

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 30th JANUARY 2018

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. Welcome to His Excellency The Lieutenant Governor

The Deputy Bailiff:

On behalf of Members, I would like to welcome His Excellency the Lieutenant Governor to the Chamber this morning. **[Approbation]**

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Nomination of the Chairman of the Education and Home Affairs Scrutiny Panel

The Deputy Bailiff:

Under F, in accordance with Standing Order 121, there are nominations to be invited for the position of Chairman of the Education and Home Affairs Scrutiny Panel. Any nominations?

Deputy S.Y. Mézec of St. Helier:

Could I nominate Deputy Maçon please?

The Deputy Bailiff:

Is that nomination seconded? **[Seconded]** Are there any other nominations? Very well, in accordance with the revision to Standing Orders, Deputy, you have upwards of 10 minutes that you can speak, after which you may be asked questions for 20 minutes, even though you are the only candidate, and consequently do you wish to avail yourself of that opportunity?

Deputy J.M. Maçon of St. Saviour:

Are you saying it is optional? **[Laughter]**

The Deputy Bailiff:

“The Presiding Officer shall invite the nominated person to speak for up to 10 minutes. After the nominated person has spoken, the Presiding Officer shall allow up to 20 minutes for elected Members to question the nominated person.” It is an invitation. I am sure that is an invitation that might be declined or you can use as much of it as you wish. It is a matter I think for your judgment in the Assembly.

2.1 Deputy J.M. Maçon:

I will speak but certainly not for 10 minutes, which I am sure Members will be relieved to hear. It is simply to advise Members that, obviously so late in the day of the term of this Assembly, of course our 3 key pieces of work are the review of the funding of the student finance, the Draft Sexual Offences from the Minister of Home Affairs, and also a sub-panel is considering the Criminal Procedures Law going forward. That is our main pieces of work, which we wish to produce for the Assembly before the end of this term.

The Deputy Bailiff:

Does anyone have any questions that they would wish to ask of Deputy Maçon? Deputy Tadier.

2.1.1 Deputy M. Tadier of St. Brelade:

First of all, congratulations to the new Chairman. He spoke about the funding mechanism for higher education, which they will be looking into. Does the chairman think it is important that all possible

funding options are put to the public and to this Assembly and does he think it is important that the opposition party, who initially came up with these proposals for a fully-funded mechanism and a sustainable funding mechanism, have their options put to the public so that they can be compared with the incomplete unsustainable plans that are being brought forward by the Council of Ministers and the Minister for Treasury and Resources?

Deputy J.M. Maçon:

Our terms of reference in that review are quite clear. We are looking at and analysing the proposals that were considered by the Council of Ministers. Of course if any other Members want to write a submission to the panel they are more than welcome to.

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

Does the new chairman believe that it is important in short order to get the funding for higher education places ensured since, without that assurance, people looking 2 years or 3 years down the line, thinking the funding might not be there, will still see a diminution of applicants for higher education places to the detriment of the Island?

Deputy J.M. Maçon:

What I can say, and it is on public record, that, yes, we do have a situation whereby there is a decreasing number of students attending university from the Island. As for the long-term funding mechanism, of course we are still taking evidence and considering that as part of our Scrutiny review and we will make comments on that when we produce our report.

2.1.3 Senator P.F.C. Ozouf:

In also congratulating the chairman on his appointment, I wonder whether or not he could explain to the Assembly whether or not he would be discharging his functions, as I think he has previously done as a chairman, as a critical friend rather than an opposition? How does he see the operation of his Scrutiny Panel being, being opposition or critical friend or a combination of both?

Deputy J.M. Maçon:

Scrutiny is not and should never be seen as opposition. What we do is we produce evidence-based reports in order to inform the Assembly towards debates. At times that will mean we have to be critical of proposals and hold Ministers to account, which they do not always necessarily like, but at the same time, as we have previously shown when we worked with this Minister for Home Affairs, we have congratulated them when they have reformed their proposals according to scrutiny. So I hope that answers Senator Ozouf's question.

2.1.4 Deputy M. Tadier:

Will the chairman tell us what his views are on whether or not G.S.T. (Goods and Services Tax) should be charged on tuition fees for the fee-paying schools in Jersey? In the absence of any opinion, although I am sure he does have one, where does the evidence point that he has gathered up until this point from his experience on Scrutiny on that subject?

Deputy J.M. Maçon:

Could the Member just clarify, is he talking tuition fees in the terms of university funding or in terms of all fees across the board?

Deputy M. Tadier:

I am just talking for the fees that are paid by the on-Island schools up to 18, the fee-paying schools, should they be paying G.S.T. on those fees?

Deputy J.M. Maçon:

What I can confirm is that the panel itself has not done a review into this matter and therefore I would be remiss to present a Scrutiny position on this. What I can say is, as the Deputy knew when he was on my Scrutiny Panel, I believe that there is an inconsistency with the international speaking schools and the fee-paying schools, but nevertheless that was a decision taken by this Assembly when G.S.T. was introduced.

2.1.5 Deputy G.P. Southern:

Does the Minister have a quarterly meeting with any of his Ministers for which he is responsible and, if so, will he press the Minister for Education in particular to come up with a solution for preschool care and education, which has been left in abeyance I believe for the moment?

[9:45]

Deputy J.M. Maçon:

I can do one better for Deputy Southern, of course he will notice that I have an oral question on this subject today and also the Minister for Education is up for questions without notice. So I can definitely confirm to the Member, it is a matter which has always been on our radar, and it is certainly something that we will continue to pursue.

2.1.6 Deputy G.P. Southern:

Nonetheless, the asking of a question with a couple of supplementaries is hardly a substitute for proper scrutiny and will he nonetheless be inviting the Minister for Education to come up to talk to him and his panel about a solution to this issue?

Deputy J.M. Maçon:

I am more than prepared to put that down as part of our question plan for the next quarterly hearing. If the Member has any specific questions that he would like us to ask on his behalf, we would welcome that submission and to consider that in due course, as we would with any Member.

2.1.7 Deputy M. Tadier:

Does the chairman believe that the funding levels and resources that are given to Scrutiny are sufficient and, if not, what powers and opportunities will he take to raise this issue with the Chairmen's Committee? Deputy J.M. Maçon:

In many regards I think there are gaps regarding sometimes the specialist skills that Scrutiny can dip into when we need to do the work quickly. There are issues also around admin support. What I can also say is that, in all the rounds of the financial cuts that have happened within the States, Scrutiny has always participated and handed large chunks of its budget back to the States. Of course we have to be realistic in that we have only a few months left and I am limited to what I could do, but I am quite happy to raise this matter at Chairmen's Committee.

2.1.8 Deputy S.M. Wickenden of St. Helier:

I will just ask, obviously you mention that there are only a few months left and we are in purdah very soon. Are you intending to continue on with all of the work that the previous Scrutiny Panel were looking at or are you intending to bring any new reviews before the end of this term?

Deputy J.M. Maçon:

I thank the Member. No, I think I outlined our work programme quite clearly; it is the 3 key bits, which are coming forward. We know that really considering the major debates will happen on 20th March, the Scrutiny Panel needs to be ready for that and there really will not be time except to finish off our legacy reports than to do much other work.

2.1.9 Deputy G.P. Southern:

Tradition has it, and the chairman has just mentioned the legacy, what topic would he be passing on as a legacy to his successors and why?

Deputy J.M. Maçon:

While we have not completed that legacy report at the moment, I can confirm that areas we have put forward are the matters of digital skills and the reason for this is that Scrutiny did a review and flagged that it should be followed in the future. Again, nursery funding, if we do not have a clear resolution, would be a matter on that, and also the structure of secondary education is a matter that we feel needs further consideration.

2.1.10 Deputy M. Tadier:

Does the chairman believe that scrutiny needs to have a standing independent legal adviser of its own? If so, why? If not, why not?

Deputy J.M. Maçon:

I know certainly the Deputy of St. John has very strong feelings on this and would certainly agree with that view. I think there is a matter in that Scrutiny attempts to be open and transparent as much as possible and this of course leads to a problem when you have legal advice in that, under the current system, sometimes from our law officers that is not always given. Although in the past I have managed to get some advice from our law officers published. I would be open to considering that. I cannot give an undertaking that will occur but I am happy to raise that.

The Deputy Bailiff:

If there are no further questions, Deputy, I am pleased to declare that Deputy Maçon has been appointed as chairman of the Education and Home Affairs Scrutiny Panel. **[Approbation]**

Deputy J.M. Maçon:

Thank you. I wonder if, just to give notice to Members, I do have Members who do already want to serve on the panel and, while I know we cannot do it now, whether Members would consider allowing me to, within some point at this sitting, be able to appoint Members to the panel.

The Deputy Bailiff:

We shall take that as it comes. Yes, very well, there is nothing under G or H, so we come on to questions.

QUESTIONS

3. Written Questions

3.1 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE EXTENSION OF PRIMARY SCHOOLS: [WQ.18/2018]

Question

Will the Minister advise whether or not his Department has been approached by the Department of Education to extend primary schools and whether any such action is under consideration, in particular with regard to the following –

- (a) Rouge Bouillon School, to the former States of Jersey Police headquarters site; and
- (b) Plat Douet School, to the currently vacant Samuel Le Riche House site?

Answer

Officers of the Department for Infrastructure and the Education Department meet regularly to discuss issues affecting buildings providing educational services, including primary schools.

With regard to the specific schools referred to in the question:

- (a) The funding requirements to redevelop the former Police and current Fire Station site to relocate the Fire Service are being considered as part of the States of Jersey Long Term Capital Programme. Funding for a feasibility study will be made available to support this process. As part of this feasibility work, the Department will work with officers of the Department of Education, and others, to consider whether the site of the current Fire and former Police Station could be reconfigured to provide for an extension to Rouge Bouillon Primary School as part of any future scheme.

- (b) No discussions have taken place between the Education and DfI Departments with regard to the extension of Plat Douet School.

3.2 THE DEPUTY OF ST. JOHN OF H.M. ATTORNEY GENERAL REGARDING THE LEGAL PROTECTIONS IN PLACE FOR EMPLOYEES WISHING TO ACT AS WHISTLEBLOWERS: [WQ.19/2018]

Question

Will H.M. Attorney General advise what current legal protections are in place in Jersey for employees who wish to act as whistleblowers and whether he is aware of any instances when these provisions have been used?

Answer

All States employees are subject to the Serious Concerns (Whistleblowing) policy which is available on the MyStates website (<https://soj/DocsForms/Policies/HR/Whistleblowing/Pages/Whistleblowing.aspx>)

If an individual has concerns in relation to activity which would constitute a criminal offence, they can report that matter to the States of Jersey Police. It would then be for the States of Jersey Police to decide whether to investigate the matter.

The Code of Conduct in respect of States employees, also available on the MyStates website (<https://soj/depts/TRD/treasury/Documents/Code%20of%20Conduct.pdf#search=code%20of%20conduct>) stipulates that it is incumbent on all staff to report concerns without delay. It provides that no-one will be penalised for making an allegation that is subsequently proved to be groundless provided the allegation has been made in good faith.

Reporting arrangements are in place to ensure that such concerns are treated responsibly, openly and consistently, and that anyone raising a concern is protected from victimisation or reprisal.

A failure to report and/or a failure to act may be considered to be a breach of oath and/or a contravention of a relevant Code of Conduct. However, this should be distinguished from a decision not to take a particular course of action where there is a reasonable basis to do so.

The Law Officers' Department does not hold information in relation to when these provisions have been used.

3.3 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING MENTAL HEALTH SERVICES PROVIDED TO CHILDREN AND YOUNG PEOPLE: [WQ.20/2018]

Question

Further to the answer to Written Question 1(525) on 10th October 2017 in respect of Mental Health services, will the Minister provide a full account of such services currently provided for all children and young people; and advise whether these services are experiencing an increase in demand and, if so, whether he is able to provide any data to support the reasons for this?

Answer

The structure and operation of Jersey CAMHS (Child and Adolescent Mental Health Services) can seem complex and is probably best explained in terms of how a child or young person accesses the service, with four 'tiers' of service provision.

Tier One – Universal services such as early years services and all primary care agencies including general medical practice, school nursing, health visiting and schools. Tier one services aim to promote mental well-being, recognise when a child or young person may have developmental or mental health problems that this level of service cannot meet, and know what to do when this is the case. Universal services may be provided by a range of agencies across Jersey.

Tier Two – Targeted services such as the new P82-funded Primary Mental Health workers in Education, and school and youth counselling. This includes support for children with less severe mental health problems.

Tier two services include mental health professionals working on their own, rather than as part of a multi-disciplinary team. Staff may work with the child or young person directly, or indirectly by supporting professionals working in universal services. In addition, tier two services include school counsellors and youth counselling services such as the YES (Youth Enquiry Service) project. Targeted services include those provided to people at increased risk of developing mental health problems.

Tier Three – Specialist community CAMHS involves a multi-disciplinary team of child and adolescent mental health professionals providing a range of specialist interventions for moderate to severe mental health presentations. A CAMHS triage service has recently been introduced involving the new P82-funded Education Primary Mental Health workers and a Specialist CAMHS worker jointly meeting with children, young people and their parents where there is uncertainty about which tiered service needs to be offered.

