill. Three years ago I believe that we were taking the red pill and really going to lead the way as a small Island and addressing our contribution to climate change and take the actions we need to be a model for other small islands and larger jurisdictions but I sense that what we have done, or the Government have done, is just grind in a little bit of the blue pill. I say "the Government" because the citizens' assembly were I think really ready to swallow the red pill. A note to the citizens' assembly, I want to say thank you to those who engaged in the process and, to those cynical about the process, what is the alternative in consulting with a genuine cross-section of our community? We should be listening and acting on the outcomes. Let me list some of the positives and pitfalls that I see in the roadmap. I will mix them up so that there is a balance. The first thing is that climate change is on our agenda and we must not forget how important that is. We are talking about it, it is there all of the time. A fundamental error I believe was made in releasing a figure of the cost of addressing climate change but not the cost and the implications of not acting and the cost of keeping things the way they are with old-fashioned dirty technology that is not going to do any good for the future and at some point will need to be replaced. This has allowed the debate to flourish based upon fantasy figures on what can only be called "fanaticism". With my amendment there is more money towards active travel and we are having a much wider, more-informed discussion on what that means. We have genuinely started to talk about active travel; I will come to that in a moment. The move to adopt the Paris Agreement steps us backwards in our commitment, in my opinion, and it means that we are lost in larger countries' targets, losing our own indeed identity in the way in which we address climate change as a small jurisdiction. Indeed, a recent I.P.C.C. report recognises the inadequacy of the Paris Agreement in dealing with climate change. I think that will come back to us and we will need to address that again. I support the amendment because scientifically that will be addressed with genuine science. As I mentioned, we have finally started to talk about active travel and I am pleased to have the amendment accepted and thank the many groups that I spoke to regards that amendment. I thank the Jersey Youth Parliament for their support for this amendment and that voice of young people, we talk about it so much, but it is so important. I have got to say it really did make me smile when I saw it and it is lovely. I will read something that was sent to me: "Investing in active travel has the potential to fulfil legacy benefits that will benefit Jersey for years to come. Money spent on improving facilities and opportunities for children to walk and cycle will be paid back to the Island



over and over. This will take the form of enhanced physical and mental well-being, reduced childhood obesity rates, improved road safety and other environmental benefits.” Even today I added this one simply by listening to the news earlier. The importance of exercise for treating osteoarthritis is being emphasised across the water in the U.K. and by the charities linked to that condition. We talk about cost and it is a double-edged sword. We have seen billions invested in fossil fuel-based economies, trillions, one might say, but now we focus on perceived costs for what will be essential change to our future infrastructure. Attracting green finance is the way ahead for the market if that is what we inevitably talk about. I think of it as priorities. Office blocks of future-proofed infrastructure, £100 million being spent, I believe, on the Cyril Le Marquand House being demolished and rebuilt for an office block, but we are worried about a few million pounds being spent on a Climate Change Fund. That is the wrong priority and I think we need to have a really open discussion about money and where we want to spend it and the benefits of it. The cost of inaction is enormous environmentally, socially, mentally, physically and for our children and future generations. I want to highlight the importance of small jurisdictions in the development of the world’s response to climate change. Small islands led the way and they face the greatest threats from climate change. The debate over the Kyoto and Paris started with small islands pressure. We have a role to play that is more crucial than we realise and I want, please, for the Assembly to go away and think about that during election time. I have had the huge pleasure of being involved in the small islands’ network on climate change from across the world and having meetings with people sat on a small island in the middle of the Pacific. First of all, it emphasises how small the world is and how we share that planet and the threat to them is a genuine existential threat to their entire community, and that brings with it the moral responsibility that we have as people who start and pass legislative rules. We must remember that. It was said to me, the lovely phrase that I got: “If you think we are too small to matter try sleeping with a mosquito” and I think that was a really good phrase. So how does this roadmap have a wider influence and affect those around us to the wider world and within a community of small islands? Bear with me now, another film that sprang to mind was the comedy “Anchorman”, a fictional pocket satire on a contemporary 1970s mores based around a San Diego T.V. (television) anchorman called Ron Burgundy. In particular there is a scene where a cologne used by the wonderfully-named Brian Fantana is introduced. The cologne is called “Sex Panther”. It is called the most awesome cologne ever made in the history of the entire world, scientifically engineered from space-age petroleum distillates and animal by-products with the fantastic strapline: “Sixty per cent of the time it works every time.” I cannot help seeing to an extent that the roadmap might be called a “Sex Panther roadmap”, 60 per cent of the time it works every time. That is the problem we have; it has been watered down. The aims of this Climate Change Assembly, the aims of the Youth Parliament, the aims of small islands around the world are not truly reflected in the roadmap and I understand why, because of the pressures, but into the future we need to address these issues. We need to be realistic and not hide behind larger jurisdictions but instead we need to lead the way and drive change because we can. But this is a step forward. It is an election issue and an issue for all of our population and we must engage with it. I am absolutely certain that in the next few weeks everyone across the Island when they talk in whatever form of husting they have will talk about climate change. We need a green new deal and a just transition and it has to have the leadership it needs in Jersey so that Jersey can lead the way with other small islands. I would urge us to keep that connection with other small islands, whoever is in this Assembly, and look at what they are doing, where they are and share their ideas, because together those small islands make up a huge voice around the world and we can make change. I say to people: support this proposition, it is not perfect, but it is a huge step forward from 4 years ago, and this is an opportunity for us to take it forward further in the next Assembly. I say to those in the next Assembly, please take this forward, build it, you are going to face the reality of climate change not in 2 generations’ time but in the generation that have just been born. My children will face it and my grandchildren will face it, if I ever get any. I want to make sure that we leave a legacy that is beyond just small gestures but one that shows that Jersey led the way and we built, and what we do in this Assembly, something that we

will look back on and say: “That was the point where we started to make real change.” We can afford this and we cannot afford not to. So, please, I urge people to support this proposition.

#### **5.1.4 The Connétable of St. Brelade:**

I would first of all draw Members’ attention to the Scrutiny Report S.R.7 produced by the panel and I will just speak to one or 2 pertinent elements. Considering the significant role that each strategic policy has played to date to provide the framework and strategic direction as a carbon neutral roadmap, the panel has raised concerns regarding whether there was an effective process in place for longer-term governance, oversight and scientific input, monitoring and reporting to appropriately inform and oversee the process going forward. We are pleased that the Minister accepted our amendment to achieve this. The panel emphasises that through extending the Paris Agreement on climate change to Jersey, significant scientific input, as well as monitoring and reporting obligations will be required. The energy market review will require considerable research, input, stakeholder engagement, as well as cross-jurisdictional working to manage the transition in a manner that is appropriate to Jersey. Although the first delivery stage of the carbon neutral roadmap will be delivered through the £23 million available within the climate fund, the longer-term financing strategic policy will need to be researched and established to address the challenges for requiring the substantial funds that the Island will need to meet its targets up to 2050.

[15:00]

In addition, further carbon reduction policies will need to be developed between now and 2050 to facilitate the Island’s trajectory to net zero and this will require further expert technologies advanced during this time. Currently the above, all that, as I have just mentioned, will need to be efficiently fulfilled via cross-government department working and will expand multiple government terms. The panel found that framework climate change legislation, along with a group of autonomous experts, is considered to be beneficial in guiding mitigation and adaptation planning as Jersey does not currently have any climate framework legislation. We consider this should be progressed in the next term of Government with the aim of enshrining Jersey’s commitment to carbon emissions reduction in law and to underpin and reinforce the policies within the Carbon Neutral Roadmap. We highlight several elements with regard to skills and training, with regard to the actual transition, with regard to sequestration, with regard to capacity and resourcing but overall we are satisfied with how the Assembly recommendations have been fed into the policy development process. Moreover, where recommendations have been rejected or will be considered for the medium or longer-term development of the policies, the panel is satisfied with how the Government have demonstrated any future alignment or the reasons for the rejection for the recommendations. The recommendations come earlier on in the report and there are 9 of those which Members are welcome to look into in detail should they so wish. The panel notes, as reflected in the lodged version of the Carbon Neutral Roadmap and of the recommendations applicable to Government, 80 have been accepted, 25 are under consideration in the medium to long term and only 6 recommendations have been rejected which, in the main, is to assist with ensuring a just transition. I look forward to supporting the proposition.

#### **5.1.5 Deputy G.C. Guida:**

It is always difficult to time exactly when you want to speak or when you can speak and I would have liked to do it at the end so I could answer as many questions as possible but, well, there is a randomness in the order. So, a few things I can answer. First of all, again, if anybody has any doubt about the climate emergency, do not dwell on it. It has been said earlier this week: what would happen if we made the world a better place by mistake? This is not a problem and this is going to make the world a better place. I quite jokingly say that, after you have experienced electric vehicles, petrol-powered vehicles look vulgar, they smell and they make noise. We do not take that from human beings so why would we take it from vehicles? There are many, many other benefits. It is a

simple and maybe primitive example of the fact that a lot of what is needed to become carbon neutral is good for many other ways. We have called that, and you will find it quite often in the Carbon Neutral Roadmap, co-benefits and it is something that we have insisted upon from the start to say: “Examine the co-benefits.” If we do something, if we spend money on something you may find that even if there was not a climate emergency, this would still be good, this will still be important. I have gone a little bit quick into this. I would like to also mention the fact that this was given to us by Deputy Ward. It was a little bit of a surprise, it should not have been, we should have been working on this. We should have started this as a Government, as a matter of fact, but who really would be surprised by, oh, now you have to deal with carbon neutrality as well? *Mea culpa*. However, I must say that the 3 Ministers involved and all of the civil servants involved took the ball and ran with it. We never thought for one second that this was a bad idea, we never thought for one second that we would procrastinate or in any way hinder it. We thought: “Yes, this is absolutely necessary. This is a brilliant idea. This is something that we absolutely need to do and we will do everything we can to make it work.” Politically that is exactly what happened. For those who know the civil service, you can imagine that not only they were all for it but it is the sort of stuff that they love. It is completely a new area of policy that they can research, that they can buy research for, that they can commission research for and they can examine. They absolutely love that to the point where we had to check them and say: “Yes, yes, but we need outcomes, we need to do something.” If there is anything that we can apologise for is that it took quite a while to come to those outcomes. We did help finance the bus service fleet to the cost of about £150,000 but this was through the J.E.C. so it may not have been apparent but indeed this Government has not done much until now for carbon neutrality. We are ready. We have committed funds, we have a plan, and we are ready for the next 4 years. Of course there is much more to do and we have heard again from doubters that, yes, this is going to be very expensive and we have to be very careful with it. £300 million - in the plan you will see £250 million but it is a ballpark figure; call it £300 million - spent over 10 years is 1 per cent of the buying power per person. So, can we say: “Well, we are not quite sure about the importance of not depending on petrol, we will not spend 1 per cent ...”

**The Bailiff:**

Deputy, could I just ask Members who are not present to indicate whether they are on online because we are not quorate by quite a margin within the Chamber itself. Yes, please carry on, Deputy, we are quorate.

**Deputy G.C. Guida:**

Of course I forgot where I was. Does anyone remember my last word or last sentence? One per cent? I apologise, I do need to go through this. But yes, it sounds like an immense amount of money but to a country that has a £3 billion to £4 billion G.D.P. it is not a lot, it is 1 per cent per person. Nobody here can say that they cannot dedicate 1 per cent of their income or spending power to working on the climate emergency. We also talk about the economy and sometimes you hear said that that economy will pay for itself. If you think about it, it is difficult to imagine but we have lived it several times. The more recent major change was completely in the consumer area and it was flat-screen T.V.s. People had tube T.V.s that had been in their house for 20 years and they needed to change that. That market was dead, you could not sell a T.V. to anybody because they had inherited one, they did not need one. Then they come with flat-screen T.V.s and all of a sudden you have a completely new market and within a few years it is completely changed and now they are extremely inexpensive. This is the sort of thing that we will experience with this. I have heard a lot of criticism about electric cars and one of the major ones, especially in environmentalist circles was cobalt: “Lithium batteries use cobalt, that is absolutely horrible. Kids have to dig for it in the Congo, it is really bad, so we should not have electric cars.” My position on this was: “Wait a minute, there is not enough cobalt to go round.” There just is not enough. So if there is demand for it that goes beyond what is possible, the people manufacturing batteries will be desperate to find another way of

making batteries, that is the way the market works. When nothing had been done for 100 years, they will now spend billions, tens of billions, in cases, hundreds of billions, just to figure out a way. That is exactly what happened, quicker than I expected it. The largest electric car manufacturer in the world now makes half of its cars without a gram of cobalt. Within 2 years they will probably double their production and not use cobalt at all and it is true for many other things. We are still starting, there are still many avenues in the way that you can develop batteries, including some very old ones that we have not used for other reasons. So there is plenty of research, plenty of discoveries still to be made, but to start that market you must give it a critical mass. If you do not, if you say: "Well, we will just buy 10 electric cars a year" it does not happen. When you say the market for electric cars is 15 million a year, it happens very, very, very fast, so getting stuff started is quite important. We have also mentioned, or it has been mentioned, that these are things quite slow in coming. Yes, absolutely, this has been quite slow in coming but this is the proverbial supertanker, 220 metres long, but it is heading in the one direction and they need to switch. These are the sort of things that we have to do. The citizens' assembly was meant to start people thinking about this. It is very difficult, very slow, but when we had a few people in the same place being told all the facts, being asked to think about it, they went overwhelmingly in that direction. The citizens' assembly was extremely bullish on doing something about climate warming. They came up with weird and wonderful ideas. It was quite impressive, many of them not practical at all, but the thinking behind them, the will was very, very strong and that is a few people that we took completely at random but what we did was teach them where the problem was. There are another 100,000 people we need to do that with. That will take time but my expectation is that there will be a massive acceleration when we get that shift heading in the right direction. We were talking about small islands, so if we go back to the actual problem of climate change, the cost is unbearable. If you start looking at the actual risks, at the actual damage done by a couple of degrees of warming in the world, the cost is unfathomable. We are not even certain that our species can survive in those conditions. We will lose something like 60 per cent of the biodiversity on the planet, we will lose a large part of our coastal areas which tend to be the place where people live. Some of the small islands will stop to exist. With 2 degrees I think that Jersey will lose about 20 per cent of its surface. It is not like we have much to give away. So the actual cost, if you look at a future of 100 years, is absolutely amazing, it is just not affordable. One thing that got me thinking, I think my first thought about - well it was not global warming or climate change at that time - so it was just the use of petrol. When I was a kid at school we were talking of course about mineral extraction when you learn geography. The first thing you learnt about any country was what did it produce and where did it go. Of course petrol in the 1970s was a very hot subject. We already knew at the time that there were reserves of petrol, there was only so much to go around. I remember as a very young person thinking: "So, wait a minute, we have got this resource which is finite", now let us compare that to how long we want our civilisation to go for. Do we want the human civilisation to go on for another 50 years, another 100 years, what is our time in the future? Because if it is more than 100 years there is no petrol. If it is 200 years there will not be any petrol for the second half of it. If we hope for 1,000 years of human civilisation we will have to do without petrol for 90 per cent of it. Is anybody thinking about that sort of thing? The other thing of course is we burn it. We have got this resource, it is pretty unique, it is extremely difficult to make, and all we do with it is burn it and the remainder used into plastics. But what about plastics? Plastics are extremely useful, what if we discover that there are better things to do with petrol but unfortunately we have burnt 95 per cent of it?