Tier Four – Highly specialist services, such as inpatient services. These are generally services for a small number of children and young people who are deemed to be at greatest risk of rapidly declining mental health, or from serious self-harm, who need a period of intensive input.

Access and referral to CAMHS

Referral routes and access to Jersey CAMHS varies, with most referrals coming from GPs. In 2015 and 2016 there were 434 and 476 referrals made respectively into Specialist CAMHS. During 2017, there were 543 referrals received suggesting a small increase of referrals year on year. Of the 543 referrals received in 2017, 400 were accepted for assessment and treatment into Specialist CAMHS; the remaining 143 referrals were signposted on to other services. A change in the complexity of referrals into Specialist CAMHS has been noted. More young people are being referred into Specialist CAMHS whilst in crisis or requiring intensive input.

National CAMHS services are under pressure. They are having to cope with a significant increase in demand. For example, referral rates to tier three CAMHS in England have increased greatly, with the number of cases rising by more than 40% between 2003 and 2009 (JCPMH, 2013).

JCPMH. (2013) Guidance for commissioners of child and adolescent mental health services. Joint Commissioning Panel for Mental Health. <http://www.jcpmh.info/wp-content/uploads/jcpmh-camhs-guide.pdf>

3.4 THE DEPUTY OF ST. JOHN OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING TRAINING AND RESKILLING PROGRAMMES FOR PUBLIC SECTOR STAFF: [WQ.21/2018]

Question

What consideration, if any, has the States Employment Board given to training and reskilling programmes for public sector staff to enable them to move into areas which are in demand; what programmes have been considered; and how does this fit with succession planning?

Answer

The States Employment Board has been considering this matter and has now asked the Chief Executive to bring forward proposals for a new development programme for public sector staff.

Investing in staff development is one of the Chief Executive's priorities. Training and reskilling are essential if we are to work as one government, collaborating across the organisation. Developing a workforce that can move easily from one department to another is an integral part of the transformation of our service delivery.

When a full review has been completed, a new staff development programme will be announced later this year.

3.5 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR SOCIAL SECURITY REGARDING REQUIREMENTS FOR THE EMPLOYMENT AND TRAINING OF APPRENTICES: [WQ.22/2018]

Question

Will the Minister detail all the requirements specified by her Department that a business must satisfy in order to employ an apprentice and to provide relevant training?

Answer

The Social Security Department does not impose any specific conditions on an employer to employ an apprentice.

Social Security does work closely with Trackers, the States of Jersey run apprenticeship scheme that supports local businesses and motivated Islanders by providing industry-specific training and professional mentoring. Whilst it is not compulsory for all apprenticeships to be part of the Trackers programme, Trackers financially supports apprentices' industry-specific training to a Level 3 qualification, plus literacy and numeracy to at least Level 2. All apprentices are allocated a Trackers mentor to support them during their training and focus them on goal setting, achievement and recognising success. The mentor also supports the employer and / or supervisor working with their apprentice to get the best outcome for everyone.

There are currently 296 apprentices being supported by Trackers.

The Employment Law does provide for a trainee rate to be paid to a trainee. Anecdotally, the Department understands that few of the Trackers apprentices are paid a trainee wage and most are paid above the main minimum wage rate.

Where apprentices are paid a trainee wage, the rates are currently £5.39 in the first year of training and £6.28 in the second year of training. A trainee rate may be paid for up to two years while an employee is undertaking 'approved training' in a new job. The Minimum Wage Regulations under the Employment (Jersey) Law 2003 require that, to qualify as 'a trainee' an employee must -

1. Be over age 16.
2. Be in the first 2 years of their employment in a particular job.
3. Be undergoing 'approved training' any time during the first 2 years in that job.
4. Be undergoing 'approved training' for that particular job.
5. Have a written training agreement with their employer.

A guide, which is available on the JACS website¹, sets out the descriptions and classes of training that are approved, which include internal and external formal training, as well as on-the-job and off-the-job formal training. The guide states that *“the types of training that are appropriate for any particular employee will depend on many factors, including their experience and skills, the nature and complexity of the job, the financial and manpower resources of the employer, and the availability of certified training courses, accreditation and qualifications (whether inside or outside of Jersey).*

¹ [www.jacs.org.je/legislation/employment-\(jersey\)-law-2003/2017-minimum-wage-approved-training/](http://www.jacs.org.je/legislation/employment-(jersey)-law-2003/2017-minimum-wage-approved-training/)

The Minister's intention is that employers of different sizes and in different sectors should have sufficient flexibility, whilst ensuring that employees are paid the lower trainee rate only if they are being provided with relevant, formal training."

3.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE NEXT INCOME DISTRIBUTION SURVEY: [WQ.23/2018]

Question

Further to the answer to Written Question 1(380), in which it was stated that a request for funding had been submitted in order to deliver the next Income Distribution Survey in the current Medium Term Financial Plan period, will the Chief Minister state what has changed since the provision of that answer to result in a change to the decision about the early commissioning of the next Survey; and will he inform members whether the funding bid was submitted, what sum was requested and (if it was rejected) why the bid was rejected?

Answer

£200,000 to undertake an Income Distribution Survey is being requested as part of the "carry forward" process to support the delivery of a survey in 2018-2019.

The allocation of this budget must be prioritised alongside other requests, but it is hoped that the required funds to undertake the survey will be approved shortly and the survey can then proceed.

3.7 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE LEGALITY OF A PERSON IN A POSITION OF RESPONSIBILITY DISSUADING A CHILD FROM MAKING A COMPLAINT OF SEXUAL ABUSE: [WQ.24/2018]

Question

Would H.M. Attorney General advise members whether a teacher, social worker or someone who was in a position of responsibility involving children would be breaking the law if they tried to dissuade a child, possibly with implied threats, from making a complaint against one of their colleagues for sexual abuse and, if so, what they could be charged with?

Answer

Dissuading a child by making threats from making a complaint of sexual abuse may amount to an attempt to pervert the course of justice.

Careful analysis of the facts would need to take place in order to ascertain whether or not the offence is made out. An offence is committed where a person or persons:

- (a) acts or embarks on a course of conduct
- (b) which has a tendency to; and
- (c) is intended to, pervert
- (d) the course of public justice.

Each of the elements is necessary. There must be a positive act on the part of the defendant and a course of justice must have been embarked upon. Accordingly if an investigation has not begun then no offence would have been committed.

There is also a possibility of the offence of misconduct in public office although the ambit of “*public office*” on the case law is unclear and it may not extend to teachers and social workers.

The new Criminal Procedure Law will establish an offence of intimidation of witnesses which will extend to acts which intimidate and are intended to intimidate a person assisting in the investigation of an offence or who is a witness or a potential witness in criminal proceedings.

All prosecutions have to pass a two-part test; there has to be sufficient evidence to make out the offence and it must be in the public interest to prosecute.

3.8 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE POLICIES OR GUIDANCE APPLICABLE TO INSTANCES IN WHICH H.M. ATTORNEY GENERAL IS IN RECEIPT OF ALLEGATIONS OF CHILD SEXUAL ABUSE: [WQ.25/2018]

Question

What policies or guidance exist to cover a situation where H.M. Attorney General is in receipt of allegations of child sexual abuse, or has direct knowledge of such abuse, in respect of how the matter should be raised with the police?

Answer

If an individual suspects that a criminal offence may have taken place, they can report that matter to the States of Jersey Police. It would then be for the States of Jersey Police to decide whether to investigate the matter.

The oath of office of Attorney General requires the holder of that office to uphold and maintain the laws of Jersey.

A failure to report and/or a failure to act may be considered to be a breach of oath. However, this should be distinguished from a decision not to take a particular course of action where there is a reasonable basis to do so.

In February 2016 the Attorney General issued a direction to all Centeniers relating to allegations of sexual offences which states, inter alia, that no allegation of a sexual offence, where the evidential test is passed, should be dealt with other than by way of prosecution without the consent of a Crown Advocate or Legal Advisor employed by the Law Officers’ Department.

3.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING MEASURES TO MAKE THE SOCIAL SECURITY SYSTEM LESS REGRESSIVE: [WQ.26/2018]

Question

What measures, if any, does the Minister have under consideration as part of her review of the Social Security system to make it less regressive and, in particular, to address the following aspects of the current system –

- (a) the fact that the contribution rate for employers and employees falls from a higher rate to a lower one when earnings exceed certain thresholds; and
- (b) the fact that contribution rates are based solely on earned income and do not, for instance, take into account earnings from investment income?

Answer

The Social Security sustainability review is looking at all aspects of the contributory Social Security scheme, which includes the rules for contributions, including the proportion of contributions from employees and employers, the earnings limits to determine the level of contributions and the range of income to be included within the rules for liability as well as the rules for the protection and benefits the scheme provides.

Any potential changes to the contributions rules (including the rate and on what income it is based on) will be considered as part of the next government's strategic and financial planning process.

3.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE RESPONSE TO THE SCRUTINY REPORT 'ZERO-HOURS CONTRACTS' (S.R.3/2016): [WQ.27/2018]

Question

Will the Minister inform members what actions, if any, she has taken in response to the Scrutiny Report 'Zero-Hour Contracts' (S.R.3/2016) following the publication of the Ministerial Response and, further to previous questions on this matter, what new evidence, if any, she has that the use of zero-hour contracts in the Jersey economy is appropriate?

Answer

As noted in the latest recommendation of the Employment Forum ([R.140/2017](#)), "*The Minister wrote to the Forum in July 2017 following the release of the UK government report "Good work: the Taylor review of modern working practices" which recommended that zero-hour contract workers in the UK should have the right to request guaranteed working hours. The Minister noted that Jersey's Employment Law already provides a right to request a change to the terms and conditions of employment relating to the hours, times, or location of work (which is known as the right to request flexible working).*

The Minister noted that she had already directed the Forum to consider whether this right should be extended so that it applies to all employees, instead of just employees with caring responsibilities, and whether the qualifying period should be removed or reduced from 15 months. The Minister considered that this may be a good option to help employees who would prefer to work fixed hours each week, while allowing zero-hour contracts to continue to be used by those who value their flexibility. The Minister asked the Forum, as part of its decision-making process in this review, to bear in mind any potential changes within the additional context of zero-hour contract employees."

The Forum recommended that *“the qualifying period for the right to request flexible working should be removed in order to provide a day-one right. The Forum notes that a right to request a change to the contracted times and hours of work is likely to make a significant difference to zero-hour contract employees.”*

The Minister is pleased to advise that she intends to accept this recommendation from the Forum. Legislation to give effect to this change will be presented to the States for debate on 20 March 2018. The Minister agrees that this is likely to make a significant improvement for zero-hour contract employees. From September this year, all employees will have a day-one statutory right to request a change to their terms and conditions of employment, for example, so that the contract more accurately reflects the hours that are typically worked, or to request a specified number of contracted hours. The employer will be required to formally consider and respond to that request.

As committed in response to the Scrutiny Panel’s Report on zero-hour contracts, the Minister agreed to improve publicity and circulation of guidance on zero-hour contracts to ensure that employees are clear on their existing rights and that employers understand their obligations under this type of employment contract. JACS continues to provide guidance and advice to businesses and individuals, seeking to ensure that both parties understand the nature of a zero hours relationship, including when they are and are not appropriate, the advantages and the disadvantages, as well as providing template zero hours contracts. Unlike in the UK, those working under zero-hour contracts in Jersey are likely to be classed as employees and therefore will receive the same protection under the Employment (Jersey) Law 2003 as other employees.

New evidence relating to zero-hour contracts was provided in the report on the latest Jersey Opinions and Lifestyle Survey (JOLS 2017) which asked about contracted hours and hours worked:

- 1 in 20 (5%) employees said their main job is on a zero-hour contract.
- men on ZHCs reported usually working 39 hours a week, which was not significantly less than men on other contracts, who usually worked 40 hours a week
- women on ZHCs usually worked 23 hours a week, 14.5 hours less than other women.

4. Oral Questions

4.1 Senator P.F.C. Ozouf of the Chief Minister regarding actions taken by the Council of Ministers to address inflation: [OQ.25/2018]

Further to the recent report of the Statistics Unit that inflation in Jersey rose to 3.6 per cent at the end of December 2017, and given that previous Councils of Ministers produced anti-inflationary strategies, what action, if any, is the current Council taking to reduce the cost of living to ensure that Islanders get a fair deal within the housing, energy and grocery markets?

Senator I.J. Gorst (The Chief Minister):

Although the increase in inflation in the last quarter of 2017 was slightly higher than expected, inflation for the year averaged 3.1 per cent, only slightly higher than the Fiscal Policy Panel’s expectations of 2.8 per cent. The weakness of sterling after the E.U. (European Union) referendum was expected to push inflation up but the F.P.P. (Fiscal Policy Panel) do not expect this trend to continue. To keep inflation under control, Ministers are planning to balance the budget at the right time in line with F.P.P. advice. We are also boosting competition through implementing the 23 Oxera recommendations, which the Senator instructed and was instrumental in overseeing, and improving productivity and business performance through the Strategic Plan priorities.

4.1.1 Senator P.F.C. Ozouf:

The introduction of the corporation tax on retail has been the subject of further debate since this Assembly decided it and there has been an outcry from retailers and more evidence into the fact that indeed the corporation tax could lead into a situation whereby grocery prices rise between 3 and 5 per cent. With this new information, which was perhaps not available at the Budget and not available to the F.P.P., is the Chief Minister concerned that this is an effectively self-inflicted inflation inevitability?

Senator I.J. Gorst:

The figures that the Senator used are figures which I think have been put forward by the Chamber of Commerce liaising with their members who are retailers who would be affected by this taxation measure. We should remember that this tax does not come into play until those retailers have made a profit of £500,000. Those figures of inflationary impact do not align with the economic adviser's. Having said that, of course, I know that Treasury, while in correspondence with the Chamber of Commerce, as I understand it, would be prepared to meet with them and consider those figures, which the Senator has just alluded to, further to see if there is any mitigation available.

4.1.2 Deputy G.P. Southern:

Why, when the Minister notes that inflation is running at 3.6 per cent, and his estimates of future inflation are around 3 or 3.5 per cent, has the States Employment Board compounded the 7 per cent drop in the real terms earnings of the public sector and followed that up with an offer for the workforce modernisation, which is also below inflation, why does the Minister and the Employment Board behave in such a way to its workforce?

Senator I.J. Gorst:

I am not sure quite where the connection is other than percentages. Of course the Deputy knows the deal that the States Employment Board have offered to employees, he knows also the workforce transformation and the change in pay spines, the reduction there, all of that will enable us in future to deliver a more joined-up and connected workforce and Government within the cost envelope that was available at the time. The States Employment Board have found more money than the initial cost envelope but they recognise that it is a challenging offer but they think it is a fair offer.

4.1.3 Deputy G.P. Southern:

It is once again a below-inflation offer. Will the Minister accept that, while he wishes to modernise the workforce and have it joined-up, the only joining-up he is going to get is of representatives of the workforce saying no to workforce modernisation? Why can he not offer a decent rate for his changes?

The Deputy Bailiff:

I think that is moving outside the 4 walls. Could you justify where that fits within the question?

Deputy G.P. Southern:

The whole context of that is the 3.6 per cent, which is now achieved, which is also the prediction for inflation in the next 4 years, and the workforce modernisation scheme is taking place over the next 4 years at 3.5 per cent inflation.

The Deputy Bailiff:

I will allow it, thank you.

Senator I.J. Gorst:

We can keep asking the same question and I can keep giving the same answer. I am not sure that it does any of us any good. He knows the envelope in which the pay envelope has been set, he knows the offer that the States Employment Board has made, he knows that they have found extra money

in order to enhance that offer, and he knows the benefits of workforce modernisation that will bring right across Government and the community. So we hope that members of unions - it is only members of unions - who are voting whether to accept this deal or not, despite the fact that is not the majority of the workforce, we hope that they will vote to accept it because they will see that the benefits outweigh the areas where there is extra challenge.

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

The Chief Minister is well aware that the reason for the retail tax coming in was to make up for reduced funds that have come in because of Zero/Ten and the burden that has been placed on individuals in our society. Now, does he accept that the Chamber of Commerce are lobbying after the fact to try to stop this coming through, but really it is in the best interests of the population, especially as the population have seen these companies pay no tax whatsoever since Zero/Ten came in?

The Deputy Bailiff:

What exactly is the question?

Deputy M.R. Higgins:

I am saying, does he not recognise that is the case that they are lobbying to have the tax not brought in, but they have had the benefit of low taxes since Zero/Ten came in and basically should not give in to it, basically should not give in before an election year. Is he going to give in to them?

The Deputy Bailiff:

Deputy, I cannot see that fits within the parameters of the question, which is to do with the steps being taken by the Council of Ministers to reduce the cost of living for Islanders to get a fair deal. Can you explain that?

Deputy M.R. Higgins:

With respect, if the firms put up their prices, that should not be a consideration. What is happening is here they are using that as an excuse to stop a tax coming in, which would be a fair tax.

The Deputy Bailiff:

Effectively, would that be a consideration for the Council of Ministers, is your question, is it not? That is within the parameters.

[10:00]

Senator I.J. Gorst:

The genesis of the change to corporate tax of retailers is well known. Senator Ferguson made an amendment to the previous Budget, the Minister for Treasury and Resources this time around brought an amendment to bring that into effect in this Budget. The challenge, and where we should be rightly focusing an argument, if there is to be one, is not about whether the tax should be introduced or not, it absolutely should be because there is public disquiet with the way that some elements of non-locally owned businesses benefit because of the zero. The challenge, and I think the point Senator Ozouf has been trying to make, and made on the day: is the rate set at the right level and does it have an intended inflationary impact on the basics of life? As I said in my opening answer to Senator Ozouf, the figures that he has quoted, which are Chamber of Commerce figures, do not align with what the economic impact assessment was and what some anecdotal conversations have suggested, and that is why Treasury will continue to communicate with the Chamber of Commerce and continue to understand where their concerns are.

4.1.5 Deputy M. Tadier:

The second half of the question asks what action, if any, the Council of Ministers is taking on issues such as housing, energy and grocery markets, to make sure Islanders get a fair deal. If I could ask specifically about housing. Is it not the case that this Council of Ministers and his Minister for Housing have been completely incompetent when it comes to grappling with the issues of affordable housing, particularly in the rental sector? We have seen today at the very last minute a very tame proposal for regulation of social housing - only social housing - being pulled and we know it has been criticised by Members across this Assembly and has been amended, of course, because it is not holistic in its approach. What action, if any, will the Minister take, apart from just building more houses and bringing more people in so that those houses will already be filled, to resolve the issue of affordable rental housing in this Island?

Senator I.J. Gorst:

Regulation, red tape and regulation again, that seems to be the Deputy's answer to every single question that we face in this community. It is about time he acknowledged, as the Minister for Housing does, that supply is a really important part of this component, and yet time and time again this Assembly, when it has come to the supply question, has found it very difficult to make the appropriate answer. The Deputy has an amendment to the proposal that the Minister for Housing has brought forward, he knows, which totally turns that proposal on its head from regulation of social housing to regulation of all housing. If that is what the Deputy wants to do then we should have a debate on that, we should have consultation on that. None of the interested organisations have been consulted on the Deputy's proposal. They have on regulation. It has been a really difficult journey to take social housing providers on in order to recognise the benefits to them as organisations, but more importantly to recognise the benefits of people who live in those houses that regulation can have upon them. But the challenge that we really face is supply and we are going to have to get to grips with supply.

4.1.6 Deputy M. Tadier:

Does the Chief Minister accept that when the private sector are receiving £9.5 million in direct subsidies of public money that they are also social landlords and that private rentals are also social rentals when they receive public money, yet they will not come under any of the scrutiny or the same regulation as is being suggested for social landlords and that regulation is needed across the piece because so many hardworking people in Jersey do live in substandard conditions in the private sector because there is an inadequate amount of social housing in trusts and in Andium? Does the Minister agree that supply under his watch and under any of the Councils of Ministers recently has not worked, therefore it is time to try something different, it is time to regulate properly and, if necessary ...

The Deputy Bailiff:

Deputy, there are at least 3 questions there, the Chief Minister will choose whichever one he wishes to answer, so ...

Deputy M. Tadier:

I will add another one. It is time to regulate, and, if need be, introduce rent control in this sector.

The Deputy Bailiff:

Chief Minister, you can choose whichever of the questions you answer.

Senator I.J. Gorst:

I could do that; I could wrap myself up with more red tape. We cannot have it both ways, as the Deputy seems to want. The Minister for Housing has brought forward the regulation of Social Housing. That is absolutely the right thing to do. She and her officials have worked incredibly hard with the providers of social housing. She has also worked on minimum standards right across the

housing stock and that has been an important piece of work as well to ensure that, together with the Environment, that housing accommodation in our community does meet minimum standards. But we still cannot get away from the fact that we need new ownership models and we need a greater supply and it is not fair for the Deputy to suggest that we could regulate and have housing control and all of the issues that we all across this Assembly want to address would suddenly vanish and be dealt with, they would not. There are some really difficult issues that need to be dealt with and I hope, if he has another supplementary, he will stand up and accept that supply is one of the most important ones.

The Deputy Bailiff:

No, there is no supplementary. I have Deputy Norton and then final supplementary, Senator Ozouf. Deputy Norton.

4.1.7 Deputy M.J. Norton:

I was heartened that the Chief Minister said if there was an argument to be had it would be over the rate of retail tax. Would the Chief Minister be prepared to go into some proper consultation as to what the proper retail tax should be?

Senator I.J. Gorst:

I have already said that the Minister for Treasury and Resources, and the Deputy knows this is not my remit, it is a Budget amendment, I have already said that the ... people seem to be shaking their heads. Surely they know that taxation matters fall within the remit of the Treasury Department. The Treasury is in communication with the Chamber of Commerce and has been addressing the concerns that they raised in their recent correspondence with the department and with Assembly Members and I have no reason to suggest anything other than they will continue to do so.

4.1.8 Deputy M.J. Norton:

Would the Chief Minister at least, having said that there is an argument to be had over the rate, at least confirm that he agrees that we still need to talk about what that rate should be?

Senator I.J. Gorst:

The Deputy knows that there were 2 occasions in this Assembly during the Budget debate where Members could have voted differently from the way that they did. I think perhaps, I am not sure whether that Member voted for the 10 per cent, I think he did, so he can stand up and make the points that he is making and it revolves around whether there is an inflationary impact and, if so, what that is, and the differing arguments about what that might be, which I think would and could be the subject of further communication with the Chamber.

4.1.9 Senator P.F.C. Ozouf:

I ask this question because the real concern that I have picked up in recent weeks about the real concern of the rising cost of living fuelled by some decisions of this Assembly and the evidence that the cost of living is likely to rise further and be in fact higher than average wages in the months ahead. The F.P.P. were wrong in their estimate but of course that is not a criticism, you get estimates wrong. That is what happens; you have no evidence of the future. In the light of all of this consideration, will the Chief Minister state categorically that cost of living is an anti-inflation strategy - are absolutely a priority for the remaining period of time of this Assembly - and would he confirm that he will be dealing with the most difficult issue in respect of the cost of living when we now appear to have a J.C.R.A. (Jersey Competition Regulatory Authority), which is, according to the Royal Court judgment, which has been issued, on the side of the incumbent, not the side of the competitor attempting to lower prices, and what is he going to do about that issue in that priority?

Senator I.J. Gorst:

Of course an estimate will never be reality; that is the point of estimates and projections, and the annual actual of inflation was slightly higher than the projection of the F.P.P., the same thing happened and was mirrored in the United Kingdom, as I have said, largely because of the effect of the strength of euro versus the sterling and, not only the F.P.P., but also the O.B.R. (Office for Budgetary Responsibility) and the M.P.C. (Monetary Policy Committee) in the United Kingdom believe that inflation will peak in the U.K. (United Kingdom) in the fourth quarter of this year before gradually declining in 2018/19. This last week I met with the chairman of C.I.C.R.A. (Channel Islands Competition Regulatory Authorities), we had a very constructive conversation about the very issues that Senator Ozouf is raising and that is the value of competition in what we might call everyday markets that affect people's everyday living standards and where they can feel the benefit from the work of the competition regulator, because competition is absolutely important in these areas. It is difficult: we know that from Sir John Vickers, the report that the Senator was instrumental in commissioning. It is difficult to get it right but it is critically important. In the coming days and weeks we will and can expect an announcement from the J.C.R.A., together with Government, talking about the work that they are going to be doing in the future in these vitally, vitally important areas.

4.2 Deputy G.P. Southern of the Chief Minister regarding comments on 'States Employment Board: living wage 2017' (P.122/2017): [OQ.18/2018]

Will the Chief Minister advise Members whether he will circulate comments on P.122/2017, States Employment Board Living Wage 2017, which was initially lodged as P.72/2017 last July and which is due for debate on 20th February 2018, in ample time to allow Members in-depth consideration of the full implications of support, or otherwise, of this serious proposed step in the development of the Jersey economy?

Senator I.J. Gorst (The Chief Minister):

The decision to adopt the Caritas Living Wage in Jersey is an entirely voluntary one for any organisation. I have expressed my support for the principle in the past and Ministers are due to consider the costs and the practicalities next week, after which a response will be published I expect by Friday.

4.2.1 Deputy G.P. Southern:

I am grateful that I do not have to yet again move the proposition in order to get a response in good time. So when you say "next Friday" are you planning ...

The Deputy Bailiff:

Through the Chair please.

Deputy G.P. Southern:

Is the Chief Minister planning ... it was the use "next": next Friday could be this Friday or it could be a week Friday? If it is this Friday I congratulate him for getting out comments and a reasoned response to the proposition by 6th April when Caritas have invited the Living Wage Foundation to come and talk about the living wage. Does he accept my congratulations? **[Laughter]**

Senator I.J. Gorst:

I do not accept his congratulations because, as he rightly explained, this Friday is the coming Friday, next Friday is the Friday after. But the point he does make, which I had not quite connected, was that the Council of Ministers are due to consider the matter on the 6th. Yet the Caritas Living Wage do have a presentation, I see one of his colleagues is due to speak at that presentation, on the 6th and

I was intending to publish on the 8th. The 8th is therefore the backstop position, I will see if there is any way that we could bring it forward because it would be useful, I recognise that, to have some comments prior to that discussion, it is called here. I cannot promise that so that is why I do not accept his congratulations but I will see if I can. The backstop position is the 8th. But he knows already, every single States employee directly employed by the States is on the Caritas living wage. The issue is the on-contract.