[15:15]

That was in the 1970s, this notion that: how can we look at a limited resource and say we will get rid of it in the next 30 years and then we will see what we do next. So, accelerating that can only be good; can only be good. Now of course we have found again for the tenth time that it is an excellent political lever and that depending on it costs all the nations of the earth political points when it is misused. So, we also heard about skills and training and I think that is quite important. It will be an

issue but we are talking again about a brand-new market, a brand-new market that will self-generate all that. So, it is part of the plan to help with skills and training, but I am quite confident that this will be self-generated. When electrical water heaters, when electrical boilers are the norm, we will have all the manufacturers, all the retailers, all the distributors and all the electricians we need for Planet Earth to instal them. This market will thrive because there will be so much demand for it. I think that is about it for this. I really liked the red pill analogy, it is absolutely right, just wake up to what is really happening and do something about it. This plan gives 4 years of measures, they are all there, they are listed, they are ready to do and the money is there, so very easy to accept it will be done. It gives a list of things to do for the next Assemblies if they want to work up to zero carbon in 2050. I hope that the Assembly will vote for this.

#### **5.1.6 Connétable P.B. Le Sueur of Trinity:**

Very briefly, the evidence is there for all of us to see. It is not only beholding on us but to protect the lives and the welfare of future generations. There are, as always, detractors in these matters but I count those as coming from the King Canute school of thought where they think they can sit there and hold the ever-rising tide back along with all the other downside to this global warming. So I do not intend this afternoon to add to the emission of any further hot air, just to say that I will be actively supporting this.

#### **5.1.7 Deputy K.C. Lewis of St. Saviour:**

Transport is the one public service that we all use every day whether it is commuting to work, taking children to school or making trips for leisure. Some of these journeys are already carbon neutral such as walking and cycling but the evidence suggests that many journeys are not because transport alone accounts for 40 per cent of our carbon emissions. We cannot cut carbon emissions from our transport system overnight but we can accelerate the transition which is already underway to a carbon neutral transport system. How we accelerate this transition is outlined in the transport section of the Carbon Neutral Roadmap. This includes speeding up the adoption of electric vehicles, supporting transition fuels, renewable petrol, phasing out ultimately of petrol and diesel vehicles, the roads law review, green number plates for electric vehicles, a sustainable transport roadmap, bus service development trials and, by no means least, active travel. There have been a few comments made that I would like to address. We have experimented with a cycle bus, this was attached to the old Caetano buses, but was thought a little dangerous for people to be hooking bikes on and off the rear of the bus but obviously experiments are still ongoing with small cycles in the bus. The hoppa bus is in transit, that will be here by ...

#### **The Connétable of St. John:**

Can I ask for a point of clarification?

#### **The Bailiff:**

Do you wish to give way for a point of clarification, Minister?

#### **Deputy K.C. Lewis:**

Certainly.

#### **The Connétable of St. John:**

Does the Minister agree with me that cycle buses are those vehicles where up to 10 children cycle with an adult, powered by electricity and have nothing to do with a conventional bus?

#### **Deputy K.C. Lewis:**

I think we are at cross-purposes. I take the point but, yes, they are good, they are used in Holland. I have been cycling round Holland and I have seen these cycling buses, if you like, where 10 children cycle the bus and a teacher is steering it which is quite good. I think if the Constable would like to

look at, I think it is my Twitter site, I have got pictures of it on there of one in operation, but anything to aid people getting from A to B would be desirable. As I was just saying, the hoppa bus, the Chief Minister has come up with the cash for this and that will be happening before the end of the year. Renewable diesel, RD100 and such like, we have been using that in our States fleet for some time now. Reports have come back that performance has been excellent with no loss in performance whatsoever. Most of the bus fleet, LibertyBus, most of the double-deckers now are on renewable diesel. For some of the smaller ones they are still waiting to get clearance from companies like Mercedes because without permission from the bus manufacturer you could invalidate your guarantee if you do not have their permission to use it. That again is in train. We are working hard on that kind of project. Hydrogen buses, I have been in Northern Ireland on the hydrogen buses, they are wonderful. I spent many an hour riding round Northern Ireland on hydrogen buses. They are extremely expensive at the moment. Instead of around £150,000 for a conventional bus, these are approximately £650,000; that does not include the manufacturing plant for the hydrogen. It is something I am very keen on but that is very expensive. Bus shelters, we are putting up as many as we can to encourage people to use the bus service. At the moment it is wonderful weather so not a problem during the winter months. Obviously we want to keep people warm and dry and make the whole bus ridership a more pleasurable experience. Cycle racks, we are putting up more cycle racks wherever we can. Safer routes to schools is something I am very, very keen on and we have done 2 in St. Saviour and I think there are 2 in St. Clement but it is something I would like to expand. A cycle route, obviously we inherited the old railway line from the west of the Island. Sadly, the east of the Island was sold off for housing so that is more of a harder job. As I say, I have been cycling round the Netherlands quite a bit so I picked up quite a few ideas there. I fully support moving to a carbon neutral transport system but where I have my reservations is how hard we press on the accelerator to speed up the transition. My concerns were helpfully summarised by the Jersey Youth Parliament in their climate report from October 2021, it reads as follows: "Clearly, legislation and guidance is required in order to show Islanders the way but incentives for those who are reluctant and help for those struggling are also imperative to make certain that our quest for carbon neutrality goes smoothly." I am not convinced the journey to a carbon neutral future will be smooth but I agree with the Youth Parliament, we need incentives for those who are reluctant and help for those who are struggling with this change. This roadmap provides incentives and these incentives have my full support and I hope the future Government will introduce more incentives to encourage the transition. I welcome the opportunity today to hear the Assembly's response to the roadmap, especially concerning a fair and just transition to a carbon neutral transport system. I will also be interested to hear Members' views on how we can take all our community with us on this journey.

### **5.1.8 The Deputy of St. Martin:**

As Members will know, when it comes to carbon emissions there are 2 particular areas that we need to focus on. The first one is transport and the second one is housing. When it comes to housing I have reflected on the draft bridging Island Plan debate and realised how disappointed I am with my personal performance. I got far too focused in the expansion of the coastal national park, far too focused on retirement homes and affordable housing. I should have spent a bit more time thinking about insulation and reducing carbon. We all know that new or very recently built houses are well-insulated and use considerably less energy than those old traditional houses, which is where most of our energy gets put when it comes to heating. I said repeatedly during the Island Plan debate that planning is all about balance and thank goodness we have got a new Island Plan coming because I think we need to re-evaluate that balance when it comes to carbon emissions and historic buildings, so I look forward to that debate. When it comes to cars I share Deputy Guida's enthusiasm for electric vehicles. He and I both share a choice of the same vehicle currently. I agree with him, we need that massive acceleration that he is talking about, we need that critical mass of electric vehicles which he spoke about. I further agree with him that it is coming, you only need to read the pages of any motoring magazines now to see the proliferation of electric vehicles over those powered by diesel or

petrol. Our recent public meeting with the Environment, Housing and Infrastructure Scrutiny Panel we had a person in front of us who said: "I am a member of the carbon neutral team and it has been an interesting experience. We are not completely aligned but we are heading in the right direction." I pressed that person on what they meant by not being aligned and I said: "Can you tell us what areas you are not aligned in?" The person then said: "Basically, obviously, electrification. I do not believe that we are anywhere ready yet. We all agree we are heading in the same direction but I do not agree with the speed that things are intending to happen regarding the changeover from petrol and diesel to electric." I pestered him, I said: "Do you want it to happen faster?" and the response was: "Slower, I think it is going too fast. I do not think we are ready yet." That person was the last speaker in this Assembly, the Minister for Infrastructure. I look forward to a new Island Plan, a new Government, some new incentives, some new initiatives and some new decisions. We need to do better, we need to do it quicker and we need to get on and make decisions.

**Deputy K.C. Lewis:**

I have a clarification for the last speaker.

**The Greffier of States (in the Chair):**

Are you willing to give way for a point of clarification, Deputy?

**The Deputy of St. Martin:**

Yes, absolutely.

**Deputy K.C. Lewis:**

My point was we said we are not ready yet. We need the charging infrastructure to charge all the electric vehicles that are coming and people living in flats would not have that. That was my point, I hope the Deputy agrees with that.

**The Deputy of St. Martin:**

I have got no comment, Ma'am.

**5.1.9 The Deputy of Grouville:**

I would like to join this debate because that was what we were talking about earlier this week surely, was aligning our utilities with what the objectives are in this States Assembly. If our objectives are to press the accelerator hard, then I am afraid that is exactly what our utility companies have got to align themselves with, our objectives. So I really cannot accept that we are not ready, end of. I think Jersey Electricity, we own 62 per cent of that company, the rest are private shareholders, but the States own the majority of it, so I am afraid they have got to work in the right direction and satisfy the objectives that this Assembly lays out for them. I am in full support of pressing the accelerator really hard. I think transport and the changes can be achieved relatively quickly if there is a desire to do so and I feel that there is most certainly a desire to do so from what I am hearing in this Assembly. We might have to offer incentives but I think the Minister for Infrastructure has alluded to certain things but, from my perspective, seeing the cycle routes, I am sorry, it is not happening fast enough.

[15:30]

Senator Moore and I and Senator Pallett, we took maps, gave them to the Constables 3 years ago just before going into lockdown. I know some Parishes, and I am looking at St. Martin there, have been very proactive in that. They have formed committees to set out routes because it is clear that we are not going to have dedicated cycle routes like I once had the idea that we could continue the railway line in Grouville. I admit that there is housing on some of it but it is not insurmountable, we could have carried that route along. I have even walked the route with the Constable of Grouville several times with several Ministers where we could have an off-road route, but in order to suggest a quicker

way of doing it we just felt that some of the beautiful country lanes could be highlighted to have a priority for cyclists and pedestrians. Like I say, I think some Parishes are being a little more proactive but I would like to see that. There is no reason why we cannot have that. What is holding us up? It is so frustrating and I think these initiatives, we really must push forward on. So obviously not this Assembly, but certainly the next Minister for Infrastructure I would like to see really take a very, very proactive stance to deliver safe cycle and pedestrian routes across the Island. Thank you, I will leave it there.

**5.1.10 Deputy J.H. Young of St. Brelade:**

I wanted to apologise for not being in the Assembly in person today. I had wanted to do it all week, unfortunately, due to a minor matter, I ended up in A. and E. (Accident and Emergency) last night and I have just got out.

**Deputy J.A. Martin:**

Point of order, he is *malade*.

**The Greffier of the States (in the Chair):**

Sorry, Deputy, just one moment. Deputy Young was recorded as *malade* this morning because he was in hospital.

**Deputy J.A. Martin:**

Oh, sorry, I thought you were *malade* for the day.

**The Greffier of the States (in the Chair):**

He has later informed us that he is back in the land of the living and joining us via Teams.

**Deputy J.H. Young:**

Yes, thank you for clearing that up. I thought Members ought to know that. So I can assure you, if I could have crawled in today I would have done, but I was not allowed to. I want to say a few things please. Deputy Ward spoke about framework. We called it a roadmap. But what we have here is a really important good start. The choices are myriad. Some of those choices are easier to make now; others are easier to make later.

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

Sorry, Minister, are we quorate again? I do believe we are not.

**The Deputy of Grouville:**

Can I ask for the roll call please?

**The Greffier of the States (in the Chair):**

We still have sufficient Members because of those who are joining us via Teams. We are still quorate.

**Deputy J.H. Young:**

So can I continue?

**The Greffier of the States (in the Chair):**

You can indeed, Deputy Young.