4.2.2 Deputy G.P. Southern:

It must be an extremely detailed and complex report and set of comments on the proposal because this has been lodged since July last year and one wonders why he cannot speed that up by a matter of 2 days in order to allow Members to fully understand and see both sides of whatever arguments are there in plenty of time for the debate on the 20th.

The Deputy Bailiff:

So the question is why can it not be speeded up, Chief Minister, I think.

Senator I.J. Gorst:

As we keep hearing time and time again, Members diaries are busy, the Council of Ministers is scheduled to meet on the 6th. It would require either for the matter to be dealt with electronically or an extra meeting put in.

[10:15]

The Deputy knows fundamentally this is not about directly-employed because we are already meeting the Caritas Living Wage thresholds. This is about on-contracts and what the costs would be and therefore departments have to think about the money and the cost to them as well and, if we are going to say yes over time to delivering this, how we are going to meet those costs.

4.3 Deputy S.Y. Mézec of the Chief Minister regarding the provision of statistics relating to relative low income: [OQ.22/2018]

Will the Chief Minister be in a position to provide more up-to-date statistics on relative low income in Jersey before the general election of May 2018 and, if not, why not?

Senator I.J. Gorst (The Chief Minister):

The Income Distribution Survey takes a year to run and reports on a 5-year cycle with the next report due in 2020. Nevertheless this is, as I have said previously, an important statistic and in July last year I outlined to the Assembly that we would endeavour to identify funding from carry-forwards so that the survey could run one year earlier. That is therefore starting in this year and reporting next year.

4.3.1 Senator P.F.C. Ozouf:

Would the Chief Minister agree that the reports that are asked of him in relation to relatively low income are important but that also it is important that calling to mind an identical question by a former member of the House of Commons to a former U.K. Prime Minister when talking about income inequality, it is not the objective of making the rich relatively less rich in absolute terms. In fact, is he not really wanting to publish information that demonstrates that all income groups have seen real rises in their net income, and these arguments about relative low income must be taken for what they are, it is a gap, and does he not want the gap higher up rather than lower down?

Senator I.J. Gorst:

Equality is important right across communities and later in this States sitting we are going to be talking to a large extent on some areas of equality, which are fundamentally important to our well-being and our future cohesion as a community. The Income Distribution Survey is just one statistical survey that helps inform Government decisions into the future and I am not obsessed with it, perhaps like some Members are, because it does not follow that if you make the rich poorer you make the poor richer, it is known across the world and economists will show that. Having said that, income inequality is an important measure upon which Government must consider when delivering policies.

4.3.2 Deputy G.P. Southern:

In answer to the Deputy of St. Ouen about this particular topic, he said that: “Decisions will be taken with the Chief Statistician and I am fully content to keep the Assembly and the relevant panels informed.” That question was asked on 4th July last year about what progress he was making about his wish to update the Income Distribution Survey and yet, as far as I can understand, the money has not as yet to be identified and permission gone ahead to run the Income Distribution in 2018 with a view to reporting early in 2019, as the Minister said he would support previously. Why is it taking so long? When will that decision be made and we will get the I.D.S. (Income Distribution Survey) performed in 2018?

Senator I.J. Gorst:

I just said in answer to the Deputy’s colleague that I will be endeavouring to argue for funding from the carry forwards. The Deputy shakes his head, he believes that I can act outside of the current law, which allocates monies across departments, and means that the Chief Minister does not have, or any Minister does not have the authority outside of the approved processes of this Assembly, which in this case is the carry forward, despite what my wish is. I have been quite clear, I think it should be brought forward, my officials are making a case. That case will have to be agreed by the Minister for Treasury and Resources and by Ministers in the carry forward process. I hope, because of his posture during my answer, I hope he is going to give his 100 per cent support to the reform of government that this Assembly I hope will be debating before the next election to make sure that issues like this can be addressed fairly, appropriately, and in good time, because it seems to me that is what he is wanting.

4.3.3 Deputy G.P. Southern:

Before the Chief Minister puts words into my mouth as to what I want, what I want is a straightforward answer and the answer I want is when will that be done, because we have been waiting since July last year, April last year, for any action from this inert Chief Minister.

Senator I.J. Gorst:

I have been waiting since July for the carry forward process. The carry forward process will take place during I think the first quarter of this year, so I will have a decision, providing other Ministers support it, then that money will be allocated. So if the Deputy in political challenge wants to use the word “inert”, you will tell me whether it is appropriate or not, I am not sure it quite does fit what he was trying to say, but anyway if he is so frustrated I really do look forward to his championing the reform of government that will mean that issues like this can be addressed fairly and on a timely basis. But I can see from the nodding of his head he wants to enjoy beating me up in the Assembly; that is the political question for us. But when it comes to real change to make things happen for the benefit of our community, he will vote against it.

Deputy G.P. Southern:

When it comes to real change in our community we will be in the vanguard.

4.3.4 Deputy M. Tadier:

Of course if the Chief Minister is serious about changing this Assembly he will stand on a political platform openly with his colleagues and tell the public before the election the direction he and his colleagues want to take the Island in, be it in an inert way or in a pernicious way, as perhaps has arguably been the case to date.

The Deputy Bailiff:

I am not sure you can challenge the actions of a Member as being pernicious.

Deputy M. Tadier:

I will take that back. I think there is an argument from a political point of view that policies can be pernicious.

The Deputy Bailiff:

I think a policy can be pernicious, I am not sure an individual can take it forward ...

Deputy M. Tadier:

That is true; I will take that back. It was related to policies. But inert is an equally good description of this Council of Ministers on certain issues. But getting back to this question, does the Chief Minister realise and acknowledge that it is important to have up-to-date statistics, especially on relative low income, in the context that if those statistics are not available this States Assembly makes the wrong decisions, as was evidenced by only last week overturning a decision to do with single mothers' pay, because the statistics were not available at the time, and then when they were available to the Assembly the right-thinking Members of this Assembly decided to overturn that decision and it is therefore imperative that public has all the statistics available before the May elections to cast their judgment on this Government and on this Assembly.

Senator I.J. Gorst:

It is right that members of the public elect Members of this Assembly, if they have been previous Members, on their record and that they have the best available statistics to them when they are making that decision. But we did not have the Income Distribution Survey up to date before Members made the decision to reinstate the lone parent component last week, thereby providing benefit to a small proportion of children in relative low income, rather than the proposal of the Minister, which was to benefit all children in relative low-income households. So you might say it is swings and roundabouts.

4.3.5 Senator P.F.C. Ozouf:

I am well aware that in questioning the Chief Minister my own supporters and others wince when I stand up, but being the only other Member to ask the Chief Minister questions on these issues, apart from Reform, I must give the Chief Minister almost an opportunity to refocus the debate, which is really what this is about. Does the Chief Minister not expect, as a result of his policies that have got more people in work, lower unemployment, that the policies to get more people in work, and with the Minister for Social Security, is the way to deal with the statistics that will show that income on all quintiles will rise rather than this pounding that the Chief Minister gets from Reform for statistics to beat him.

The Deputy Bailiff:

Can we just focus on the specific question?

Senator P.F.C. Ozouf:

Does he agree that his policies are the ones that work rather than the ones that are being trying to be beaten out of him from Reform?

The Deputy Bailiff:

Are yours the policies that work, I think is the question?

Senator I.J. Gorst:

They are not just my policies and the Council of Ministers' policies; they are policies being delivered by successful economies around the globe. First of all, we need to have a successful economy. We know what that is based upon in Jersey and we know the time and effort and work that Members of this Assembly and the community put into delivering that. Why do we want that? Because it delivers jobs for our people, because it is only jobs and well-paying jobs and jobs that have proper career opportunities that ultimately raise people out of relative low income. Not just giving them benefits, it is about encouraging them to believe that they have a future, giving them incentives to get on to the housing ladder, giving them incentives to deal with the cost of living, the premium of living here in Jersey, but it is also about a social cohesion in our community as well. It is not just about the issues that the Members opposite keep going on and on and on about without presenting solutions, other than regulation and red tape, putting in doubt our economic success and our economic future. It is a risk I am not prepared to take and I do not believe it is a risk that Members of this Assembly want to take. [Approbation]

The Deputy Bailiff:

Final supplementary, Deputy Mézec.

Deputy S.Y. Mézec:

No, thank you, I will spare the Assembly and the public another one of those answers.

Deputy M. Tadier:

It is important to keep a strong economy so that we can pay for zebra crossings across the Island, including in my constituency.

The Deputy Bailiff:

If you can just ask the question immediately, thank you.

4.4 Deputy M. Tadier of the Minister for Infrastructure regarding the request for a zebra crossing at La Moye School: [OQ.17/2018]

I thought you might give me some indulgence. Has the Road Safety Review Panel considered the request for a zebra crossing at La Moye School; if so, does the panel support such an amenity and, if that is the case, when will it be put in place and funding allocated?

Deputy E.J. Noel of St. Lawrence (The Minister for Infrastructure):

I am not sure if Deputy Tadier already knows that the Road Safety Review Panel received a request for a zebra crossing at La Moye School on 8th December 2017. This request was reviewed and indeed supported by the panel earlier this month. I am advised that the response communicating the panel's support was sent by email the week after to the requester. As with all supported requests, the proposal is now on a list of schemes for prioritisation for a future year and hopefully will be considered by my successor for implementation in 2019.

4.4.1 Deputy M. Tadier:

Given the success of the economy and how strong we are doing and all this money that we have coming into the pot, why is it a future year that it is being proposed to bring in a zebra crossing if the panel has already met and agreed that there is merit in having a zebra crossing right outside a school?

Why do we need to wait until 2019? Can it not be brought forward or do I need to bring a Back-Bencher's proposition in this regard to expedite it?

Deputy E.J. Noel:

I am grateful for the Deputy's supplementary question and it is one that I wanted him to ask because I can explain that in every autumn the department carry out a prioritisation of all the potential schemes that have had support by the Road Safety Panel to prioritise them for the actioning in the subsequent year, so all of the activities that are going to happen in 2018 have already been agreed and the funding put in place.

[10:30]

As a retiring Minister and politician, I cannot bind my successor to potential schemes for 2019 because this particular zebra crossing, which does have the support of the Road Safety Panel and myself, needs to be considered with all the other requests that we will have for actioning in 2019. So it is a part of a process; what we do not want to do is to change that process *ad hoc* because that means that we end up not delivering as much as we can deliver and that is what my department is about, it is delivering services and improvements for Islanders.

4.4.2 Deputy M. Tadier:

I do not understand why it was necessary for a constituent to flag it up with the panel in order for them to realise that this is an appropriate place for a zebra crossing. It seems to me that firstly the panel should be proactive and they should be going out and identifying places throughout the Island, which could benefit from crossings. Also, my concern, and perhaps the Minister can answer to this, we are now in January 2017, the Minister talks about future years, he did not specify next year, even if a zebra crossing is built next year it could be in December 2018 and that is some 23 months that we might have to wait for a road safety issue outside a very increasingly busy school in a busy part of the Island. Is this really acceptable?

Deputy E.J. Noel:

My department does take a proactive view and the Deputy should know that we are producing a crossing and improvements to the road junction a few hundred yards away from the school at the entrance to the road, and that is one of the projects that was identified in the autumn and is being delivered this year. The reason why this particular crossing has not come to light sooner is because there is already at school times an individual that acts to allow the children to cross the road at the beginning and the end of the school day. What has come to light is that a crossing is needed for outside those normal school hours for activities that happen at the school during the holidays and indeed outside the normal school time. What I would suggest to the Deputy is that, if he is keen to learn, has an interest in road safety, that he attends our road safety seminar that is taking place next week on 6th February. To date he has not responded to the invitation, and indeed many States Members have, and I am grateful to those who can attend and, those that have not yet responded or cannot attend, I hope that they revisit that and come to what is a very, very important seminar on road safety that is open to Parish officials as well and therefore they will have a better understanding of how my department prioritises road safety issues and how we fund them and the processes that need to take place to make sure that we have a continual improvement of road safety on our Island.

4.5 Deputy J.M. Maçon of the Minister for Education regarding the progress made in bringing forward proposals relating to the Nursery Education Fund: [OQ.15/2018]

Will the Minister update the Assembly on the progress made in bringing forward proposals relating to the Nursery Education Fund?

Deputy R.G. Bryans of St. Helier (The Minister for Education):

I am planning to bring a report and proposition to this House, as I mentioned during the sitting on 27th November. As Members will be aware, I previously stated that I do not wish to proceed with the nursery means testing. This was for a number of reasons, including a recommendation from the Early Years Childhood Partnership, which felt this was a retrograde step for our youngest children. The report and proposition will seek the Assembly's support for a rescindment of the decision on means testing. I will just read out the relevant part from the report, just in case Members have not read it. The report says: "Retracting the current proposals to means test families for access to the 20 free hours in the private and public sector nurseries, to revisit the Nursery Education Fund Partnership Agreement and consultation with parents to assess demand to inform future policy and provision." So that is what we are doing.