**Deputy J.H. Young:**

Thank you very much. As the Constable of St. Brelade said, he read us out the conclusions that the group came to, because this was very much a group piece of work, and I will come to that in a moment, of which things could go more clearly together now. Or at least where those decisions are



easier, where the case is very, very strong. Others where we think there will be potential change for the future. But there is the opportunity through the whole mechanism of the roadmap or the framework for future Governments to accelerate, to add to the programme. I personally very much like the programme of energy insulation because you reduce energy use but of course if that energy use is no carbon then that does not achieve the carbon objective. But, nonetheless, the energy insulation issue is a very big one. I was reminded ... I did some figures the other day, I promised Senator Ferguson I would look at some numbers. When the previous Council of Ministers had that scheme running before the budget was taken away in the Medium Term Financial Plan during the austerity period, 1,450 low-income households were assisted through 100 per cent grants to do that insulation work. Those were selected from Income Support records, from Westfield, from all the Social Security database, which helped identify those households that could most benefit. The average cost was around £2,000, about £3 million went into that. Of course that was a very targeted scheme because the reality is that when you put insulation in you save money. People who do have the capital to invest can invest that privately and make those returns. So that is an example of the choices. I want to thank both Deputy Perchard and Deputy Guida because the work for this plan had to be done at pace, not least because we lost a year with COVID, the timetable coincides with the bridging Island Plan. So I am so grateful for my Assistant Minister colleagues who did all of the hard-lifting work on this. I want to put that on the record. But, nonetheless, I am absolutely delighted with the end result. Of course I personally did attend Youth Assemblies and I was on the receiving end of what the youth of the Island thought about our progress, or lack of it, in this area. They really are passionate. Also, it is not just secondary school children, it is primary school children; the children really get it. This is for about future generations so I am very delighted that Deputy Perchard is the one who is making the case in detail today. So I really hope that the States will support this. I personally think that it will, some of these choices, because there are lots of choices ahead, will probably become election issues. But the mechanics are there through the fiscal measures, through what the roadmap proposes, and also we have an annual process of Government Plan. So those things can all be slotted in. But obviously they will have to go through the same rigorous process that this has got. But as well the commitment of our community, albeit whether they be Parish committees who have done fantastic work, whether it is various voluntary groups, whether it is businesses, and all of those groups, and the citizens assembly itself, have really added value to this. So I cannot wait for the vote but I just want to end and say thank you for that and thank you for the officers. I am not anticipating the vote, but I wanted to say that because I will not get a chance. I have one chance this week. Again, I do apologise for not being in the Assembly. Apologies, thank you.

**The Greffier of the States (in the Chair):**

Does any other Member wish to speak? If no other Member wishes to speak, I close the debate and call upon the Assistant Minister to reply.

**5.1.11 Deputy J.H. Perchard:**

Thank you to all the contributors of the debate. It is a very emotional proposition because it is fair to say that this is the most important proposition that we will vote on in this term and, for me, perhaps in my lifetime. So I am very grateful to be standing here and humbled to be able to be rapporteur for this particular debate. I am sure Members will indulge me for 30 seconds while I just say quickly that, while I was always designated to do this, my Minister did intend to physically be here and for unforeseen circumstances could not. But, as Members will know, and as members of the public will know, the Minister is retiring at the end of this political term and this would have been his last day in the Assembly. So I hope Members will join me in applauding him for his lifelong public service, both in the civil service and in this Assembly. **[Approbation]** The process of coming to this point has been a bit of a microcosm of what we now need to do society-wide. Deputy Ward and I are very much on the same page that anything less than an emergency effort is not good enough, not fast enough. But, as Members have heard, and as I have experienced as the Minister responsible for

proposing this, not everybody agrees. The most important thing is that we have buy-in from everybody. That buy-in will only happen with a little bit of compromise and with negotiation and with education and with collaboration and with sharing and with understanding. It is with those values and qualities that I have endeavoured, with my fellow Assistant Minister, my Minister of course, and all the officers working on this, that is the space where we have come from to develop what you see before us. It is not a matter of should, it is not a matter of must, it is a matter of need. We need to do this and we need to do it now. But I am grateful for the support of the Assembly and I will leave it there. Thank you so much. **[Approbation]**

**The Greffier of the States (in the Chair):**

The *appel* has been called. I invite Members to return to their seats. In a moment the Greffier will open the voting and those joining us via Teams should indicate their vote in the chat. The vote is open. I ask Members to cast their votes. If all Members have had an opportunity to cast their votes, I ask the Greffier to close the voting. I can announce that the proposition has been adopted.

<b>POUR: 35</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator S.C. Ferguson		
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
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)				

**Senator I.J. Gorst:**

I am aware of the time in the afternoon. I am wondering if I could beg the indulgence of the Assembly if they would mind slightly reordering the business and taking next P.75.

**The Greffier of the States (in the Chair):**

These are matters for Members. Is that proposition seconded? **[Seconded]**

**The Connétable of St. Brelade:**

I am getting a bit fed up with being bumped, quite frankly. Can we just not stick to the order and carry on?

**The Greffier of the States (in the Chair):**

I am in the hands of Members. Obviously it is a matter for you to decide the order of business for this afternoon.

**Senator K.L. Moore:**

Do you want us to go to a vote?

**The Greffier of the States (in the Chair):**

It is probably best to have a vote on this rather than having a debate. If the Greffier could put a vote up on the system, voting to take next P.75, Technology Accelerator Fund. Members have had an opportunity of voting. The Greffier will close the voting.

[15:45]

The proposition to move the items has been lost: there were 9 votes in favour, one abstention and 22 votes contre.

**6. Parishes' Green Waste (P.73/2022) - as amended (P.73/2022 Amd.)**

**The Greffier of the States (in the Chair):**

Consequently, the next item is indeed Parishes' Green Waste, P.73, lodged by the Connétable of St. Brelade and I ask the Greffier to read the proposition. There is one amendment lodged by the Minister for Infrastructure. Connétable, are you accepting the amendment?

**The Connétable of St. Brelade:**

I am.

**The Greffier of the States (in the Chair):**

Are Members content to take the proposition as amended? Very well, I ask the Greffier to read the proposition as amended.

**The Assistant Greffier of the States:**

The States are asked to decide whether they are of opinion to request the Minister for Infrastructure to initiate arrangements in order that green waste from the Parishes dedicated household kerbside collection scheme may be received free of charge at the green waste facility at La Collette.

### **The Connétable of Grouville:**

Before the Constable speaks, I have to declare interest, I have a family member who runs a business who from time to time collects green waste. I do not have a direct financial interest in that business but I think I should declare the interest.

### **The Deputy Greffier of the States (in the Chair):**

That will be noted for the minutes.

#### **6.1 The Connétable of St. Brelade:**

This proposition is very simple and brought as a result of experiences during lockdown in both St. Saviour and St. Brelade in 2019. It complements government strategy and there are ample examples in the U.K. and on the Continent to draw upon to ensure Parishes harness best practice and maintain standard of service achieved during the temporary period. Both Parishes arranged with their staff to collect green waste to assist parishioners who were accumulating garden green waste given that the La Collette facility was not available. It proved to be popular and there was no charge at that time from the department. However, subsequent to further discussions after restrictions eased, the department has indicated that a charge would be made. Our late, much-respected colleague, the Connétable of St. Saviour, commissioned an options paper to develop the concept of a green waste kerbside collection for her parishioners and I thank her for that and in bringing it to share with other Connétales on the Monday before her untimely death. The aim of the report was to present information that had been provided by the Parish of St. Saviour, which had received information from the solid waste team at La Collette, and also collected from desktop research. Detail was provided to support the Parish to consider the feasibility of the proposed household green waste collection and concludes with a set of actions to enable moving ahead and shaping a future service. This proposition is in answer to one of those actions. In the light of the Carbon Neutral Roadmap, which we have now discussed, it is to me a natural progression that Parishes develop their kerbside recycling collections. It helps reduce car journeys. It helps deter fly-tipping, and indeed produces a product that is of benefit for the horticultural and agricultural sectors. It enables everyone to play their part in recycling and demonstrate support for principle 4 of the Island's carbon neutral strategy. I am grateful to the Minister for his amendment, which refined the semantics of my proposition, and I am pleased to have accepted it. I am aware that discussions will need to take place between the Parishes and I.H.E. regarding the finer points of the scheme to ensure purity of the delivered green waste to La Collette, to discuss the frequency of collections, to discuss the type of receptacles to be used, and how these might be provided. Also of course the type of vehicle to be used. I make the proposition and will happily respond to any points Members wish to make.

### **The Greffier of the States (in the Chair):**

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

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

I simply wanted to show my support for the Constable of St. Brelade and the late Constable of St. Saviour for bringing this proposition and new service to the Parishes. As I now have potentially 3 Parishes to cover, I have been attending the recent Assemblies, and it is very clear that, unless our Parishes develop and expand and remain fitting with the requirements and needs of their local communities, then the great wealth of service that they offer the Island will not flourish and thrive and survive into the future. This is an excellent example of something that both fits environmental needs and provides a service that is much required. In fact, earlier on in this term I looked at the potential for collecting food waste, which sadly the Infrastructure Department was not keen on, but I would like to ask the Constable if he and his colleagues might consider doing so in future as that would be an excellent addition to this service.

### 6.1.2 Deputy K.C. Lewis:

Firstly, may I thank the Constable of St. Brelade for accepting my amendment to his proposition. Secondly, I wish to thank all the Constables and Parish officials for hosting Recycling Bring Banks and for providing kerbside collection schemes, which have contributed significantly to increasing the amount of waste we recycle as an Island. Currently, householders can deliver their green waste to the reception point at La Collette from Wednesday to Sunday at no charge, while commercial deliveries are accepted directly into the composting facility Monday to Friday at the rate of £69.55 per tonne. I cannot accept commercial waste free of charge because this Assembly previously voted for P.20/2020, which introduced a charge for the reception of green waste from commercial operators. I am however pleased to support the Connétable's proposal for I.H.E. to receive household green waste from Parishes free of charge, provided it can be evidenced that the green waste has come from a dedicated household kerbside collection and it meets the waste acceptance criteria to ensure the quality of the final product is maintained. Part of that maintenance, previous to the last question, there must be no food waste whatsoever because, if this were to end up on farmland, the supermarkets would possibly refuse to accept the products. I would just like to remind Members that this is the final product, of course our genuine Jersey soil improver made from garden waste received at La Collette green waste reception site.

#### The Greffier of the States (in the Chair):

Does any other Member wish to speak? If no other Member wishes to speak, Connétable.

### 6.1.3 The Connétable of St. Brelade:

I thank those Members who spoke. Senator Moore is absolutely right in that at election time people are very interested in what goes on at their doorstep, probably over what happens in global terms. Many of us have had that experience. There is no doubt that it fits the environmental need and I do suggest that we can save a lot of car journeys going to La Collette by doing it at the kerbside. I thank the Minister for his comments and continued support and fully understand that foodstuffs or food waste is not acceptable and we will have to work with the department to develop guidelines within the Parishes and disseminate that to our parishioners. I have experience of using the soil improver and I am sure my vegetables will show just results in due course. So I make the proposition and ask for the *appel*.

#### The Greffier of the States (in the Chair):

The *appel* has been called for. I invite Members to return to their seats. In a moment the Greffier will open the voting. The vote is open and Members can cast their votes. If all Members have now cast their votes, I ask the Greffier to close the voting. I can announce that the proposition has been carried.

<b>POUR: 37</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 1</b>
Senator I.J. Gorst				Connétable of Grouville
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				

Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy 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 Greffier of the States (in the Chair):**

Deputy Higgins, you have indicated in the chat that you wish to speak; is that correct?

**Deputy M.R. Higgins:**

Yes. We have obviously the Technology Fund coming next then there is my proposition on Compromise and Non-Disclosure Agreements, and then we have the final one with the Minister for the Environment. I have decided to withdraw my proposition from the Assembly and if I decide to stand in the next election I will introduce it at that point. That is if I stand for election and I get re-elected. However, I know Members have had a long week, there are those with families, and I do not want to particularly burden the Assembly any more than is necessary. So I shall withdraw P.76. Thank you. **[Approbation]**

**The Greffier of the States (in the Chair):**

Thank you, Deputy.

## **7. Technology Accelerator Fund (P.75/2022)**

### **The Greffier of the States (in the Chair):**

Then the next item of business is Technology Accelerator Fund, P.75, lodged by the Council of Ministers. I ask the Greffier to read the citation.

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

The States are asked to decide whether they are of opinion - to support the Island's future economy, make faster progress on environmental and social goals, and strengthen the technology eco-system in Jersey, by establishing a States Fund to be known as the Technology Accelerator Fund ("the Fund"; known in the Government Plan 2022-25 as the Technology Fund) in accordance with Article 6 of the Public Finances (Jersey) Law 2019 and with terms of reference as set out in the Appendix to the report.

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

Over the long history of our Island, Jersey has made a name for itself across the British Isles and indeed across the world for its ability to excel in a range of economic fields. Of course our agricultural produce is perhaps the most iconic with Jersey Royals and our famous cows. Jersey is also known internationally as a leading financial services centre and for our high-quality oysters. Historically, Jersey has been known at various times for its cider, its wool industry, as a leading shipbuilder, and for our much-valued tourism sector. Increasingly, Jersey is making a name for itself with its cutting-edge digital sector. We have a head-start in this area when compared to other jurisdictions thanks to the support of successive Governments, thanks to the foresight to invest in our 4G infrastructure, and because of the hard work of many, many parties, in a non-political sense obviously. During the term of this Assembly, we have opened an on-Island Digital Academy, we have become the first Parliament in the Commonwealth to meet entirely online, and we have been recognised as having the fastest broadband speeds in the world. It is only right that we build on this strong foundation and seize fresh opportunities. Now, Jersey is not alone in promoting itself as an excellent and welcoming jurisdiction where high-value digital and technology businesses thrive. This is a competitive global market and indeed almost between the speech being finished and today I was given something from the *Financial Times* and it says in this article about: "Envisaging tomorrow's Guernsey. Harnessing 5 key drivers, shaping the future." It goes on, the article I am reading from: "I believe envisaging Guernsey's future requires a foresight driven, knowledge-based and innovative centred approach to drive sustainable development and growth. The industrial landscape is likely to change dramatically in the next 5 to 10 years. Mature industries, such as traditional financial services, will need to respond to disruption and will likely cut headcounts through automation to stay competitive. In parallel, new knowledge-based and technology advanced sectors such as A.I. (artificial intelligence), green technology, autonomous vehicles, synthetic biology, smart materials [there is a long list] and metaverses are emerging and are on track to become the trillion-dollar industries of the near future. Guernsey's challenge is selecting and attracting the next wave of high-value and environmentally-sound sectors, which can generate quality jobs, bring in top talent, and contribute to continued economic development."

[16:00]

It goes on down the headings about broadband infrastructure and that: "The search for growth is increasingly fuelled by new ideas and destinations must demonstrate that this runs through their core. Taking action on these drivers requires a combination of factors, key among them is the willingness to think big and the desire to leverage Guernsey's size and to act fast." As I have said, we have a head-start on the rest of the world already. We have a strong position, we are trusted in expert professional financial services, a supportive financial and regulatory environment, and world-leading - I do not use that expression lightly - digital infrastructure. But these successes will not simply land

in our lap, they need to be prioritised and they need to be supported. Doing nothing means we are going backwards. The 6-year head-start I was told we had in October of last year is being eroded and eroded. That is why we did act quickly in summer 2021 to identify the opportunity to reinvest half of the dividend received by the Treasury in a new Technology Fund. We will hear much reference, I am sure, in this debate about the process of Scrutiny. I do accept, and I formally apologise, that on this occasion we were unable to accommodate advance input from the Scrutiny process into the development of the proposition. I regret that communication was not good enough and that a briefing could only be provided shortly after the proposition was lodged. I have expressed my views to the officials for that issue. But I am pleased that both the C.S.S.P. (Corporate Services Scrutiny Panel) and the E.I.A. (Economic and International Affairs) panels have put on record they are not opposed to the idea of this fund. I hope that shows that there is support among those Members to further invest in our digital and technology economy. But I am sure there will be discussions around that shortly. But the ambition of this fund will be to support and nurture our digital sector, in the process serving to diversify our economy and create new and exciting careers for Islanders. One aspect of the fund, which I think Members will be particularly keen to see explored, will be the ability of the digital sector to create potential benefits in other areas of our economy and Government. That could be areas such as FinTech, sustainable transport, carbon neutrality, productivity and improvements to education and health outcomes. This fund will therefore support our Island as a whole, not only supporting our local economy, but also delivering tangible social improvements as we support the rollout of new technologies. The governance of this fund is set out in detail in the report to this proposition alongside the terms of reference. It sets out a clear framework for transparency and ongoing involvement of Scrutiny. It meets the requirements of the Public Finances Law. This has been confirmed to me by the chair of the C.S.S.P. It follows the same approach taken with the Climate Emergency Fund. The proposition also clearly explains that lessons have been learned from the previous Jersey Innovation Fund and it is really important to emphasise that it is not accurate to compare the Technology Accelerator Fund to the Innovation Fund. The focus of the Innovation Fund was about funding companies to do what they wanted to do. The Technology Accelerator Fund is to fund projects to do what we want to do as an Assembly and as an Island. It has a different purpose; it has different governance; it will be delivered in a completely different way and we will be working in close partnership with a trusted arm's-length body in the form of Digital Jersey. This Government has consistently prioritised the creation of a sustainable, vibrant economy for Jersey. Our Common Strategic Policy recognised the value and potential of our advanced digital infrastructure as well as the challenges and opportunities that the technology revolution presents to our existing economic interests. As I said, at the end of last year I was told we had a 6-year head-start on every other jurisdiction on the planet. We are the fastest speeds globally as a jurisdiction. Number 2 is something like 30 per cent slower than us. The United Kingdom is number 43 in that ranking at that point in time. This will change fast. So I urge Members to back this proposition to send a clear and unambiguous signal that we are for investing in our cutting-edge digital sector; that we are for diversifying and strengthening our economy; and that we are for creating new jobs and new opportunities for Islanders. It is in the hands of the Assembly. If they feel they want to delay it, put it off for further information and all that side of things, in reality, in my opinion, that will either kill it completely or the earliest we will see it back in this Assembly will be February-ish of next year. So we will spend an entire year losing part of that advantage that we presently have. We are in the hands of the Assembly. I am very clear it is an Assembly decision and we will leave Members to reflect on that. But I am absolutely recommending this proposition to the Assembly and let us see where the debate goes. Thank you.

**The Greffier of the States (in the Chair):**

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



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

I speak on behalf of the Corporate Services Scrutiny Panel, who, along with Economic Affairs, has done its best to learn what it can in the time that has been allowed. The panel believes that a Scrutiny review of the Technology Accelerator Fund is required to ensure that the proposition meets the Public Finance Law of 2019 and the requirements to establish a fund that are cited under part 6(2), the establishment of funds. The panel are of the opinion that the economic assumptions approach, evaluation method, and alignment to policy and strategic priorities presented in the report to accompany the proposition should be subject to Scrutiny, to provide reassurance to the Assembly and to Islanders. The panel would also highlight that the benefits and risks of the fund have not been independently assessed. The panel would also draw the Assembly's attention to the fact that the strategic programme plan has not been provided within the proposition report. The panel considers that this detail to enable the Assembly to hold all relevant information to inform its decision-making should have been provided. The panel believes that Scrutiny should be undertaken to assess whether the fund is specific, measurable, achievable, realistic and time-specific. The panel believes we would also like to highlight observations to the Assembly such as the terms of reference to the oversight group, including its quorum, frequency of meetings and reporting arrangements, do not appear to have been provided in the proposition to inform the Assembly. It appears from the proposition report that third-party advice can be drawn upon but the specific costs for doing so have not been specified and should be subject to scrutiny. The specific rights and responsibilities of the lead partner have not been outlined and this should be clear to the Assembly in its deliberations. More time is needed to scrutinise the proposition, particularly if the fund is being set up to finance predetermined projects by the lead partner. It has certainly been suggested to us in public hearings that this fund is simply being set up to assist the Government with public policy objectives that are predetermined. The proposition highlights that the lead partner will work with a wide range of Island businesses and organisations, States-owned entities, and on and off-Island technology and digital experts. This should be subject to scrutiny, especially in relation to financial support or partnership arrangement with other States-owned entities. The proposition does not clarify the performance metrics, which will be set. The funding tranches are not specifically outlined. The framework of transfers to the fund from the Consolidated Fund or others has not been stipulated, but if possible the effects of which must be subject to scrutiny. There is no indication of the lifespan of the fund, which must be subject to scrutiny. Use of the fund for administration and delivery is capped at £1 million over 3 years, but the procedure following the 3 years has not been specified and this should also be subject to scrutiny. The panel are disappointed that it was not briefed on the purpose and terms of the fund prior to its meeting with government officers on 16th March of this year. While I am grateful to the Chief Minister for his apology, it must be said that, when an amendment was lodged by the panel and approved by the Assembly in the Government Plan of 2022 to 2025, it specifically requested that the approval of the Assembly to the purpose and terms of the fund to ensure Article 6(2) of the Public Finance Law was adhered to. The lack of early involvement by Government with Scrutiny left insufficient time for the panel to conduct a review when taking into account its other work programme commitments, States Assembly sittings, including Island Plan debate, and of course public holidays. The panel had requested that the proposition be withdrawn to enable a Scrutiny review of the purpose, terms and winding-up of the fund, but the request was declined by the Council of Ministers on 12th April. It was indicated that the fund had been approved in the Government Plan but the panel would highlight that the Government Plan did not provide Scrutiny on the purpose, terms and winding-up of the fund, and therefore did not adhere to the Articles of the Public Finance Law. The panel notes that a letter from the Chief Minister indicated its concerns could be addressed through a late amendment, which could be considered by the Assembly. However, until the panel is sufficiently briefed, completed its call for evidence, received written submissions, conducted public hearings and compiled its report, it is not in a position to reach decisions on amendments and the panel is somewhat perplexed by the forceful nature of the Chief Minister's request. The panel regrets that the Council

of Ministers has chosen not to involve Scrutiny in the creation of this proposition, especially when the review of Ministerial responsibility of the Innovation Fund highlighted that Scrutiny recommendations on that had foreshadowed the issues that came to pass. Not involving Scrutiny in the creation of the fund is not understandable. The panel would highlight that the review of Ministerial responsibility of the Jersey Innovation Fund found that deficiencies in the operating terms of reference were collectively the responsibility of the Assembly. This Assembly will therefore be held responsible should the terms of reference prove deficient. The panel remains of the view that the terms of reference of the fund need Scrutiny to ensure oversight of governance and objectives of the fund. Therefore, the Corporate Services Scrutiny Panel concludes it is not in a position to support this proposition and it would be neglecting its core responsibilities if it were to support the proposition prior to a review. Indeed, the panel are concerned that a lack of scrutiny on a £20 million investment sets a dangerous precedent for the Assembly.

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

Very briefly, I can only align myself with the comments made by the chair of the Corporate Services Panel. Digital does come within the ambit of the Economic and International Affairs Scrutiny Panel but we were completely unaware of the proposition until a day or so before it was lodged. Lodgement came at a time when we were in the middle of the bridging Island Plan debate. We had a briefing on it. But simply we did not have the capacity to carry out any scrutiny exercise during that time. Again, as the chair of the Corporate Services Panel said, this is a proposition that does require scrutiny and we do not speak against it and in other circumstances we may well be minded to support it. But we can only do that with proper scrutiny and we would be failing in our duty as Scrutiny members to endorse it at this stage. So, again, I endorse the comments made by the chair of Corporate Services that we are unable to support this at this stage.

### **7.1.3 Deputy S.J. Pinel:**

Members will know that the Public Finance Law requires that a proposition to establish a States fund must be brought by or in consultation with the Minister for Treasury and Resources. Such a proposition must specify the purpose of the fund, the fund's terms and conditions, and the circumstances in which the fund may be wound up. I can confirm that P.75/2022 meets these requirements and is brought by the Council of Ministers with my support and with the full and proper involvement of Treasury officers. As Minister for Treasury and Resources, I am particularly conscious of the importance of maintaining our Island as a supportive, welcoming, and sustainable place to do business. It is the success of our economy that provides the funding for our public services and to invest in our shared future. Our economy, like so much of life, is changing in front of us as it develops and responds to major changes in the world.

[16:15]

We have talked this week about the impact of climate change, which poses perhaps the greatest economic and social challenge facing our world. We have also talked about the triple impact that Brexit, the COVID-19 pandemic, and now the invasion of Ukraine, are having on inflation and our cost of living. It is right that we are now talking about the huge transformational changes, both challenges and opportunities, that our economy faces as a result of the technology revolution. Jersey has great foundations in place that will help it exploit these opportunities from its world-leading broadband infrastructure to its world-leading financial, legal, and business services industry. The Technology Accelerator Fund will help build on these foundations and create new partnerships that bring real economic benefits. But it will also help to ensure modern technology is helping us to achieve our most important environmental and social policy goals. From improving our health and well-being to adopting new modes of sustainable transport. But we all know there is no such thing as a free lunch. Where there are benefits, there are of course also risks. As Minister for Treasury and Resources, I am pleased that the proposition faces these risks head-on and sets out a series of

steps that will be taken to manage them both through the detailed design of the Technology Accelerator Programme and in the implementation of funded projects. It is important to pull out some of these high-level risks to ensure that they are properly considered in this debate and the mitigation are accepted and understood by the Assembly. There is a risk that we will establish this fund but that suitable projects will not be found. Good projects must deliver local impact, make use of genuine technology opportunity, and fit our strategic priorities. The proposition is clear and I am clear that, if the right projects cannot be found, the available funding will not be spent. This money is proposed in order to do the right things, not to do anything. There is a risk, because we are working with early-stage technologies, that we will try some things and they will not work. The Assembly will recognise that the right course of action in these situations is to quickly close down these projects and review them, without undue blame and recrimination, in order to understand what we can learn, in order to be more likely to succeed in the future. Finally, there is always the risk, in a large programme, of potential financial mismanagement. The proposition is very clear that steps have and will continue to be taken to address any such risk. All expenditure will be managed in line with the Public Finance Manual and the fund will not be used to take high-risk loans or directly equity investments, although it is recognised that States-owned enterprises may wish to take an equity stake. There is though one further risk that is not considered in the proposition, but I believe should be considered in the debate. That is the risk of not taking this opportunity to create the fund. The risk of not investing to improve how we use technology to improve our Island in the coming years. We know that other places, other islands, and economies, are and will continue to make those investments in infrastructure, skills and partnership-working. In making any assessment of this fund, as I and my officers have had to, as the policy was developed, it is worth remembering, as Theodore Roosevelt said: "It is hard to fail, but it is worse never to have tried." Thank you. I thank the Assembly for their undivided attention to my final speech. **[Approbation]**

#### **7.1.4 The Connétable of St. John:**

May I congratulate the Minister for Treasury and Resources on her quote at the end because it is so very, very true. I will be supporting this proposition but I do have a couple of questions. Firstly, I would like to congratulate J.T. (Jersey Telecom) on their work in selling the Internet of Things. I would have hoped that we would have kept a larger stake in the business but understand that this is not always possible. Following the sale of J.T., can the Chief Minister confirm how much has been retained by that company for investing in projects by themselves as opposed to being returned as a special dividend? It is disappointing that Scrutiny have not been involved, especially since the Internet of Things was announced in June last year. The sale had been discussed for many months, if not years, prior to that. So we knew we were in for a windfall. We could have done better. I do not believe anyone involved wants to see anything but success for this. I would hope, given what can only be described as a disappointing performance on our own I.T. (information technology) projects, that we will allow more involvement from the industry to help us as a Government to deliver faster, cheaper, better services for our citizens. We all make mistakes. I am sure we have learned from previous experiences. We discussed yesterday about oversight for the A.L.O.s (arm's length organisations). I found out in December that one of our A.L.O.s had divested their interest in a successful I.T. company. Yet, when I asked the question in a briefing several weeks ago, the Assistant Minister for Treasury and Resources claimed it had been written off. I wrote to the Chief Minister on Saturday and still do not have an answer as to why or how this sale was allowed as it does not fit with what is proposed. We should have been leveraging from that company as one of our assets to develop further and invest further. Just as with climate emergency, we could consider that we have a technical emergency. Just think how technology could help us in terms of climate measures. There are some fantastic success stories and, as the Minister for Treasury and Resources says, there are always some failures. We need to learn from them and move on. If you do not invest in your people or technology, prepare to fail. Prepare to fail. You have to keep moving forward. I

have voiced my disappointment about the lack of process. But we must move forward, we can move forward, so let us support this proposition and ensure that we work together to make this a success.