4.5.1 Deputy J.M. Maçon:

The Minister could have added, before the report or the department, the Scrutiny Panel made the exact same recommendation and would have saved the Island quite a bit of money. Can I therefore ask the Minister, he has identified that in his report - in the report that has been produced - that several other recommendations were made; in the proposition that the Minister will be bringing forward, will it just be a rescindment debate or will there be additional proposals brought forward arising from that report in his proposition?

Deputy R.G. Bryans:

Yes, we will be looking at all of the proposals brought in that report. I cannot say at this moment in time what will be in that project that we bring to the Assembly, but certainly the main agenda will be to rescind the means testing for the nursery, but everything else will be taken into consideration. That was the purpose of us creating the report in the first place.

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

When the Minister brings forward these proposals, will there be a cohesive look at the whole of a child's early years and will the Minister be working with the Minister for Social Security in conjunction with her proposals for family-friendly legislation to ensure that there is provision for a child from birth, either parental leave to be cared for by the parent, or some kind of subsidised childcare to assist parents in their return to work and to ensure that the child has the best start in life?

Deputy R.G. Bryans:

Yes, those discussions will continue. There is a great deal of joined-up thinking with regard to early years. We have Deputy Moore looking at 1,001 Days; we have the Minister for Social Security, Deputy Pinel, having discussions with myself in the context that the Deputy has just suggested. There is a holistic overview. What widened the parameters for me was the report from the doctor who said we need to go further down - pre-conception - and that solidified my view over some of the stuff I had been doing within Education to amplify our desire to make sure that we look after children as now, as I have stated, from pre-conception right the way through their education post the point they leave our schools and go on to higher education. So there is a collective point of view; we do have those discussions and we will continue having those discussions.

4.5.3 Deputy L.M.C. Doublet:

Supplementary please. Can the Minister just clarify: will these plans include any subsidised childcare in the years between the parental leave and the currently provided Nursery Education Fund when the child turns 3, so around the ages 1 and 2?

Deputy R.G. Bryans:

I think it was a consideration, it has been given consideration, I know it is part of the discussions. I do not know that we have confirmed any of that sort of thing. I think the problem we have at the moment is we recognise that there are budgetary pressures on this and taking away the means testing that we still have to work within the parameters of the budget and we do that in deep discussions with Treasury. Also we are now in a position of having to fund the 1 per cent pay rise for our staff and we have to play our role in making sure that the States budget is balanced. But to give the Deputy some reassurance, all of these considerations are being discussed because again that was why we produced the report in the first place.

4.5.4 Deputy G.P. Southern:

Will the Minister throw his full weight behind all the recommendations contained in the Family Friendly report recently published and not cherry-pick where he sees fit or because of costs?

Deputy R.G. Bryans:

I think all Ministers would want to, in terms of looking at reports that they receive independently in the way that we have, want to put their weight behind some of the considerations. Again, it was that very reason that we asked the doctor to contemplate what she has done. Those propositions and those ideas are discussed, we have discussed them with the doctor, but again it is in consideration of everything else that we have to deal with in our Education Strategy. It also has an impact on our budget matters, so the Deputy is right; I think the doctor has come up with some very sensible suggestions and I will be pushing forward on most of the fronts as far as I am aware.

Deputy G.P. Southern:

Can the public and this Assembly in particular look forward ...

The Deputy Bailiff:

I am sorry, Deputy, we have just gone inquorate, so could I invite Members to return please to seats so that we will become quorate again? Very well, we are now quorate, please do carry on.

4.5.5 Deputy G.P. Southern:

The question was: can the public and this Assembly in particular expect the Minister to throw his full weight? The answer he gave was very circulatory and I want to hear commitment from this Minister to the entire plan and no cherry-picking, is that his position?

Deputy R.G. Bryans:

I think the Deputy would accept to some extent that this Minister has particularly set out right at the beginning of his term of office to set out the principles that we were working on and one of those principles was working closely with families and that is the reason we have family workers now working more closely with our schools, working with Social Security. All the various aspects that we have discussed in the past to do with early years has focused our attention on a greater need for addressing this problem. The more we address this problem, I think it is more apparent to everybody, and I will just read a small piece from the report, which underlines our thoughts here: "The main message from the report is an extremely strong one, is that all the evidence shows early years education is vitally important. The E.Y.C.P. (Early Years Childhood Partnership) wants us to recognise this as a Government and to put more effort into supporting the early years. Their report shows that children who have good-quality early education start school 3 months ahead in their literacy and language skills, the benefits carry on throughout a child's life. They are 20 per cent more likely to get 5 good G.C.S.E.s (General Certificate of Secondary Education) and they earn more as adults. This is hugely significant for our community and for our economy." I would also further add, for the well-being of our children. So this Minister has been purely focused on making sure that those things happen within our community and within this Education Strategy.

Deputy G.P. Southern:

The Minister again has failed to even address the question; he has just talked around it.

The Deputy Bailiff:

Deputy, that was a supplemental, I will just see if anyone else wants to ask. No? I will take it again then, please do.

Deputy G.P. Southern:

In simple terms, full support, yes or no? Simple as that.

Deputy R.G. Bryans:

I think the Deputy is always looking for simple answers to simple questions and of course it is far more complex than he would assume. We are attempting to, on all fronts, address the situations that arise within the early years of our children on this Island and from various positions, whether it is the Minister for Social Security or whether it is the Minister for Home Affairs, all of us are focused on making sure that the well-being of our children and the education of our children is paramount. The reason for bringing this report in the first place was to make it public, hence the reason it sits within our government website. So I am looking at that report, I am not cherry-picking, I am taking the detail of it and I am making sure it is written into our policy as we move forward.

4.5.6 Deputy L.M.C. Doublet:

Is there anything in the report that the Minister disagrees with?

Deputy R.G. Bryans:

Fundamentally no. I think there are some elements of it that we would have to restructure in terms of what we do and give reconsideration and the problem exists around the budgetary matters that were described in an earlier question. So once we can strip away the Treasury content of what we have to do and work within our own parameters, the whole report for me talks about the well-being and the structure in which we put our early years together. I think that is important and it gets my support.

4.5.7 Deputy L.M.C. Doublet:

Supplementary please. Does the Minister agree then that in the next term - the next political term - we need to divert more funding to education so that we can fund the things in this report, which the Minister clearly agrees with?

Deputy R.G. Bryans:

I cannot obviously say what will happen in the next term of office for whichever Minister stands for Education, but I think it is clear from all of these reports that we have. I think there is a quantum shift now in terms of right across our government in terms of how we view the future of the childhood of this Island. It has come through, not just the sort of stuff that we have been producing with the Early Years Childhood Partnership, but also with the Care Abuse Inquiry, it has given the focus, and the Deputy herself has put some focus on that in requesting that every time we make a decision within the Council of Ministers we put the child at the forefront of that, we do it within Education; I am sure the other Ministers around me do it when they are making the same decisions, so hopefully in the future term there will be more money given to early years, but I think it is already beginning to produce that in effect.

4.5.8 Deputy J.M. Maçon:

The rationale for bringing the proposal in the first place was that the Nursery Education Fund would not be able to accommodate any new entrants into the use of the fund. Can the Minister update the

Assembly whether this is still the case and, if it is, does the Minister have the budget from the Minister for Treasury and Resources in order to support further additions into the Nursery Education Fund?

Deputy R.G. Bryans:

If I just outline, the discussions about fee levels and conditions of the Nursery Education Fund will take place in February and a new contract will be set up at the beginning of March, this is the *modus operandi* in which we deal with nursery education funding. Private nurseries will have until the end of the month to sign and return if they want to take part in the scheme and parents will be made aware of that. But it does leave us, without no doubt, and I have just articulated this before, with a budget pressure and that is what are our considerations at the moment. So it is expected that we will have to absorb some of the savings from other areas of the service and that is for me as a Minister extremely difficult, but we are working on it and we will produce an equitable result.

[10:45]

4.6 Deputy S.Y. Mézec of the Minister for External Relations regarding the criteria to be used in determining how E.U. legislation would be brought into domestic legislation under the Draft European Union (Repeal and Amendment) (Jersey) Law 201-: [OQ.23/2018]

What criteria will the Minister be using to determine which E.U. laws will be brought into domestic legislation directly by the Council of Ministers, and which will be brought by the full Assembly according to the proposed provisions in the Draft European Union (Repeal and Amendment) (Jersey) Law?

Senator P.M. Bailhache (The Minister for External Relations):

The European Union (Repeal and Amendment) (Jersey) Law, which perhaps I can refer to by its acronym E.U.R.A.L., does essentially 2 things as its title implies. First it repeals the European Union (Jersey) Law 1973 and the European Economic Area Law of 1995; and secondly it amends the European Union Legislation (Implementation) (Jersey) Law of 2014. The short answer to the Deputy's question is that no E.U. laws will be brought into domestic legislation by the Council of Ministers. The draft law will create a framework whereby relevant E.U. laws can be brought into effect by regulations passed by the States Assembly. Those regulations could - but this will be a matter for discussion at a later stage - empower Ministers to make orders to the extent that the States Assembly thinks fit. The only powers conferred by E.U.R.A.L. on the Minister for External Relations are powers by order to amend the definition of E.U. treaties, and secondly to make the commencement order; but in both cases only with the approval of the Council of Ministers.

4.6.1 Deputy S.Y. Mézec:

A supplementary. The reason that I ask this question is because of course there have been concerns raised in the U.K. with their repeal law and worries that it puts too much power in the hands of Government Ministers and taking power out of Parliament. I just want to be sure that will not be the case in Jersey. Would the Minister agree with me that the assumption should be that upon the U.K. leaving the European Union as much of that work as possible should be done by the Assembly entirely, and when things are reserved for Ministerial Order that should be in exceptional cases rather than the rule?

Senator P.M. Bailhache:

Yes, I would agree with the Deputy. I think that is entirely the right principle. The United Kingdom has adopted a different way of dealing with the exiting from the European Union because there is such a huge mass of legislation that applies and has built up over a period of 40 years, that the only way in which the U.K. can deal with this is to move the whole of their body of E.U. law into United Kingdom law and then to allow either Parliament or Ministers to amend those provisions as the Government thinks fit. We have adopted a different approach and the approach that we have adopted

is that it will be for the States Assembly to decide to what extent European Union law, which currently applies in the Island, should be re-enacted. That re-enactment will be done by regulations and it may be that in the fullness of time it will be regarded as sensible to confer delegated powers on Ministers to do minor modifications in the context of those regulations passed by the States Assembly. But in substance I accept the statement made by the Deputy.

4.6.2 Senator P.F.C. Ozouf:

I wonder if the Minister would clarify whether or not there is a scenario in which the effect or the ability of E.U.R.A.L. could be that legislation that is not passed by the United Kingdom Parliament but is legislation in the E.U., would mean that we would be effectively departing from the arrangements that we have that we are normally at the same point with similar arrangements to the U.K. What I am really getting at is: is this opening up the possibility of Jersey asserting - dare I use the word - a slightly more independent approach to legislation in future, almost through this E.U.R.A.L. law - which I am somewhat concerned about because I thought that the higher arrangement was with the United Kingdom and not with the European Union?

Senator P.M. Bailhache:

I think the Senator's concerns are misplaced. Jersey's relationship with the European Union is different from the United Kingdom's relationship with the European Union. The U.K. is inside the E.U.; Jersey is basically outside the E.U. What will happen in the future is an unwritten story. We know that some of the arrangements that are in place in relation to Protocol 3 and our current relationship with the European Union ought, in the interests of Jersey, to be replicated. I do not know but it is very likely that the United Kingdom will want to do something similar. But we have to look at matters from the point of view of what is in Jersey's interests. If it is in Jersey's interests for the purposes, for example, of exporting fish to France that we have certain regulations with European Union regulations then that is what we should do. But these are all matters to be considered in due course, having regard to the subject matter under consideration.

4.6.3 Senator P.F.C. Ozouf:

I fully accept what the Minister is saying but, nevertheless, the effect of this option ... the Minister said that the future Assembly would have the ability - and I accept what he is saying, that this Assembly will decide - but effectively when the Minister says the Assembly will have the option, that could be an option under somewhat of duress. Because the European Union will know that we have the ability to enact European legislation, and I am sure that he would agree that there have been some difficult discussions about Jersey in the European Union. The fact that this ability will be there to enact European legislation through this mechanism, which might be different from that which will apply to the U.K., is that not putting us in a potentially vulnerable position that we will have to do "this" in order to get "that" to get off a blacklist. Has he given consideration to that? Because effectively this is probably a departure opportunity for Jersey not to be tucked-in close under the United Kingdom, and that situation concerns me because it could be used detrimentally. We could be effectively threatened.