#### **7.1.5 The Connétable of St. Brelade:**

Just a few words. I do not think there is much doubt that all these projects are high risk and we have witnessed the failures before and we do not want to repeat those, so I hope we are learning lessons as to why that occurred. It has always been clear to me, and I have never quite understood why we have this philosophy, but to me if you are in business and you want money you go to the bank and you present a business case and the bank lends. It seems we seem to be stepping in place of the banks, so inevitably taking a higher risk, and that needs to be clearly understood. The administration or oversight is crucial. Maybe before we have relied too much on civil servants to have an oversight of the lendings that have taken place for the various projects and, while I have the greatest respect for our civil servants, they are not by nature entrepreneurs, otherwise they would not be civil servants. It takes an entrepreneurial oversight to analyse whether these businesses presenting are going to be right or not. So I would like to hear in answer by the proposer that will be the case. So that would be enough to convince me. I need to be convinced that the balance of risk is in our favour. I take on board what the previous speaker said in terms of speed of reaction. We know that our process, as has been outlined by the chairs of 2 panels, the process has not been gone through. Is it a too slow and lumbering process for what we are trying to achieve? That may be the case in this particular proposition. So I look forward to hearing the response from the Chief Minister in due course to allay my fears.

#### **7.1.6 Deputy G.C. Guida:**

Members may remember - now it is almost 2 years ago - I tried to get a percentage of the lottery funding to go to science and technology and I was delighted to have the support of the Assembly. Now this has been running for a third year. I follow it. I look at what is done with the money. I can confirm that this has been extremely positive and that there is a lot of new research happening in Jersey. There are Jersey students being helped with it who would not have been otherwise. There are things happening that would not have happened. It is time to reinvent Jersey. It is time now. This needs to be done now. The fact that we have a MONEYVAL investigation ensuing and that of course we have the O.E.C.D. (Organisation for Economic Co-operation and Development) tax pillars happening, is just the writing on the wall. I am sure that we will pass the first one with flying colours and that we will adapt to the second one, but it is the writing on the wall. Surviving on finance alone is not possible; it will not happen. We need new industries very, very soon. Because of its location, because of its geography, Jersey has inherent limitations. What it does have is excellent people. If we help those people we can reinvent Jersey again, as it has happened in the past so many times. I once made a list for that other proposition, I once made a list of all the industries that have been through Jersey, and every 30 years Jersey reinvented itself. It is now time to do it for this. In fact, I would like to make similar, between this and the Climate Emergency Fund, it is the same sort of thing, it is an accelerator. It is things that we would eventually have done but this is an accelerator to make sure it happens on time when needed. It is our succession planning. One of the principles with this fund, if I understood it properly, is that it will fund purchases. It will not be investments, it will not be equity in other companies, it will be purchases, it will be things that we need, that we would not have normally obtained, and that we help develop those services in Jersey. So I can give you some examples. One of my most obscure positions is as chair of the Geospatial Governance Board. What this is, is the mapping of Jersey. So basically the Government develops an extraordinarily detailed map of Jersey, which has many, many uses. Quite a bit of it is commercial and it is managed by Digimap, which many of you will have had interactions with. But it is quite a treasure, which is not used as much as it could be. This could be developed much, much more. Some countries, some cities, have developed a digital twin. So basically your entire geography is drawn to the millimetre and put into a computer. This is extraordinary. For planning it is extraordinary. Every

time you have a new building, because now buildings are designed in 3D, every time you have a new building you can insert it in your geography and see the visual impact that it has. Instead of thinking of what is this going to look like in the environment, you can sit in the street, say: “What is the view from that side, what is the view from that side when the sun is at 6 o’clock?” Then you get that. Some others have used it for traffic planning. So, if we make this street one-way, what would happen? It is a simulation. It is a simulation of the traffic as it is known until then. Then you change one street and it shows you exactly what happens to your traffic. This is an unbelievably useful tool and we are a tiny bit of funding away from having it in Jersey. That is something that we could pay for with the fund and then have as a tool in Jersey. Air quality, I have heard so many requests for having a proper air quality monitoring from behind me. It has been so annoying not to be able to answer it. Because, yes, we should have a completely automated air monitoring system throughout the Island. It is extremely easy to do, the technology exists, it is just a matter of a few tens of thousands of pounds to implement it and then maintain it. If we do that, we have a service needed in Jersey, we give jobs, highly-technical jobs to several people in Jersey to continue developing that, to continue servicing this system.

[16:30]

We could have a website that tells us exactly, every half hour, what the air quality is like in Jersey and, of course, act upon it. Very similar is biodiversity assessment. Recently I have been involved at an arm’s length in all sorts of surveys to determine the prevalence of certain animals in Guernsey and Jersey. This is nowadays done with sound monitors that are left on their own and that do their own assessment. So basically before, we are talking about a few years ago, you would put a monitor away, record for a week, and then spend a month looking at the files graphically to recognise the sounds and say: “This is a mouse, this is a shrew, this is a bat, and this is that species of bat.” It would take an immense amount of time. Software tools have been developed to do that automatically and recognise more and more different animals. If you do the assessment in the box, if a computer does the assessment in the box, you only need to send the occurrences of a specific animal over the Internet of Things into your computer. We could have 20, 30 of those machines around the Island, and again a website telling us exactly how many bats we have, where they are, what they are doing, what the shrews are doing, whether the mouse population of a certain species is growing or not. We could have that completely automated. It is the sort of work we could do. Again, it is tens of thousands of pounds, it is not millions, and that would be completely automated. Again, could be developed or could be helped to be developed in the Island, could start a new business in the Island. Traffic control, one of the number one users for the Internet of Things is traffic control, knowing exactly where the cars are, where the buses are. Again helping when designing new bus routes or when you want to try to alleviate traffic jams, you will know exactly where they happen and why they happen. Sometimes it is not at all what you would think. So it is something that is really useful, not terribly difficult to do nowadays. I.T. systems, I have been screaming for years because, as somebody who has been extremely involved in I.T., I know that we are spending very, very large amounts of money to try to have a working I.T. system for the Island, especially a people database for the Island. One of our problems is that, as a large organisation or a small Government, we go through the normal providers for those services, so we have to talk to IBM, we have to talk to Microsoft, we have to talk to SAP, and those people do not talk to anybody if there are not tens of millions of pounds involved. The system, the database that we need, could be done by a programmer in a week. That is the amount of work it is. The services around it are larger, the debugging is larger, the testing is larger, but the machine is not very complicated. What some companies do, to try to work on this problem, because of course nobody has ever been fired for using IBM, but what some companies do is they have skunk works or a pirate crew, and basically what you do is that you give a few tens of thousands of pounds, maybe a couple of hundred thousand pounds, to a team and say: “You disappear and you come back in 6 months with a solution that works and we will see if it works, we will test it, we will see if it works.” At the same time you continue working with your other

suppliers as would a large organisation or a small Government. Then you see what people come back with and, with luck, they come back with something that is innovative, out of the box, and that works. I have done it myself. I have gone and seen clients, we have asked for bids on a project, and went to them and said: "That is how much it costs." Because sometimes it is not that expensive and you can show a finished product. You are making a bid, but if you want mine, that is it, off the shelf, you can buy it now. That is something that we could do here. Marine resources monitoring, new energy systems. I recently met with somebody who developed geothermal energy and it is a little bit sideways but basically that company is very, very good at digging, at digging wells. They can make a 4-kilometre deep well to reach the Earth's crust where temperatures are about 200 degrees. You pump water down, it comes back as steam, and that is power. So it is not cheap, but is it something that we might want? The extraordinary thing about this technology is that it covers your base load. Our problem with solar, with wind, with many other sorts of green energy, is that they are temporary. Sometimes you have it; sometimes you do not, and they do not coincide with your base load, at 8.00 a.m. everybody was switching on their kettle. This provides an absolutely constant source of energy. Now, to see whether this is possible under Jersey, whether it would work, whether the figures would match, requires a bit of money. But it is the sort of thing that we could invest in. So all this to say that this is one of the opportunities to reinvent Jersey, to invest in our future, and this can be our Climate Emergency Fund for technology.

#### **7.1.7 The Deputy of St. Peter:**

This is what they call a no-brainer. According to the Digital Jersey Labour Market Insight Report, which is based on data gathered from PwC and other sources around 2020, we have one of the poorest - I am sorry to bring a negative - digital densities in the world. Digital density is, put simply, the number of tasks that could be digitised that have been digitised. London and Edinburgh are around 16 per cent. Estonia is 30 per cent. We are 10 per cent. We must also be aware that our investment in tech R. and D. (research and development) is 12 times less per head per capita than the U.K. To put it mildly, despite notable successes, especially our fantastic broadband speeds, this is just not good enough. If we are to compete in a global market when technology adoption is growing exponentially across the world, we must do better. Given that we have many Assembly propositions that depend on technological innovation, we must approve, and quickly. Let me share a few. The common population policy states that we must improve our productivity to ensure those in work can support our ageing population. The digital health strategy was agreed 5 years ago and almost nothing has been delivered. The Jersey Care Model is dependent on ensuring that we can deliver, support, and monitor care in the community. Our sustainable transport policy is reliant on ensuring we use technology to change the way we get around the Island and monitor that. Our carbon neutral policy is dependent on using the latest advances to ensure we play our part in eliminating our dependence on fossil fuels. I could continue. Quite frankly, we need this investment now. I would suggest £20 million is not nearly enough to ensure we catch up with the rest of the world. In fact, I would put the figure more like £100 million. However, I am not going to in any way suggest that should come from Government. We must be brave with our investment. We must accept the odd failure, as the Minister for Treasury and Resources and the Constable of St. John have alluded to. But most importantly we must get on with it today. Let us just approve it now. We cannot afford not to. Thank you.

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

I do not understand why Scrutiny was not involved more. I do not understand what happened there, why not, because at the end of the day we did vote £20 million for this in the Government Plan. So I have not been involved in the development of the Technology Accelerator Fund. I do not understand why Scrutiny was not involved in this. It is not a good situation that the Assembly finds itself in where it is being asked to support something which has not been adequately scrutinised. That is not right. That said, however, there is no question I will be supporting this. It is absolutely

something we need to do. The Deputy of St. Peter just talked about digital density, which is how I find myself sometimes when faced with technology, slightly dense around digital matters. But I also understand that he is right that Jersey does not hit the heights it should be doing in this area. I would be a wealthy man if I received a pound for every time I had heard, over the past 4 years, Jersey has got the fastest broadband in the world. Each time it frustrates me to hear it because essentially what we did is we laid the railway tracks and then we did not put any trains, or we put very few trains on those tracks. Yes, we have this amazing broadband service, but we do not do a great deal with it. That is incredibly frustrating. The Technology Accelerator Fund, we need to accelerate, to kickstart Jersey's digital journey. I do remember passing a note once in a Digital Jersey meeting to a Senator saying the only way Jersey will get to grips with the need to reduce the size of the public service, the need to improve the delivery of those services while reducing the cost of the public service, is through digital technology and the use of data and cleverly analysing this data. Understanding this Island better. So it is essential for every single person who says we spend too much in Government, digital is part of that answer to spending less, or spending more efficiently in Government. We also have the private sector. I have to admit there is a lot more going on in the private sector as far as digital technology is concerned than meets the eye initially. There is a lot more going on than you can easily see. But I would argue that there is still not enough. Certainly, if our public services were more highly digitised, if we had a lot more information about the Island coming into businesses in real time, we could be developing all sorts of interesting initiatives, which help us meet the sustainability challenges, which this Island is so clearly faced with. Whether it is achieving the Carbon Neutral Roadmap or, as part of that, sustainable transport, reducing the reliance on the car, I strongly believe these kind of challenges will only be met by the appropriate use of technology and innovative use of technology. There is so much we can do in Jersey, which can then be used to help the rest of the world. This idea, I do not like the term "test-bed", but it is true; Jersey has challenges, it has population challenges, it has transport challenges, it has challenges in farming, it has challenges in hospitality, it has challenges in healthcare. All of these challenges, we can help accelerate finding the answers to those challenges with this Technology Accelerator Fund. That for me is what matters, is this fund going to be focused on solving some of the challenges that Jersey faces in terms of sustainability? The answer is yes. We can see that in the terms of reference in the report. So, as a result of that, we need to do it. Going back to the Scrutiny, it is not appropriate that Scrutiny was not involved as much as it should be, but this is a rare time where I am going to say I cannot let that stop me voting for this. Because I strongly believe we need it. Deputy Guida mentioned the digital twin. He will be really pleased to know Jersey has a digital twin. We have that. It is there. I do not know yet how much use of it we have made, but it does exist, and it is by using that and - to use a horrible term - leveraging that, we can look at many of these challenges. A slight cautionary note, and I said this in a briefing that States Members had recently, I would say that we have Government-owned entities, which are, in the main, doing okay on their balance sheet. I would not like to see too much of this money going to them. They have lots of their own cash as Government-owned entities and they should be using that. This, in a sense, in my view, should be helping other bodies and other organisations in partnership with those Government-owned entities to face up to some of the challenges that we need to face. So I am strongly in favour of this. I really hope that we do see the appropriate governance. I really hope that, in the legacy report, the Economic and International Affairs Scrutiny Panel do put this on there as something that the next Economic and International Affairs Scrutiny Panel needs to look at very quickly. But this will help us. The one thing I have not talked about is diversifying the economy as well. I am so strongly in favour of the need to grow other legs to our economy. It is one of Jersey's most dangerous, least-sustainable elements to our Island is our excessive reliance on one industry.

[16:45]

We need to keep that industry going. We need that industry to grow. We need financial services to achieve. We need it to become about business services. But at the same time we need to help other

areas of the economy to grow. Because it is by doing so that we will keep young people interested in staying in this Island. It is through having a multitude of possible futures that young people will say: "I am willing to give it a go here even if the house prices are as high as they are." So I really do ask States Members to take a deep breath, set aside their lack-of-scrutiny concerns on this, and to support it. We need to give this a go. We need to get this Island digitised quickly. That has to be a priority for the next States Assembly, whoever they may be.

### **7.1.9 Deputy M. Tadier:**

The case has been made for the good that this fund can do, but there are some reasonable questions that need to be asked and answered. In particular, I would ask more about the business case for the Technology Fund, specifically what the estimated return on the fund is going to be. What is the estimated return on the investment? Because this is the key thing here, this is a legitimate question, if we are setting up a fund and effectively giving money over to the private sector, which this will be; hopefully the private sector working in partnership with aims of Government and possibly arm's length bodies, as Deputy Morel said. I think it is right to know and to make sure that the mistakes of the past are not repeated. For example, if we end up giving, I do not know, let us say £500,000 to a start-up in whatever area and they do very well out of it ... it could be a lesser sum of course, but if they do very well out of it and that is a company which makes profits, but there is no corporation tax on it in Jersey, so exactly where is the money going to be clawed back? It would be ideal. The point I am getting at is that if we are to give out money, is there a method to replenish the fund when there is a success? What is the claw-back? It would seem to me that if somebody was coming to me and I had a big pot of money and someone said: "Monty, can you help me get this thing off the ground? It is a really great idea." "Yes, how much do you want?" "Well, I think I need to get £1 million altogether." "Well, I can give you £200,000. What am I going to get back for it?" I want to know that if it is a success there is going to be a return on it. I know that if it is not a success, I have lost that £200,000. Government, presumably, would be at least as concerned about the use of that money, because it is not theirs. I hope I am talking sense here, in that regard. It is not right that the benefits that are talked of are intangible or general ones, i.e. to say we will not get any money back off these successful companies at all, but there will be fringe benefits, for example, for the environment or for the economy, because it would create jobs. I would like to know a bit more about what the actual replenishment is. I accept that there are sometimes that we have to give money over and we do not get an immediate return. I do think of the cultural sector in that. When Deputy Morel was talking about not wanting this money to be used for the current A.L.O.s. There is, of course, a risk that if one was cynical or certainly one was sceptical about this, you might think we are creating a slush fund here or the potential for a slush fund for a future Government to direct that money. I use the slush fund, of course, in the general sense, not necessarily in a legal sense, in the political sense, for funding one's pet projects and diverting money that you could not otherwise get through the Assembly and through a Government business plan, to those particular areas without necessarily seeing anything back. Those are the questions I would like the mover of the proposition to answer primarily. Looking through the report there is a particular image on page 11 where it is basically 4 separate areas called: talent space, intelligent space, technology space, and solution space, with overlapping ellipses on there because they are not quite circles. The more I look at it, it is very interesting. A lot of those words are often just words. I have learned something new, which is jugaad, J-U-G-A-A-D, that apparently is an Indian word which is used in English to mean a flexible approach to solve a problem that uses limited resources in an innovative way. That is really interesting, is it not? That is one thing. The point I would make is that in that diagram there those words could pretty much be anywhere in there. It does make me wonder sometimes what we are paying people to produce; type some numbers in, make pretty graphs. I wonder what gets read. If this is an approach to Government, a flexible approach to solve a problem that uses limited resources in an innovative way, then I would say that jugaad is certain something that I have learned coming into this Assembly. It is an Indian word which has been transported into English. I say :Indian", of course there are so



many dialects and languages in India, I should be more specific. That in itself, is an interesting fact on which to leave this speech.

#### **7.1.10 Senator S.Y. Mézec:**

When Deputy Pinel got a well-deserved approbation upon announcing that that would be her final speech in this Assembly, I could not help but think that perhaps we ought to do that for every speech in this debate just in case. I have hopefully, helpfully, set myself up for one at the end of my speech. Let us get this point out of the way first, this really was a poor showing with Scrutiny. That has undoubtedly undermined confidence in what the Government is trying to do. That is really unfortunate because the prospect of what they are trying to do is quite exciting and something which can well set up Jersey to face the challenges of the future, a theme which I will be returning to frequently over the next few weeks. What we have is a situation where we have a lot of money and it has come from a one-off incident. It is not recurring. It has come from one incident that has happened. We have to do things right. It is a huge opportunity that will not come along often. It would have been better to have a bit more humility from Government spokespeople on that point, because this is something that we ought to want to all be positive about. What we do not want to see is for us to miss the opportunity, which not only means squandering huge amounts of money that is now in the hands of Government or we end up missing opportunities which means we do not get the economic development that we need and all of the, hopefully, technological advances that will improve life for all of us on this Island. That is a real shame. This idea of using this fund to jumpstart our transition into the new economy has got to be a good thing. There are all sorts of things that this sort of fund could support, which we should be excited about. It is mentioned at various points in this report some of the things it could look at. There is loads of potential in the agriculture industry in particular and for monitoring the health of crops, monitoring the soil, getting most efficient use out of your time out on the fields, and all of that, which is great. There is all sorts of potential for things like monitoring pollution. I know that is something Deputy Ward has looked at very closely in this term of office. Monitoring footfall and where people are going to shop, what times and what routes people are going down, which gives you a much better ability to plan your developments in town or plan how you do your roads and all the rest of it. We need to make sure that we can support the developments of those technologies that are going to improve productivity in our already thriving sectors like the finance industry, in particular. That is why the prospect of this fund is exciting and something that the principle of is absolutely worth supporting. However, there are concerns. There are things in the report to this that I was disappointed not to see. If I have not studied it carefully enough and have missed particular points then I hope the Chief Minister will correct me at the end of this. Some of the things I was hoping to see in big bold letters in this were things like making sure that when this money is given out that it is tied to conditions which we will want to support, like making sure the workers are paid a decent salary, not giving out to employers that will pay their workers poverty wages, but support our ambitions on the living wage and having good terms and conditions as well; moving away from zero-hours contracts and gig economy and that sort of thing. Again, unless I have missed it, I have not quite seen strong enough language in this about locking in the benefits that can come from this to Jersey. That is certainly a lesson we should have learnt from the Innovation Fund, where we are aware at least of one particular failure with that fund that was a business which arguably we could have said did not really have much of a place in Jersey and we ended up paying the price for it when it failed. There is a line in this report which puzzles me. It is on page 9, towards the top, in the first paragraph. It says: “Digital Jersey will be empowered to act quickly to close down areas of work that are not delivering expected benefits.” To close down areas of work, that sounds a bit weird. To shut down funding so something cannot go on, I understand that, but to shut down an area of work that puzzles me, so I would like to hear an explanation as to what exactly that means. In supporting this proposition, which it is my intention to do, and setting up that fund, there is still more that will come about as a result of this, to do with coming up with that strategic programme, which is referred to several times in this. That will include detail on things like

the governance. We absolutely have to keep a keen eye on that, because if this does not have good enough governance then it will be a huge missed opportunity. We need to make sure we get that right. That is to come in the future. It is because of that coming in the future, that despite what I think has not been the best journey to get to this point, I can kind of feel safe supporting it. I can do so because, and I will take what could well be my last opportunity to make a partisan point, but I will make a partisan point at this point, but I have optimism that the next Assembly and the next Government will be one which is substantially better than the one that we have had in this term of office, with talent and expertise that will be able to take a good look at what was started in this term and improve it. I for one, have absolute confidence that certainly in my team that I will be working with we do have expertise within that who have experience in this area and who will have something very positive to contribute to it to make sure that we get it right. That broader discussion about how we jumpstart our transition into the new economy is a fundamental one that I hope all of our eyes are on in the next few weeks and that we do have a good debate about what prospects are, what opportunities there are, and a credible plan to deliver on them. My final words to the Government are they ought to have done better in the run-up to this, but the principle of what they are trying to do is absolutely right.

#### **7.1.11 Deputy I. Gardiner of St. Helier:**

I will try to be structured, because I was writing my points as Members were speaking. I will try to address it in 4 parts. First, without start-ups like Zoom, WhatsApp, and Slack, we would be probably much less productive today; everybody would agree. Thanks to the technology we, as a Government or a States, were able to continue to work during the pandemic. Why I am speaking about the pandemic, because when the question was raised by 2 different Members why Government needs to support private business, one of the things which is clear is start-up funding suffered during the pandemic. The companies who give so much to the economy struggling with cash now supported us, so we need to support them. We need to support start-ups not to kill them and listen carefully to their needs.

[17:00]

Direct grants and zero-interest loans are one of the ways that the Assembly can support start-ups. Access to venture capital investment is another option to support start-ups. Employment support schemes, the third way, and promoting customer demand is the fourth way. One of the founders believed that a programme to create an increased demand is the most helpful policy that we can help to support start-up businesses. It is a way that we can support. The second part is connected to my place, where I come from, Israel. I am not sure if Members are aware that Tel Aviv contains more start-ups per capita than any other city in the world. The report that in 2019 which points at national funding - I know this funding myself - which is a risk-free grant that the Government awards to entrepreneurs based in Israel to explore innovative technology. The fund is one possible reason why so many start-ups exist. The point that Israel is ready to take, and I am not sure how Jersey is ready to take, is that only 10 per cent of the start-ups are successful. It is risk appetite. Saying this, this 10 per cent which are very successful bring income and support to the economy much more than what was spent. It does work. The Israel economy around start-ups thrived. Where I am going, and this is where my difficulty is, it would be very helpful if the Chief Minister would answer in his closing speech several of my questions. My questions are based on the place that I understand that we cannot continue until the next proper Assembly sitting, which may be in September. If we want to move forward we need to have some initial funds, if I understand correctly, to set it up. I assume that some of these funds needs to be spent over the next 4 months and is not delayed. Would the Chief Minister be able to tell the Assembly what approximate amount would be required to set up the team, which will create this framework, which will create the terms of reference and the things that we are missing? We need to spend money to create the system. What approximate budget would be spent on this? Second question: if any funds will be distributed to any of the companies prior to further

scrutiny and if further scrutiny will be a possibility to bring something back to the Assembly that Scrutiny is not happy about? The last question: if we need to create this framework to go forward, why do we need to approve funds today which cannot be funded from S.P.P.P. (Strategic Policy, Planning and Performance), from transferring of the budget? I understand we need to spend money on professionals to make it right and to not go back to the mistakes of the Innovative Fund. The question: why is this important to do now and we cannot allocate money from the Government budget, like from S.P.P.P. or from other expenditure, to create the terms of reference before we are transferring this money to the fund? My main point, I completely understand that we need to enable a low footprint, high-yield economy, with fewer people being more productive. I believe that we need to invest in our I.T., finance, green tech, planet tech, and blockchain. I understand all this. I would like to understand the framework around money management and spending. Thank you in advance.

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

First of all, I would turn to my notes, which reminds me that this was passed in principle in the Government Plan, but which at the time had no detail. It now has precious little more detail. There are some general projects listed. The report says: “These are not specifically intended projects but examples of things being trialled in Jersey or other places that the fund might in future support”; all very vague and non-concrete. I turn then to the comments of the Scrutiny Panel who talk about the absence of proper governance terms and how the funding is being approached. It says there: “A summary report is only required to be published in the Government of Jersey’s Annual Report and Accounts”, so it is very slim reporting. No specific performance metrics will be set until the Strategic Plan is established. Funding tranches are not specifically outlined and further transfers of funds from the Consolidated Fund or other funds are possible. Once we start spending, we could be spending more and more as we go along. The use of funds for administration and delivery is capped at £1 million over 3 years, but what happens after those 3 years are up? What procedure will be followed to get further funding after those 3 years? Finally they say there is no indication here of the lifespan of the fund, so it could be going on for ever. What sort of fund is this? The Chief Minister said: “Do not, whatever you do, compare it with the Innovation Fund,” unsurprisingly, because we made an awful lot of mistakes with the Innovation Fund. Sorry, this sounds like high-risk or risky investments in this particular plan as well. The Chief Minister says: “Do not compare it with the Innovation Fund.” The Deputy of St. Peter says: “We have to accept the odd failure.” When did we hear that before? Oh, yes, we heard the odd failure concerned with the Innovation Fund. Here we are again. Never mind, do not compare it with the Innovation Fund, it is just like the Innovation Fund. What that was, and I am sorry to use the words, but they were used by my colleague a minute ago, is basically ended up with a slush fund where Ministers could pick and choose what they wanted to for their favourite projects. Deputy Morel reversed the whole process of the way things normally work and said: “We ought to pass this now. Who is in support of it? We will subject it to Scrutiny later.” No, that is the wrong way round. We should have it scrutinised and then consider passing it. I am very sceptical about this whole thing. The fact there has been little or no decent scrutiny performed on it makes this highly risky. I, for one, do not want to pass this today. We are told time and time again we were 6 years ahead on the digital front and yet we are saying we cannot spare 2 or 3 months or 5 or 6 months, to scrutinise this properly before we pass it. If we have 6 years to play with we can take that time and that is what we should do. We should not pass this today. We should refer it back to Scrutiny and say: “Come back with a more detailed, more weighty, more impressive document than this piece that you have done today.”