Senator P.M. Bailhache:

I do not think I can accept those concerns of the Senator. In essence nothing is changing because under the European Union Legislation (Implementation) Law of 2014 we have at the present time the ability by regulations to bring into force any European Union law that we think is in the interests of Jersey. We have done that and we are going to do it again in the context of - I am not sure I am using the right word - digital information, in order to ensure the free flow of electronic information between Jersey and the European Union we have to ensure that our regulatory position is consonant with that of the European Union. The Assembly will very shortly be asked to consider such

legislation. But that is the current position and the E.U.R.A.L. law will simply replicate that state of affairs and give the Assembly the opportunity to do whatever is necessary in Jersey's interest.

4.6.4 Deputy G.P. Southern:

Does the Minister agree that the argument in the U.K. appears to be, as he said, between the powers of Parliament to amend particular moves, or Ministers to do that amendment? Is it the case that our mechanism will avoid that battle between Parliament and Ministers, or not? Secondly, is it not the case that this is very subjective as he used the word "minor" amendments; the fact is that if we give powers to Ministers to change things by order which do not come before the States and therefore we are blind to by and large, we cannot do anything about, the level at which it is risky is not the level of the regulations but the level of the orders which in some cases are very all encompassing, are quite major elements. It is about the definition of what constitutes "minor". So there are 2 issues there: do we avoid the battle between Parliament and Minister; and secondly, the real risks are surely in the judgment of ministers as to what constitutes minor. We could be letting ourselves into giving Ministers carte blanche to do what they wish.

Senator P.M. Bailhache:

In relation to the first issue, I think the Deputy is correct, and indeed the policy view taken by the Government was that we should avoid the controversy into which the United Kingdom had entered by having this conflict between what should be done by Parliament and what should be done by Ministers. That conflict has been avoided because Ministers will only be in power to do things which the States Assembly itself has authorised them to do. Now, I used the word "minor" and the Deputy is perhaps right that the meaning of that word is in the eye of the beholder. But I think that will be a matter for the Assembly in due course. I am quite sure there will be some matters which it will be sensible - let us use that word "sensible" - to delegate to Ministers so that there is no gap between the coming into force of some necessary piece of legislation, because we have to go through the whole procedure of regulations, which is much more time consuming than the making of an order. But that will be a matter for the Assembly in due course.

4.6.5 Deputy G.P. Southern:

Does the Minister not consider that on such a major issue, which will affect the way in which we run our Island and our international relations for the foreseeable future, that we must take very great care that we do not in fact sign over powers through orders to Ministers without in-depth analysis of what passing a regulation and giving such power would mean?

Senator P.M. Bailhache:

I agree that the question of delegation to Ministers would have to be carefully considered.

4.6.6 Senator P.F.C. Ozouf:

My concerns are not that of the Reform Party in relation to trying to suggest that there is some sort of Henry VIII clause arrangement here. That is not my concern. My concern is the Minister's answer that effectively this E.U.R.A.L. legislation, as it is to be known, replaces the E.U. Implementation Law, which effectively was a fast-track... an ability for Jersey to pass E.U. legislation on to Jersey's statute book almost as a fast-track while the United Kingdom was part of the European Union. Now, what he is effectively saying - and I wish to just press this point - is that the United Kingdom is leaving the European Union: it is leaving. The data protection issue is in this transitional period but this law is going to be in place after the U.K. has left the E.U. Therefore, this gives an ability to fast-track E.U. legislation from a club in which our sovereign power is effectively left. So the situation is different and surely we might as well have a E.U.R.A.L, U.S. or Asia legislation ...

The Deputy Bailiff:

I think you do have to focus on the question.

Senator P.F.C. Ozouf:

Yes, okay. The fact is the world has changed and we are still effectively allowing a fast-track for a club that our superior sovereign state is no longer a member of, and I find that quite a worrying situation for the pressure that could be brought upon us to comply.

[11:00]

The Deputy Bailiff:

I am still not sure I have understood the question.

Senator P.F.C. Ozouf:

The question is that legislation was brought in while the United Kingdom was part of the European Union. The U.K. is no longer going to be part of the European Union so why are we having legislation ...

The Deputy Bailiff:

So, why is the legislation necessary given the change of ...

Senator P.F.C. Ozouf:

Why do we need a permissive clause to fast-track an E.U. legislation to which our sovereign power is no longer a member of that club?

The Deputy Bailiff:

Very well, that is the question then, Senator.

Senator P.M. Bailhache:

I think the Senator is under the misapprehension that the United Kingdom, in leaving the European Union, is going to detach itself absolutely, entirely and completely from European Union rules and regulations. I am absolutely sure that that is not going to be the case. Data protection is not a transitional matter. Data protection is something that is going to go on for some considerable time because I find it very difficult to envisage a situation where Jersey data should not be able to pass freely to and from the European Union. The United Kingdom will be in exactly the same position. The United Kingdom will, I have absolutely no doubt, procure that so far as flows of data are concerned it is possible for data to flow freely between the European Union and the United Kingdom. So I do not see any difficulty in this. It will be a matter for debate perhaps when the E.U.R.A.L. law comes up for debate before the Assembly and the Senator can no doubt raise these issues again at that time. But I think his concerns are entirely misplaced.

4.6.7 Deputy S.Y. Mézec:

I am just wondering at this stage how much of the E.U.R.A.L. law is premature given that the situation with the U.K. leaving the European Union is completely unclear at this point, beyond what colour the passports are going to be. We do not know what arrangement that will be for a transitional deal, and if the European Union will want any continued relationship with the U.K.'s overseas territories and Crown Dependencies in some form, either the same as what we have now or slightly altered in that transition period; to then change again when that transition period is over. So I am just asking how much of this law deals with what needs to be set in stone right now that will not change in future, and is there going to need to be a greater deal of flexibility to cope with the fact that transitional arrangements may not be what we anticipate them being, the final deal may not be what we anticipate it being.

Senator P.M. Bailhache:

None of this law is premature. It is all absolutely necessary, as was explained when we had a debate in this Assembly on the question of whether legislation was required to repeal the 1973 European Union Law. The E.U.R.A.L. law creates a framework; it does not actually do anything, it creates a framework and it gives powers to the States Assembly to make regulations and, to a limited extent, it gives powers to the Minister for External Relations to make orders, as I explained in answer to the Deputy at the beginning. But the law is a very important preparatory piece of legislation which will confer power on the States to move in whatever way it is required to move. The Deputy is quite right, we do not know what is going to happen, but we have to have the power to adapt our legislation and to react to the decisions taken by the United Kingdom and by the European Union. The E.U.R.A.L. law does exactly that.

4.7 Deputy G.P. Southern of the Minister for the Environment regarding the development of housing within the area covered by the North of Town Masterplan; [OQ.19/2018]

Will the Minister inform Members of the breakdown by site of the total number of units of accommodation that it is proposed will be developed by private or social housing providers on the area covered by the North of Town Masterplan, including the area around Millennium Town Park?

Deputy S.G. Luce of St. Martin (The Minister for the Environment):

The North of Town Masterplan was approved by this Assembly in 2011. It seeks to encourage the regeneration of the north of St. Helier through the redevelopment of a number of key sites to provide a significant number of new homes. Since the beginning of 2011 the following sites have secured planning permission in the North of Town Masterplan area for the development of those new homes, some of which are under construction or have been completed and others are yet to commence: Ann Court, 165 units; the former store Ann Street Brewery, 15; former Jersey College for Girls site, 183; former play.com, 169; the East Wing, Hotel de France, 51; the J.S.P.C.A. (Jersey Society for the Prevention of Cruelty to Animals) site, 12; the site at Gas Place, 241; Robin Hood Junction area, 5; Scope Furnishing, 31; and other small scale conversions and other schemes, 84. This amounts to a total of 956 new homes, although the Jersey Gas site figure may decrease as a result of the recent States decision to reduce the number of new homes to 105 and to extend the Town Park. That would bring the number to 820.

4.7.1 Deputy G.P. Southern:

Does the Minister not consider that far from being regeneration, whatever that may mean, this looks awfully like packing units of accommodation into town and this is not conducive, particularly to good quality of life for town dwellers? Would he predict where we are likely to see this packing people into St. Helier will develop next?

The Deputy of St. Martin:

The North of Town Masterplan was adopted before I became a politician but Deputy Southern voted in favour of it. The sites were identified; there were others on the list which I have not mentioned this morning. It is an excellent document because it not only talks about new units it talks about the public realm, it talks about public spaces, and it talks about creating pedestrian improvement for both use on foot and bicycling. If we are not happy with this plan moving forward we should change it, but certainly thus far it is delivering exactly what it says on the tin. I can only add that by increasing the standards that we build all our new units to, and creating amenity space to go with those units as part of those standards can only make the quality of life better. I appreciate where the Deputy is coming from, this is a large number of units. But we are doing our best to create better ambience in town, certainly it would have been more useful if people had voted more in favour of the

infrastructure levy and I would have had more money. But certainly the North of Town Masterplan does envisage greater green areas, greater amenity spaces and children's play areas. I could say only specifically in the area of Ann Street and Ann Court, where the most recent plans have been passed and a new pedestrian park area will be created outside the Art Centre.

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

Given that possibly there could be nearly 1,000 units in this very small area, and even if we just estimate 2 persons living in each unit, can the Minister tell me, the 2,000 people, does he know what they look like, how many children they have, how many discussions he has even had with Education, Infrastructure? After they have squeezed the 2,000 people in, in the 1,000 units, where are all these lovely elements going to be put, these open spaces, these play areas? Can I see the plan? Where are the discussions with the other Ministers? Please can the Minister assure me this has happened? Where are these children going to school? One answer at least please.

The Deputy of St. Martin:

The Deputy asked for one answer; I do not know that I can give it in one answer. The North of Town Masterplan is exactly what it says on the tin. It is developed in conjunction with the rest of the Assembly; certainly Ministers around the Council of Ministers' table are aware. I know there are going to be challenges but regardless of where these people live there will be challenges. If we are creating nearly 1,000 new homes I have to accept there will be 2,000-plus people living in those units. But when it comes to green and amenity space, the Assembly made the decision to extend the Town Park, I have just cited the new amenity area, Ann Court, Phillips Street, but there are also plans in Belmont Gardens, in Nelson Street Car Park, around Springfield. Moving forward we know those areas will improve, and certainly I hope Members will know through the work that I am doing with the Future St. Helier group, it is my intention to make a lot more of the town streets and lanes into much more pedestrian friendly areas. I want the walk to work to be enjoyable, something that people look forward to, and not a challenge fighting your way between the traffic. We can do so much more in our town to make it green, attractive, with play areas, places where people enjoy living. Certainly that is my intention.

4.7.3 Deputy J.A. Martin:

A supplementary, Sir. I said one answer, I will stick to education. Can the Minister assure us that the town schools and St. Saviour schools will not have 3 to 4 form entries in the Parish? Outer-lying Parishes are getting smaller and smaller. Has he spoken to Education? Where will these children go to school?

The Deputy of St. Martin:

The education facilities will be provided by the Education Department. If a need is arising I am sure they will respond. I cannot say I have spoken specifically to the Minister for Education on that issue, but it will be clear as these developments take place that more requirement is needed and Education will respond. If necessary we will have to build more.

4.7.4 Deputy M. Tadier:

In other words a silo mentality is alive and well in the ministerial Government. Can the Minister tell us about population density, what it was in this area before the Town Park was built and what it is likely to be if and after the proposals go through?

The Deputy of St. Martin:

I cannot, but I will endeavour to find out and let the Deputy know.

4.7.5 Deputy G.P. Southern:

Would the Minister agree to publish to Members the list of all the public space amenities, including the areas for children to play, that are scheduled to be fitted in this particular area in the future so that we can rest assured that what he says will be delivered in terms of town amenity? Particularly, will he now talk to the Minister for Education and seek that information of where these children are going to be taught?

The Deputy of St. Martin:

The last request from the Deputy, I can certainly give the guarantee that I will talk to the Minister for Education in the extremely near future about the facilities for children who may or may not live in these units. We cannot expect that every one of them will have children in, but I do accept that there certainly will be an additional number of children that will move into some of these units. As regards the children's amenity space, I can provide the Deputy and Members with sites that currently exist and sites that are planned; but it certainly would be my hope in the future that more sites will become available as monies and funds become available to develop them. As I said, the North of Town Masterplan already accepts that in the Wesley Chapel site, Ann Street, which I have spoken about, Minden Place, Belmont Gardens, Nelson Street Car Park and Springfield will all have amenity spaces developed. But I cannot guarantee that anything is going to happen in the future because these decisions have not been taken. I can only assure Members that I am working towards that and would very much hope to deliver them.

4.8 Deputy M. Tadier of the Minister for Home Affairs regarding the transportation of prescribed medicinal cannabis products: [OQ.21/2018]

What provisions currently exist or will be made available for individuals with the relevant prescription to transport medicinal cannabis products in and out of Jersey?

Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):

As I have stated in previous answers to questions on this topic, officers on the Misuse of Drugs Advisory Council who are taking this matter forward are reporting directly to the Minister for Health and Social Services. As the Deputy will be aware, the only such product permitted for use in Jersey is Sativex, which is a licensed medicine and can be carried by individuals on their person when travelling to or from Jersey under the provisions of the Misuse of Drugs Open General Licence for the importation and exportation of controlled drugs. Otherwise, there are no provisions to allow for the import or export of cannabis-based products into or out of the Island. As the Minister for Health and Social Services indicated during the last sitting, however, discussions have taken place with potential suppliers of cannabis-based products and some products have been identified for approval for us in Jersey.