#### **7.1.13 Deputy H.C. Raymond of Trinity:**

Can I first of all thank those people that were inquiring after my health? I am okay, except that I am still carrying pain. It would be good to end on a positive after these 5 days. Scrutiny should be totally involved and I accept what they are saying, but I wish 49 of us could have gone to Locate Jersey’s

meeting on Wednesday night. That was with the 1(1)(e)s who were newly into the Island; the amount of expertise that some of these people have. I have been to 3 Locate Jerseys over the last 2 years and there are a lot of people with a lot of experience. We do not use them. The reason I am saying this, and I will blame the Council of Ministers, is the interaction between them and ourselves is not very good, but there is so much support. I spent Wednesday night for an hour. They had 3 people, of which 2 had just come in, somebody had been in 5 years. There was this one word that came across all the time, and it is amazing, is the communication between them and what they were trying to do. They want to help Jersey, otherwise they would not be coming here. The number of people coming in with the expertise that I see in technology and what everybody has been saying, we should be using these people just to make sure that we get things right. If we pass this today and think in terms of those people ... and I am sure that with the people concerned they would come in, but they do find it difficult to communicate. That is the one thing I am trying to get across. The expertise, I hate to say, is brilliant. I sat there for an hour and listened about technology. That is all they were talking about. There were 2 people there, as I said, one of which had been in 5 years. He was trying to help and he was getting nowhere. I blame one side. I blame the Council of Ministers for not communicating more. Also I totally agree that perhaps Scrutiny should have been more informed. However, let us end on a positive and let us see if we can get this through. Everybody really wants to be part of something that could be successful.

**The Connétable of St. John:**

Ma'am, can I ask the previous speaker for a point of clarification?

**The Greffier of the States (in the Chair):**

Do you give way for a point of clarification, Deputy?

**The Deputy of Trinity:**

Yes, Ma'am.

**The Connétable of St. John:**

The Deputy suggested that all Members should have attended. Can he confirm that not all Members were invited? Many of us would have liked to have gone there.

**The Deputy of Trinity:**

I do not question that at all. You are absolutely right. I found it very difficult, because I was the only politician there. I am not blaming other politicians for not going, please do not get me wrong. It is these sorts of things, Constable of St. John, that we should be going to because it is these people that we listen to. As I said, it was an hour. Can I just say, it was greatly hosted by Jersey Business and the amount of business coming out was amazing? I just sat there and I could not believe it. When I walked away and drove home I was thinking: how many people really know what these people are doing? I do not know how the 1(1)(e)s work. I do not know how they get introduced. However, they come in and they want to be here and they have the expertise on certain things that we require. You are absolutely right. Yes, I was the only person there.

**7.1.14 Deputy K.G. Pamplin:**

I am usually in support of this, but I do not want to repeat, there has been a lot of that today, but in the absence of the areas of scrutiny that Senator Moore was referring to, I stayed up last night late watching the N.F.L. (National Football League) draft and reviewing not only the proposition in detail, but going back to the C. and A.G.'s report of 2017, after the, as now mentioned, Innovation Fund. At the beginning of that she referenced: "Good governance is the heart of good Government."

[17:15]

“A relevant, clear, comprehensive, consistent framework applied in practice is a cornerstone of effective management and good governance. Although with particular importance in the public sector it is just as applicable to other successful organisations. Good governance is not a barrier to an entrepreneurial approach, but an essential mechanism for securing security and accountability.” How right she was. Reading through all of her very scathing, and I remember the story well from a previous life, I wanted to compare that to the proposition that was put in front of us. I can see that there are references that were missing in that original fund that are in this one that gives me a bit more reassurance from the scrutiny. However, we cannot dismiss the concerns of others or we would not be doing our job. Remember we are here on the benefit of Islanders and their taxpayers’ money. There are some other changes that are in this proposition about business cases coming forward, very important; the lead partner of Digital Jersey, who have already proven themselves on this Island. I looked at some other grant funding. Compared to other arm’s length organisations who get far more money this is, compared to that, even though a large amount of money, are small in those comparisons. Then, of course, very simply I think of the last 2 years and how the world has changed more quickly. It was coming, alternation; you can now walk into one of the famous high street newsagents, suddenly gone are the friendly faces on the till replaced with automated card machines. This is happening a lot quicker now. There is a lot to think about in terms of the well-being and the future of how we support everybody in all states of economy in this Island and their futures. I equally think of the time I was in the hospital when I volunteered myself to spend 24 hours a day and aghast that I was going down with a porter to the bottom of the hospital to fetch people’s patient records on pieces of paper and putting them into a Co-op shopping trolley to go back on to the ward, because there was not the technology available to have those patient records available. I then spoke to a small think-tank company who were able and willing to find a way locally to fix that problem, who wanted to be engaged and be part of the solution. I think of my 20 year-old son, sat in his college room at the moment, who is developing and creating music using digital to create income and create a sustainable living for himself. I think of my 13 year-old daughter, who proudly brought home her coding homework the other night. It is for them. It is for the future of the Island. However, we cannot let go of the fact that good governance is required. It is essential if we are going to move forward. Especially after the last 2 years that everybody has been through. It is with those words of caution, I look forward to the future scrutiny of this, whether I am part of that or not. This, I hope, is a positive end for our day.

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

I decided to speak after Deputy Southern said: “What is this today? I cannot support it. Why not wait just a couple of months?” We all know it is not going to be a couple of months. There will be new people in these seats. There will be new people around the Council of Ministers and there will probably be new Scrutiny chairs, et cetera; absolutely rightly. I have been trying to remember back, and I was really encouraged by the Constable of St. John’s speech about why and where nots and why we should do this. I am an absolute Luddite; always have been and I am trying very hard. I do remember I was co-opted on to look into the sale of Telecoms. I learned things I did not even know I should find out about. In fact, it was very, very eye-opening. From that, I have always said I would never stick just to what I know. I like to extend. However, after that and before we had our high-speed technology in Jersey and it was something to do, and you might say we did not want the business, with off-shore gambling. It was really getting going. The report was literally we missed the boat. The description on the paper was Jersey looked like a little country lane in St. Ouen or Gorey or wherever, and Guernsey’s internet was compared to a 4-lane motorway. That is how advanced they were to us at the time. What I am trying to say is we might not have wanted the business, but the business did not come here, it all went to Guernsey. They were sitting there going: “Oh, this is lucrative.” This was when the internet was taking off and this is when people were going: “Right, this is where you need to be.” I am listening. I absolutely feel for Scrutiny. Did we drop a ball? Possibly. I am not sure. I am so busy sometimes doing what I am doing, attending Council of

Ministers, listening to this, and, as I say, technology is not my bag. I am not always willing to learn a few new tricks. What I am saying is there is technology. The Chief Minister described 6 years. Deputy Southern paraphrased that and said we are 6 years ahead. Look how quick things move. Look how quick things move. I remember meeting people in the coffee room: "Oh, we have this new thing where all our emails are going on, et cetera." A year before we went in and really needed Teams. I remember Deputy Wickenden in all his patience sat me down and said: "You can add this person in and this and you talk and ..." and I am like: "Well, what if I invite them in and I think I am only talking to you, but all these other people hear?" "No, no, no, you will get used to it." I was never going to get used to it. How wrong was I? How well we all got at it. It was only because we had that technology. We changed over. We all moaned about it. Instead of having one lot of passwords, I had to have about 3 just to get into my own phone. I was like: "It does not recognise me in the morning until the face has fallen in" the face identification, et cetera. I am not joking, 6 years apparently in technology terms is like blinking. Somebody sits here scrutinising for the next year and somebody is out there with the next Google, the next Facebook, the next whatever and we are still sitting here going scratching: "Let us have a look. Are we quite sure we have crossed that t and dotted that i?" Then all the business goes somewhere else, because somebody will invest. Somebody will invest in a good technology thing that is advanced. That is really my warning: do not be compared to the one-lane traffic that we were, as Jersey, to Guernsey's 4-lane motorway. We lost that business. We do not want to lose this. Fully accept that maybe we miss some scrutiny, et cetera, but it will not be a few months. This might take over a year to then come back. Think how quick things have moved and are moving and always will be moving. I really think today we should get behind this. It is not the Innovation Fund. We have asked this at the Council of Ministers. We know it is nothing like the Innovation Fund, so do not use that stick to beat us with. Get behind this. Do not let somebody come along, and while we are locking our doors to some technology wizard they go somewhere like Guernsey, Isle of Man or somewhere else further afield. Thank you very much.

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

I did go to the briefing. One of the key things that came out of the briefing, we were told it is not revenue raising. This is about social return. As somebody who has spent the last 4 years trying to make an investment in things for a social return and lost many of them because the Government has said: "It is not revenue raising, we cannot afford to do it and we cannot throw money at it." There is an irony here. I look at what we have and I look at this Venn diagram that is in the middle of it. One of the worries I have with this is we are talking about something and nothing. This is like a debate on producing £20 million for technological investment; we do not know what it is yet and we do not have the criteria for it quite yet, and we do not have the outcomes yet, but we have to do it now, because otherwise we will get behind something that we do not really know what it is yet, but we need it. It is all very in the cloud, if I can use that pun. This Venn diagram looks like one of things you see on the internet where you choose something from each column to make a sentence. I wonder if we can do that? Let us look at the Venn diagram. What we are looking to try and do is to try and come up with some systematic design using perhaps participatory budgeting to create a digital transformation, using both lead-user innovation, open policy-making, and community asset mapping, in order to understand how reverse innovation can lead to, even within the riskiest assumption testing, a replication sprint - that is not a good one. Sorry about that - in order that we develop a positive deviance in lead-user innovation. All I have done is put together words from the Venn diagram. If I was to do it a little bit more thoughtfully it would sound great and I could sell it to you. Perhaps I would get £20 million out of you. Do you know what, what we need is getting to use the intelligent space to move to the solution space via the technology space into and really use the talent space. We have done it again. In fact, the more I think about it, this is brilliant. We need one of these. I might put in a bid myself. I am going to take this home and I am going to put something together. It will not mean anything at the end. It could be anything. It could just be creating new packaging. However, as long as our user-design experience is good, we could be nail casting. What worries me

about a technology and we do need a technology fund. Dare I say, we need a new deal for technology and we need a new deal for digital design on this Island because all we have heard about is fast internet. What we need is leadership in this area to look at how we are going to use our technology for the good of everybody, as opposed to some sort of free market free-for-all, which we do not really understand. I urge you to look at the Venn diagram and make up your own sentences. It just seems too easy. Having said that, I am minded to support these types of things, simply because they are needed. But the sad thing is it was so late. When we are talking about things that are so important, why are they so late? Why is it that we are in such a rush because we might lose time - I am afraid I have to say it - at the same time when we can hold back and delay things like climate change, where we do not have time, and there is a contradiction there in our approaches. I am not entirely sure what to do with this. Deputy Southern, I have seen him use 2 laptops, has reached the peak of his rapid cycle experiments. He has certainly had a digital transformation over the last few years. With that, I say please be careful with what you agree and make sure you understand what it is, because I am not sure we do.

**The Greffier of the States (in the Chair):**

I have an eye on the clock and I wonder if the person whose computer joined in with Deputy Ward's speech could own up and make the relevant contribution.

**Senator J.A.N. Le Fondré:**

Not guilty, by the way, but the reason I am standing is I am acutely aware of the time. I was wondering if it was possible to ask for an indication of how many are left on the list.

**The Greffier of the States (in the Chair):**

On the list at the moment I have the Deputy of St. Martin and the Deputy of St. John. That is all, unless other Members wish to indicate at this point, who would like to speak still.

**Deputy J.A. Martin:**

On that, Ma'am, could I make the proposition that we sit and finish the Technology Fund debate and we do not break. We have good steam ahead. Thank you. Can I make that proposition?

**The Greffier of the States (in the Chair):**

Is that proposition seconded? **[Seconded]** Do Members wish to speak on that proposition? Are Members content to take this as a standing vote? Members please indicate if they are wishing to remain; *pour*. Those voting *contre*. I think that is conclusive. We will continue.

**7.1.17 The Deputy of St. Martin:**

Given that, maybe I will just say thank you, sit down, and we can all go home. **[Approbation]** I hate to disappoint Members. I was one of the Members of the Assembly on Scrutiny Panels who went down that lunchtime to receive what we thought was an early-doors briefing on a technology fund.

[17:30]

I was, like others, surprised that something was put in front of us: "Here it is. It is a bit of a *fait accompli*." That was very disappointing, given how we hoped to work with Government in moving forward and doing things better. Like Deputy Tadier, and thank you Deputy Ward for the Venn diagram, because that is what it is. I was alerted to it by the words "Landscape of innovation approaches version 2". I am not going to test parliamentary language, but we have an agricultural saying: "If you cannot stun them with science, you baffle them with something that is to do with bovines." I looked, like Deputy Tadier and Deputy Ward, at these words and I thought for goodness sake, what do we have here; algorithmic governance and regulation, ethnographic research, ambidextrous leadership? That was an interesting one. That got me thinking. Then the one that

Deputy Ward quoted, which is rapid cycle experiments. Strangely enough I thought of him and thought it is something to do with how far can Deputy Ward get on his electric bike at lunchtime and still get back in time for the afternoon sitting? I was alerted by this. I thought here is another classic experiment of trying to not be able to stun us with science. I was also alerted by the fact that while there was quite a usual and normal 5 per cent of the fund used for admin. When I thought about it I thought: “Blimey, that is £1 million worth of admin.” We do not know how we are going to administrate, we do not know how many times we are going to use the fund, we do not know how often, it could end up in 2 grants, £1 million just to administer 2 grants. So I was not happy about that. People on the floor today have given us some great ideas, very supportable ideas, but I have to say to them there is no proof in this that that is the way it is going to happen. We have not heard the phrase recently in this Assembly but States Members have heard it in the past: “Hold your nose and push the button.” For me this is a bit like one of those. I am still not sure which way I am going to vote on this but I do know that if I push the button pour I am really going to have to hold my nose and hope for the best because if this £20 million goes wrong and there is no scrutiny on it, it will all come back and we in this Assembly today will be having the fingers pointed at us. I ask Members to consider that before they vote. I am still not sure.