[11:15]

I understand that it is the intention for an amendment to be made to the Misuse of Drugs (Jersey) Law 1978 to allow individuals with the relevant prescription or licence to be able to import or export approved products to or from Jersey under the Misuse of Drugs Open General Licence for the importation or exportation of controlled drugs. Any individual licence issued following an application by a prescribing doctor in Jersey would only cover importation and exportation to and from the Island. It would not be authorisation to import or export from any other country. Accordingly, it is important to note that possession in and transport through other jurisdictions will be a matter for those jurisdictions and subject to their own legislation, which is obviously beyond our control. Members will also wish to note that the proposed changes would not cover importation by post of the individuals in possession of a licence which need to physically and personally travel with the appropriate amount of their prescribed product, as is consistent with the arrangements for other

prescriptions for controlled drugs. I hope this assists the Deputy, although I must again stress that it is not a matter for which I have ministerial responsibility.

4.8.1 Deputy M. Tadier:

I really do despair at the length of time that this is taking to bring in. I meet people who are suffering with various acute pain conditions and they say to me: “When will I be able to get these cannabis products?” I have to say: “I am afraid you cannot, the only one you can get at the moment is Sativex and that is probably not right for you.” Will the Minister clarify; at the moment it is possible for any doctor to prescribe cannabis, if they want it, to a patient. That patient can go to somewhere like Holland and buy it or have it prescribed, or they can go to other jurisdictions, but they cannot bring it back to the Island, even if they have a prescription saying it is for specific medical use. Is that the case and what date will that change?

The Deputy of St. Peter:

As I stated in my initial response, this is really a matter of ministerial responsibility for the Minister for Health and Social Services, but I do totally understand that it is very difficult for a person who is living in pain on a day-to-day basis. Just yesterday I spoke to such an individual who explained to me what it is that they are wishing to see in terms of a government solution. Sadly, although I have endeavoured to take this up with the Minister for Health and Social Services, what is being desired by certain members of the public in this realm are just not within the bounds of what is possible at the moment as we stand.

4.8.2 Deputy M. Tadier:

Does the Minister for Home Affairs agree with me that first of all this is a job for joined-up Government and there needs to be one single position from Ministers, including herself and the Minister for Health and Social Services; and that in fact it is very simple, we first of all allow products such as Tilray and Bedrocan on the permitted list? Secondly, we allow G.P.s (General Practitioners) to prescribe these products, and thirdly, we allow pharmacies to dispense these products. That is what needs to happen and it should not be any more complicated than that. We need to give these people certainty of a particular date from which these products will be available. Will she endeavour to work on that basis and convince the Minister for Health and Social Services that that is the way forward?

The Deputy of St. Peter:

I think in relation to the products that the Deputy has just described, the Minister for Health and Social Services did make a significant announcement at the last sitting and that was indeed a step forward. I am not sure what progress has been made by his department but I am sure they are working on this in an expedient fashion. You will not find any greater support of joined-up Government than myself, but sometimes on very difficult issues that are a matter of great change in our society and community it does take some considerable consultation with not only Members and Ministers, but also members of the public as well.

5. Questions to Ministers without notice - The Minister for Education

The Deputy Bailiff:

Very well, that ends the period of questions with notice, we now come to questions to Ministers without notice and the first question period is for the Minister for Education.

5.1 Deputy J.A. Hilton of St. Helier:

The Minister has previously indicated a report would be available in January 2018, which would provide details of the budget available for Pupil Premium, also outlining the outcomes achieved from utilising the Pupil Premium. Can the Minister advise when this report will be available?

Deputy R.G. Bryans (The Minister for Education):

Yes, we are just collating the information as I speak and, like I say, we have had a pilot last year relating to the ... it is the Jersey Premium rather than the Pupil Premium, which is what we have adopted here in Jersey. We have now had a full year going around and it is just at this point of time we are collating the information. We have now identified 3,069 students who are eligible for extra help through this scheme, and this now extends from nursery to year 13. It is also due to a change in criteria because we realised that some people that needed help were not being included under the original scheme. It is only just coming to the end of its full year so we will be fine-tuning it as we go along. We are reviewing it, as I say, at the moment and more information will be displayed on the school websites explaining the projects they have undertaken and informing parents and Members of the Assembly what it is we have achieved during that period of time.

5.1.1 Deputy J.A. Hilton:

A supplementary, please. The Minister gave a commitment to finding additional funding for looked after children, whether he was thinking that it would come out of the Jersey Premium, I do not know, but that was as couple of months ago. Can he tell Members whether he has found a way of how he is going to provide that additional income for looked after children?

Deputy R.G. Bryans:

Thank you to the Deputy; it is a very good question. It is part of what we are trying to review at this point in time, how successful we have been in relation to what the Jersey Premium has addressed in terms of its scope and the projects that we have been working on with individuals in the schools and the schools themselves. Part of that review is to look at that funding and see if we can identify how effective we have been in that area.

5.2 Deputy G.P. Southern:

When does the Minister expect to have identified a stream of funding for the higher education bill, and - although he cannot bind the hands of a subsequent Minister for Education - will he leave a plan which is concrete, that people can have some faith in around their decision to go to university or not?

Deputy R.G. Bryans:

The Minister for Treasury and Resources and I have been meeting of late to finalise the final proposition that we will bring to this Assembly regarding higher education. Members will be aware we have just had a consultation which took place during the 5 weeks from 11th December to 12th January. All of that information is now up on the web and we are looking at those responses and reacting to them. If I could just give a couple of flavours of what the responses were, which is in context with what the Deputy is asking me. Several key themes emerged: the plan was too generous and should not help very high income families, the £150,000 household income threshold for reduced grant was too high, more parents and students felt a university education was now possible, comments for and against requiring students to return to Jersey, comments for and against limiting the type of degree that could be funded, concerns about funding and a possible rise in income tax to pay for this. We have had detailed discussions, both our Finance Department with Treasury, to resolve the issue that we think is paramount. To give some support to what the Deputy is asking me, I would hope that by the time we come to this Assembly with this proposition they will clearly see that we have supported the funding mechanism for it - and the Minister for Treasury and Resources is working hard to do that - and that in the future there will be a clear route through to providing the best education and greater opportunities to students who are hoping for higher education on this Island.

5.2.1 Deputy G.P. Southern:

What research has the Minister done along with the Minister for Treasury and Resources over the possibility of compelling or inducing students to return to the Island as part of the decision to grant funding?

Deputy R.G. Bryans:

We have been looking at it right the way along the line since we started to deal with higher education funding. In particular I think the Deputy may be aware I run a pan-Island meeting with the Isle of Man and Guernsey to look at the same situation to see what they have done, and also we look to the U.K. and various other places around the world to see how they have addressed this problem. Guernsey, in particular, have a way of rewarding students to the tune of about £100, I think it is, to keep the contact together. We are now looking at redesigning our forms, we are looking at redesigning the way in which we articulate the offering that we are going to propose, and hopefully that will generate a greater understanding of what happens when students return.

Deputy G.P. Southern:

A supplementary, if I may, sir?

The Deputy Bailiff:

Well, that was a supplementary. Let me call on others and if you need to you can come back if we have time.

5.3 Deputy L.M.C. Doublet:

The Minister has previously stated that he does not see a need for alternative types of school provision, for example Montessori schools or nurseries. Is this still the Minister's view or has he become aware of a growing public need for these types of alternative schools, as I have become aware? If he is aware, has he any intention to make these kinds of education available in the States sector?

Deputy R.G. Bryans:

I am not aware in the same context that the Deputy is aware of a growing need for this difference in schools, but I can inform the Assembly that we have been contacted by 3 different private enterprises, one of which is considering a Montessori school on the Island. I think that really is the place where these alternative education facilities are best placed, the private sector. We are helping them in every way that we can realise their dreams and ambitions, because we think it is important that there is an offering. I understand the Deputy's background relates particularly to primary schools and it is in that area that we have seen the greatest interest. So I have seen interest growing, but not to the extent that the Deputy has, and I think it is being addressed by the private sector but not within the state schools.

5.3.1 Deputy L.M.C. Doublet:

The Minister refers to the private enterprise setting of these alternative schools, but does the Minister feel that parents who cannot afford private schooling for their children have enough choice in the type of education that they can send their children to?

Deputy R.G. Bryans:

I think we are sort of demeaning what the offerings are within relation to the offering in our own education system. It is of the highest order. Over the length of term in my office, both as an Assistant Minister and Minister, I have had the privilege of going into our schools and seeing the quality teaching - I am sure the Deputy has herself, I know she was a teacher at one of our primary schools - the high level of teaching, and accommodation for children within our education sector. I have every

confidence that any child reaching a point at the age of 4, getting into the reception classes, going through into the early years of our primary schools, are being extremely well accommodated for. I cannot see at this point in time the need to change that perspective.

5.4 Deputy S.Y. Mézec:

Returning to higher education funding; could the Minister explain whether or not he is prepared to rule out supporting any funding mechanism for the increased higher education grants, which comes from the rest of the Education Department and could risk seeing a reduction in the level of service provided in other areas of his department?

Deputy R.G. Bryans:

These are very heartfelt discussions that we are having within Education at the moment, as I think I indicated before. Budgetary pressures are on all of us, every Minister, with regard to how we have to perform. Obviously we have to make sure that we are covering all the aspects of our education as we move forward so it is paramount to me that we make sure ... and I am very gifted in having a really professional department who understands not just what we are trying to produce in terms of an education, whether it is education here on the Island or whether it is for higher education, and access and availability; but making sure that we have got the right monies going to the right hand at the right time. So I am confident that when we reach a solution it will be not to the detriment of anywhere else but we are under pressure, without doubt, and those discussions are taking place.

5.4.1 Deputy S.Y. Mézec:

Perhaps if we could just get a clearer and more concise answer than that. Is the Minister prepared to rule out personally supporting any funding mechanism which comes from other areas of his department?

Deputy R.G. Bryans:

Could the Deputy be more specific?

Deputy S.Y. Mézec:

I am not sure how I can get more specific than that, I think that is fairly clear. The question is: the higher education grants are - if the proposition from the Council of Ministers is to be accepted - going to increase which is going to cost a significant amount of money which has not been budgeted for beyond 2019 at this point. It is millions and millions of pounds, not a small amount of money. That is going to have to come from somewhere. Is the Minister for Education prepared to rule out supporting any funding mechanism where that extra money for the higher education grants will be taken away from other elements in his department, other services that are provided? Will he exclusively only support a proposal which is new money which will not detriment any part of the service that his department provides?

[11:30]

Deputy R.G. Bryans:

I cannot rule anything out at this point in time and in particular I think it is public knowledge that one of the funding mechanisms for this situation that we find ourselves in with regard to funding the higher education, is from our underspend. That in itself - because we work on a different year basis than financial year - provides us with some problems. But we have to play our part in the way in which these things are funded, and we will do so.

5.5 Deputy J.A. Hilton:

Following on from my earlier question, the reason I asked about the funding stream for looked after children is because there is evidence to show that some foster parents are financing additional

learning for their foster children because they recognise that the child, by the very nature of the background that some of these children come from, is behind. So the reason I ask that question is because the Jersey Premium was put in place to directly help those children that needed the additional help. So really from the Minister for a commitment that those foster parents who, in conjunction with their teachers, feel that the children would benefit from additional educational needs, that the Minister for Education is going to put that funding in place for those looked after children.

Deputy R.G. Bryans:

It was interesting, when I was preparing for this I was looking at all the various aspects in which I may get asked about in particular. Jersey Premium is always one that pops up and I am always excited to learn about it because it gives me access to the various heads and teachers who are working in this area. I can relate to the story, I understand completely where the Deputy is going and I can say now I think from the progress that we have made opening up the education system and working very closely with both the Minister for Social Security and with fostering parents. The dialogue between us is far greater than we would have had in the past. I asked a head just yesterday was there an individual case that she could give me access to, without naming names and stuff, that would illustrate how these things are being addressed. She said yes, there is one particular individual child who was having one-to-one reading progress and had moved from one level 8 to a level 20, that is up 12 levels. Just to put context on that, most children move up 4 levels every year. What this has had - and going back to the point you were making, Deputy Hilton - is not just an effect on the child but an effect on the family. For the first time the family are seeing this child suddenly being in a very successful situation. I do not know that the child is a foster child, I would have to say, but it was a similar question that I asked the head at the time. This has had a profound effect on the family as well, so the Jersey Premium does not just sit with the child, it sits with the children around the child, it sits with the family and it sits with the school. As far as I am aware - and the reports have come back - it has been hugely successful.

5.5.1 Deputy J.A. Hilton:

I still do not think I have received the assurance that I am looking for that foster children will be treated as a special case. I know all children are special but some of them come from very deprived backgrounds and I feel that as a Government we should throw as many education resources ...

The Deputy Bailiff:

Deputy, you will have to ask a very quick question because we are almost out of time.