#### **7.1.18 Deputy T. Pointon of St. John:**

This proposal is designed for the small to medium entrepreneurial contribution to the sector. Deputy Pamplin summed this up very well when he spoke. I am troubled that 1(1)(e)s have been brought into this debate as possible recipients of the funding from this facility given that they are here in the Island - and I say that again - given that they are here in the Island as a result of their established wealth, entrepreneurial skill and their existing ability to invest in our society. I have no trouble with the fact that they will invest in our society. What I have a problem with is that we might be passing scarce funds to people who have been brought here with the intention of investing in our society but they would be in receipt of scarce funds that would ordinarily be for smaller organisations. Because of this, and almost solely because of this and the fact that Scrutiny have not had the opportunity to look at it to enable them to scrutinise these elements, I am not going to vote for this proposition and that is my position.

#### **The Greffier of the States (in the Chair):**

Does any other Member wish to speak? If no other Member wishes to speak then I close the debate and I call upon the Chief Minister to reply.

#### **7.1.19 Senator J.A.N. Le Fondré:**

I hope Members will bear with me. I will try and keep it at a high level but I will try and address a number of the queries that have been raised. Where I must start is a little bit where Deputy Pamplin was, and just bear with me for 30 seconds and I will explain why. Some years ago I was in France with the family and we went on a canoe trip in the Ardèche. As we went there - for various reasons because I do not normally go into McDonalds pretty well ever, let alone into France - we went in there, a long time since I have been in there, the first thing I was presented with was a screen which you clipped your menu on, you made your choice, you made the payment, no human interaction at all, and then the only human interaction was when somebody brought your, in our case, chips and salad out to us. In fact it was with Deputy Kevin Lewis, when we were travelling for British-Irish Parliamentary you go through a number of trips, and we all find this as Members, normally you go in and you check your suitcase in and there was a person there and they weigh the bag or whatever it is. When we were in Dublin coming back one day we walked in, and it was I think Aer Lingus, and it was the first time there was a scale, you put your bag on it, there was a computer next door to it, it scanned your suitcase or whatever it did, you printed the label out, you put it on, you took it to a similar place where it was not manned and it took the luggage away. Now easyJet - and it was not easy Jet - have the biggest I think non-person check in area, north terminal, or did have pre-COVID,



certainly in the U.K. We know, for example, there is lots of technology around what is happening with driverless trucks and things like that, driverless cars. I think in the U.K. there are something like 250,000 truck drivers. Going back to the Ardèche, when we turned up, and we had a bivouac thing that night, I was speaking to the gentlemen there who were a little bit older than me, they were looking after the area, and we were talking about Jersey and I said one of the big problems ... we talked about population and increase. He said: "Does that mean you have got jobs there?" The point about that is that I was thinking about France and I was thinking about relatively low-skilled jobs, McDonalds, being replaced by computers. The check-in staff - I am guessing probably not the most challenging job once you have been taken through the training, it is obviously people skills usually - being replaced. That was 5 years ago. Not many people may know this, as well as being an accountant I have also got the qualification of information systems audit and control association. I used to do the exciting stuff, a computer audit, many years ago. I did not used to be a techie and I am well out of date. The point is, some of the principles are the same and I certainly would not try and persuade anybody nowadays that I in any shape or form either am or ever was a computer expert. But somebody sent me a quote in the notes, that I have been trying to go through, and it is: "We always overestimate the change that will occur in the next 2 years and underestimate the change that will occur in the next 10." That is from Bill Gates. The point about this at the high level; yes, we may know not precisely exactly where it is going to go, and it is a bit like the Climate Emergency Fund, that ... and I was responsible for the first £5 million when we knew it was coming through, I said to the Treasurer: "I think we need to do a transfer in" and that went into the Government Plan, to get some seed money in so that you did not have the delay going forward. That was the conversation. This is more my territory I would say, it is more what I would call R. and D., it is about that investment going through. I am not expecting suddenly massive returns of money coming back into the fund from this necessarily. I am talking about investment into, as we have talked about, productivity, getting that diversification into the economy. I agree with Senator Mézec strangely enough; as an accountant I am rather excited about this. We should be. Because it is an opportunity ... and I go back to this point, I do not want to get into battles with sister islands or anything along those lines, but it goes back to that article about what the challenges were facing Guernsey. It is the willingness to think big to leverage Guernsey's size and to act fast. Acting fast in a world of technology as far as I can see is incredibly important. That acceleration is going. I am going to look at Deputy Martin, Deputy Southern, Deputy of Grouville, Deputy Lewis, Senator Gorst, possibly Senator Farnham, and I think that is probably all. What I will look at is Members who were in before me or started at the same time. Do we remember when BlackBerries were first introduced? That was a major change and we were stunned, and now who has not got one of these in this Assembly? That is the speed, and we could say that is slow but the acceleration is going forward. I agree entirely with Deputy Morel when he said we go on about the speed and the broadband but we have not exploited it. That has always been the frustration because ... and it goes to Deputy Ward's comment, and happily you are both sitting next to each other: "Why now?" Well, think about the last 2-and-a-bit years. We have had COVID. In 2020 the level of expenditure and debt we were facing just to save lives and the existing economy was huge. Can you imagine the reaction I would have had from not only the Minister for Treasury and Resources but the Treasurer as well, saying: "I want to go and spend another £20 million by the way on moving us out of here." We did not have that capacity at that point. But we had an opportunity and the opportunity was given by the fact that J.T. produced this sale of the division and it generated a one-off sum of money that has been alluded to. That gave us an opportunity and that came to us ... I cannot remember what time it was; I am going to say August of last year roughly. That was the opportunity and we could put it into the Government Plan. So that is why we are here, but I think it is absolutely ... there is another expression, in fact the Deputy of St. Martin referred to quotes and I am going to give one he would have heard previously: "We must not let the perfect be the enemy of the good." I apologised once, I am very happy to apologise again. Believe it or not, despite all the various issues we do have, every Minister almost always says to the officers: "Have you briefed Scrutiny?" I have the same conversation and I was under the

absolute impression that was happening. For whatever reason it did not happen in the time, it happened about a week later after lodging. I absolutely apologise and I hope it will be a lesson learnt in there. Just to address some points. I am not going to try and go to everybody because I am acutely aware of the time. For the Connétable of St. John, again he has asked 2 particular questions and I am very happy to give him specific details privately but in public there is significant investment required within J.T. Essentially it is about replacing equipment and I can give more on that, it is about complying with new requirements, shall we say, in terms of standards. I will put it that way around. I think the best context might be to think about what is one of the biggest threats, not just us, that we as a western world are presently facing. That is bearing in mind what is happening X thousand miles to the east of us and one of the ways that attacks take place, a significant investment is required in the networks. There are certain other standards that are required within all that to meet that, and then there is the rollout of 5G. That is kind of the rough place. The other area he referenced - and I do apologise because I should have come back obviously following our brief conversation yesterday - it was my understanding the main issue was that it was a minority holding and that they had no conditions around that holding. That did not give them the control that the Connétable might prefer, and I will stop there because I may have gone a bit too far already but that is the kind of line. As I said, a lot of this has been around ... we have talked about governance quite a lot. I think the Minister for Treasury and Resources hopefully addressed most of those issues. Senator Mézec raised one query in relation to an expression in the report. I cannot find it but it is essentially different side of the same coin. In other words he said about shutting down the work, in essence that does mean shutting down the funding if it is not producing the results that one is expecting.

[17:45]

The Connétable of St. Brelade I think talked about risk. Some of that has been there and I think the summary position is, it is that balance. It is that balance between the risk of the governance side, which part of the initial funding which has been raised is around getting the design right. I will come back to the blend that I think the Connétable referred to. But then obviously, as I have alluded to already, it is the risk of not this. It is the risk - I think Deputy Martin referred to - of delay, of putting it into next year, and it would be next year in reality, and then what happens. Also there is a risk there with the message we send to the industry. I know there has been a lot of discussion around this. My understanding certainly in the feedback I get is the industry is very, very supportive of this because it gives them a really strong indication of support to the industry and a clear message that we are putting that investment in, that we are serious about it. It gives certainty. Obviously if it does not happen that certainty evaporates and there are negative consequences, if that makes sense. In terms of the blend of entrepreneurial and governance, et cetera, the intention, as I have understood it, is that essentially part of the plan is to follow what used to be called N.E.S.T.A. which is the National Endowment for Science, Technology and the Arts - they now call themselves the Innovation Foundation - that is the type of expertise they are going to be talking to and that is about getting the design right. It is about where we are, if Members remember in some of the presentations we had what somebody has called a normal distribution curve with lots of different colours on it, and essentially where we are at the moment is under what they call early majority or late majority territory, i.e. we tend to react later and we are trying to bring people into the kind of early adapters type of territory. I am trying to find something else but I cannot find it immediately on my screen; slightly ironic given the debate we are having. The point being almost the worst people you want making decisions on this are politicians. We obviously make sure we have the right control in place if any more funding goes in. That is Government Plan territory, as far as I am concerned, and any payments going out of the fund are very much controlled, accounting officer, all that type of territory. We have to know in advance what it is going to and there has got to be that level of control around it. But it is more in the R. and D. territory, productivity, all the areas that have been expressed and are identified in the report. We are not looking for ultimately a straight cash return as we are looking for that blend of expertise that has been referred to. I am going to keep it at that level if you do not

mind because I am acutely aware it is now 5.45 p.m. Deputy Tadier; I almost agree with Deputy Tadier - jugaad, I think it was - and the whole point about flexibility and innovation and things like that. It might be a relevant kind of definition more than anything else. I think we have covered the issues Deputy Southern raised about delay. I just wonder if there was any other point I wanted to pick out. I think I am going to move, given the time, to a conclusion, or try to. The point is, as we have said, we have had a head start on other places and you can either squander that head start ... apologies, I thought I had addressed some of Deputy Gardiner's point by making the comparisons, for example, to the Climate Emergency Fund and that kind of area. The initial money is about getting the design right and getting that head start and, no, there were not other sources of funding that have been referenced. For example, S.P.3. (Strategic Policy, Planning and Performance) could not identify the budget that was required and indeed, as I have said, it is about sending a message to the industry and giving them certainty as well. As I have said previously, we have a head start. We can either seize that moment and send the message to the industry and do something which is really I think quite exciting and important and about diversification. It is about allowing that then to go through on the process. If we look backwards, and I was one of the ones who had queries at the time around the investment ... do you remember the investment into the fibre broadband? I did not have a problem with the principle but personally I had a problem with the way the funding was there. But it went through and now the benefit that it is giving to us is huge. Let us recognise that. That is because of the hard work of many of our States-owned ... all sorts of entities. But this is why we know that past Governments do not have the best track record in some areas and that is why we are asking Digital Jersey to partner, based on their proven ability to deliver. But while we are here considering this proposition other towns, other cities and islands are catching up. That 6 years, that gap, is almost certainly reduced. They are investing, they are forming partnerships, and they will be seeking to match our existing advantages. It would be clear if we choose to delay a decision on this then we are effectively making an active choice to allow other places to catch up. As I have said, if we choose to stand still then we choose to fall behind. I will make that comment I used a day or so ago because it is one of my favourite quotes, which is that point about it is better to light a candle than to curse the darkness, and that is about doing something positive and sending that message. For me on, I think, the last speech in this Assembly from any politician, possibly, for me it would be about sending a positive message and ending on a positive decision in what has been a really tough 4 years. So I think on that note I will stop there, I will not take any further questions and let us go to the appel.

**[Approbation]**

**The Greffier of the States (in the Chair):**

Deputy Gardiner, your light is on?

**Deputy I. Gardiner:**

Yes, can I ask the Chief Minister a point of clarification, and I apologise if I missed something in his speech.

**The Greffier of the States (in the Chair):**

Do you give way for a point of ...

**Senator J.A.N. Le Fondré:**

No.

**The Greffier of the States (in the Chair):**

Very well. Do you call for the *appel*?

**Senator J.A.N. Le Fondré:**

Yes, Ma'am.

**The Greffier of the States (in the Chair):**

The *appel* is called for. I invite Members to return to their seats. In a moment the Greffier will open the voting, and those in the chat should vote accordingly. The vote is now open and I ask Members to cast their votes. If all Members have now cast their votes I ask the Greffier to close the voting. I can announce that the proposition has been adopted.

<b>POUR: 28</b>		<b>CONTRE: 12</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator K.L. Moore		
Senator L.J. Farnham		Senator S.Y. Mézec		
Senator S.C. Ferguson		Connétable of St. Martin		
Senator J.A.N. Le Fondré		Deputy G.P. Southern (H)		
Senator T.A. Vallois		Deputy M. Tadier (B)		
Connétable of St. Lawrence		Deputy of St. Martin		
Connétable of St. Brelade		Deputy of St. Mary		
Connétable of Grouville		Deputy of St. John		
Connétable of Trinity		Deputy M.R. Le Hegarat (H)		
Connétable of St. Peter		Deputy S.M. Ahier (H)		
Connétable of St. Mary		Deputy R.J. Ward (H)		
Connétable of St. Ouen		Deputy C.S. Alves (H)		
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy G.J. Truscott (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**Senator J.A.N. Le Fondré:**

Can I just thank everybody for their support and take the opportunity again - as many other people have - congratulations on ... is this day one or day 2?

**The Greffier of the States (in the Chair):**

Day one. It has been a long day. [**Approbation**] Thank you. That concludes Public Business for this meeting. I do have a message from the Bailiff which he has asked me to deliver on his behalf: "This is the last sitting of the Assembly, with the exception of Liberation Day, before the general election. I am sorry that I am not able to be in the Assembly on this occasion to offer my very best

wishes to those who are not standing again. It has been a privilege and pleasure to work with you and I wish you all the very best for the future. For those standing again, it may well be that we will see you here again. In any event, I hope that you have an enjoyable campaign at the very least.” If I could say from my part, I would like to thank you all for supporting me in my appointment to this role and I do hope to see some familiar faces in this Chamber in July. Before the election we will of course be celebrating Liberation Day and details of that event will be circulated by the Bailiff’s chamber shortly. But the States otherwise stand adjourned until 9th May. **[Approbation]**

**ADJOURNMENT**

[17:55]