Deputy J.A. Hilton:

I am looking for a timescale.

Deputy R.G. Bryans:

I will take the Deputy's considerations on. I would be very happy to go back and look at the situation with regard to fostering. No problem at all.

6. Questions to Ministers without notice - The Minister for Economic Development, Tourism, Sport and Culture

The Deputy Bailiff:

That does bring the time allocated for questions to this Minister to an end. The next period is for the Minister for Economic Development, Tourism, Sport and Culture.

6.1 Deputy K.C. Lewis of St. Saviour:

One of our 2 major hubs on the Island, Elizabeth Terminal, has been without a restaurant for over 5 years now. I am aware that other agencies are involved but can the Minister update the Assembly exactly what the problem is and when we can expect to see a new restaurant there?

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

I do agree with the Deputy; it is simply not good enough. I have recently asked the C.E.O. (Chief Executive Officer) of Ports of Jersey for an update and have received assurances it is receiving high attention. I cannot give any more details than that at the moment because I do not have them, but I am on the case and I will keep the Assembly as informed as best I can.

6.2 Deputy M. Tadier:

Will the Minister give us an update and remind us first of all how long La Folie Inn has been not used and what are the plans to get it back in use?

Senator L.J. Farnham:

I cannot give an exact update, although I do miss it; I used to be a regular visitor there many, many years ago and I feel like nipping down there now for a quick one if it were open. But this is a matter for Ports of Jersey and the relationship on that lies with the Treasury, but I will urge the Treasury team to pick up on that one and provide the relevant information or I can make some inquiries.

6.2.1 Deputy M. Tadier:

So pubs are now a matter for Ports of Jersey, whether pubs are open or not, or restored, are a matter for Ports of Jersey, not for the Minister for Economic Development. This is clearly the position we have got ourselves into in Jersey. Would the Minister take a proactive step and say to Ports of Jersey: "We have got this piece of prime cultural estate in our portfolio; can we put it out to tender for people who would like to run a pub?"

Senator L.J. Farnham:

The development of the area surrounding La Folie, which has, in my opinion, great commercial potential, is one that has been debated now for far too long. I agree with that, but I cannot do everything. I think the Minister for Treasury and Resources can signify he is listening with a simple nod of the head. Or maybe not. [Laughter]

6.3 Deputy S.M. Brée of St. Clement:

I am wondering whether the Minister can advise how many aircraft are currently listed on the Jersey Aircraft Registry, and what the total costs of establishing, maintaining and running such a registry has been to date.

Senator L.J. Farnham:

As I currently understand it, there are 2 aircraft registered. The total cost since the very beginning, if we go right back to the very conception of the aircraft registry, is something over £800,000. The Deputy knows that because we have discussed that at Scrutiny and in this Assembly. But I am pleased to say that in actual fact today there is a meeting being conducted with my department, Ports of Jersey, and third parties, and I believe we are close to announcing a solution which will enable the registry to further grow and develop and lead us ahead.

6.3.1 Deputy S.M. Brée:

Considering that the Jersey Aircraft Registry was established formally in about November 2015, I would like to ask the Minister whether he feels 2 aircraft - if it is that figure, and he seems unsure - but 2 aircraft and a total spend of just under £1 million is wise and prudent use of taxpayers' money.

Senator L.J. Farnham:

Well, as I have explained to the Deputy before on more than one occasion, it is a significant amount of taxpayers' money that has been invested into the aircraft registry. But this is not, and never was it expected to be, an overnight, quick return on our money. This is something ...

Deputy M. Tadier:

He has certainly succeeded in that.

Senator L.J. Farnham:

I absolutely agree. It is not for a quick return on money, and that is why I and my ministerial team are reluctant ... I am not listening, I am just talking over them so I can carry on, that is quite all right.

The Deputy Bailiff:

If you could just take down the background noise a little bit because even I am having difficulty hearing the Minister and I am quite close.

Senator L.J. Farnham:

It is important, whether we like it or not this money has been invested in the aircraft registry and my department is determined to ensure that there is a long-term future for the aircraft registry, and that is what we are aiming to achieve.

6.4 The Connétable of St. John:

I recently travelled from Southampton to Jersey on a single airfare. The cost initially was £144, which I regarded as extortionate, but when I typed in my address as Jersey on the booking form the ticket price went up to £201. Does the Minister agree that this is an unacceptable approach by a monopoly service?

Senator L.J. Farnham:

Yes, I do think that is an extortionate amount of money to pay for a one-way ticket from the U.K. to Jersey. As Members would expect, I have kept a very close rapport with the airlines and shipping companies, especially during the inclement weather conditions over the Christmas period, but notwithstanding that I have been concerned not only about fares but about the levels of service being offered, particularly by Flybe and Blue Island between Jersey and the U.K. I would like to reassure the Constable and Members that I am monitoring this closely with Ports of Jersey and I have meetings being arranged with Blue Island and Flybe to discuss the situation.

6.4.1 The Connétable of St. John:

This monopoly airline also runs to Guernsey where we have seen a significant drop in transport between the islands. We have also seen a very poor level of service; a significant number of their flights are delayed for what is termed "operational reasons", which I personally take as being management incompetence. Would he please examine this and ensure that this Island gets a better service or find an alternative airline?

Senator L.J. Farnham:

This might be helpful but from the period 1st November to 22nd January Blue Island, which operate the Flybe franchise exclusively on the routes to London City, to Bristol, they share it with Flybe on Southampton and inter-island, have cancelled 40 flights and there have been delays on 369 flights during that period due to technical reasons. Some of those are due to poor weather conditions. I do not consider that to be good enough and I have asked for meetings with the airlines to discuss it. Of course it is not for me, nor do I have the powers to replace airlines or look for new airlines. I support these airlines, we have to support them. Having been critical of Flybe and Blue Island, they are

extremely important carriers for the Channel Islands and we must support them and help them to get things right.

6.5 Deputy G.P. Southern:

I was in conversation with a member of the public the other day and he mentioned the Boys' Brigade, of which he was very enthusiastic, and had wondered whether that was still in limbo. Their facility needs a refurb at the very least, or replacement in fact, and I wonder where on the Minister's agenda the Boys' Brigade facility is, if it all. If it is not on his agenda where is it, and when can we expect to see some action on this particular issue?

Senator L.J. Farnham:

Which organisation does he exactly mean?

The Deputy Bailiff:

It was the Sea Cadets.

Senator L.J. Farnham:

If I am honest, it is not currently on our agenda at E.D.T.S.C. (Economic Development, Tourism, Sport and Culture) although I would be prepared to meet with representatives of the organisation to discuss their requirements. We would be pleased to help out where we could but, no, it is not in our agenda.

6.5.1 Deputy G.P. Southern:

Does he have any idea on whose agenda it might be in order that he can make the right inquiries as to getting something moving?

Senator L.J. Farnham:

I believe the Constable of St. John is championing the cause of the Sea Cadets and I would be happy to have a conversation with him about that.

Deputy G.P. Southern:

If I may, the Constable of St. John has no ministerial responsibility.

The Deputy Bailiff:

Well I think the question was who has political responsibility, if you are aware of anyone for this.

Senator L.J. Farnham:

I am not sure if there is any particular department that has political responsibility for the Sea Cadets ... sorry, I beg your pardon.

[11:45]

Connétable S.W. Pallett of St. Brelade:

As the Constable of St. John knows, I have been assisting in that from a ministerial point of view and I apologise to the Minister, I thought he had been briefed on this but clearly he has not, and I will brief him.

6.6 Deputy L.M.C. Doublet:

I want to ask the Minister about economic development initiatives. Does he agree that part of perhaps the Innovation Fund or the Economic Development Fund - I am not exactly sure what it is called - should be made available as small amounts of seed funding, for example to stay at home parents, the unemployed, people that have business ideas so that they can establish small businesses in the Island.

Senator L.J. Farnham:

I think that is an excellent idea but we do not have a fund that could fulfil that function at present. We have the Tourism Development Fund which is just about depleted of funds, and there is a live application, I believe, to the Economic Growth and Productivity Drawdown Provision to replenish that, and we have the rural initiative scheme. Outside of that there are few States funding options for something like that. But it is a good idea and that is something that does need further discussion, but I doubt we can do anything in this Government.

6.6.1 Deputy L.M.C. Doublet:

Is there scope to alter the terms of reference of the Innovation Fund or to perhaps allow that?

Senator L.J. Farnham:

I do not think that even the terms of the Innovation Fund would allow for that type of funding.

6.7 Connétable S.A. Le Sueur-Rennard of St. Saviour:

We were told a little while ago that the inter-island service was going to go out to tender, and we have now been informed that quite a few of those who tender for the routes between the islands have now pulled out. Can we know where we stand at this moment in time please?

Senator L.J. Farnham:

I thank the Connétable for the question. The headlines in the paper were slightly inaccurate insofar as the 2 companies mentioned did not pull out, they did not submit tenders in the first place. They did express an interest but they did not go to the tender process. I am pleased to inform Members that the tender process was completed on 18th January. My Assistant Ministers and I have approved a recommendation made by the tendering body, we are just waiting for Guernsey to confirm as well and then we will be making an announcement as to who the successful tenderer was. I can say that we are all very pleased with the outcome and quite excited at the opportunities it will bring.

6.8 Deputy R. Labey of St. Helier:

Do we know what sort of price it will cost to go on the inter-island ferry?

Senator L.J. Farnham:

I do, but I do not feel I am at liberty to announce that just at the moment until the process is completely finished. But I can say that I think even Deputy Labey will be pleased with the result.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

7. The Chairman of the Privileges and Procedures Committee - statement regarding the Referendum Commission

The Deputy Bailiff:

I am afraid that brings us to the end of time for questions to this Minister. There is nothing under J. Under Statements on a Matter of Official Responsibility I have received notification of 2 statements, only one I think is on the Order Paper. The first will be made by the chairman of the Privileges and Procedures Committee, and I have also received notice of a statement to be made by the chairman of the Education and Home Affairs Scrutiny Panel, which I hope has been circulated to Members in the Assembly. But the first statement will be from the chairman of the Privileges and Procedures Committee.

7.1 Connétable L. Norman of St. Clement (Chairman, Privileges and Procedures Committee):

I would like to provide Members with a further update on the work of the Referendum Commission. I have received a letter from the chairman of the Commission and am circulating it alongside this statement in order that Members can see first-hand what the Commission has most recently reported to P.P.C. (Privileges and Procedures Committee). Members will recall that I made a statement in December on the early work of the Commission and, in particular, the Commission's initial views as to the timing of the referendum on the Bailiff's role as President of the States. I advised Members at that time that they might need to prepare themselves for the fact that a referendum alongside the elections in May 2018 may not be practical. It is apparent that this is indeed the case and that, from a practical perspective, the referendum cannot be held in May 2018; it will not now be possible to meet the requirements of the Referendum Law and of Standing Orders to allow it to happen. Members will note, however, that the Commission has also given consideration to the principle of whether the referendum should be held at the same time as an election. The Commission's reasoning is explained in the Chairman's letter. The Commission's view is that, as a matter of principle, the referendum before us should not be held at the same time as the election, even if it were practically feasible. From the Commission's perspective, the referendum on the Bailiff's presidency of this Assembly is of such importance and complexity that it merits being held on a stand-alone basis. The Commission itself has not suggested a date when the referendum could, therefore, be held. This is a matter which the Privileges and Procedures Committee will, therefore, consider. I have stressed to the Commission, however, that this Assembly should be given the opportunity to debate the Referendum Act; and the Commission is working to that timetable. P.P.C., therefore, intends to lodge the Referendum Act by 13th March 2018 in order to allow for a debate at the last meeting on 10th April 2018. It will be through the Referendum Act that the Assembly will agree both the date of the referendum and the wording of the question to be used. The Commission is working on the wording at present. As Members can see from the letter, the Commission is holding focus groups to seek external views and advice. This will help the Commission to test understanding of the issues involved in the referendum question and to finalise its advice to P.P.C. on what the wording should be. On the basis of the Commission's letter, I would expect P.P.C. to receive the Commission's advice in early March. As I mentioned in my last statement to the Assembly, there is other work to be done alongside that of the Commission and the lodging of the Referendum Act. Work has also started on the development of the necessary legislative changes that would be required if the Bailiff ceased to be president of the Assembly. P.P.C. will continue to correspond with the Referendum Commission and I undertake to update Members still further as and when further information is forthcoming.

The Deputy Bailiff:

Very well, there is now a period of 15 minutes within which questions can be asked of the Chairman.

7.1.1 Deputy J.M. Maçon:

Having been the chairman of P.P.C. before I appreciate the difficult position that role often entails. But can I ask the chairman whether he shares my concern that if a referendum is held outside of a general election that the voter participation will be low and, therefore, any result that is given will lack a validity?

The Connétable of St. Clement:

Clearly, I do not know what the turnout will be at the referendum but I suspect the Deputy may be right; it would be lower than it would be at a general election. But the reasons for having it at a different time - only the practical ones - but the reasons are set out by the Commission chairman in his letter. But whatever the turnout is it will not lack validity. What will happen is the people who are interested and want their views known on this matter will vote, those who have no interest and do not mind what happens will not vote. The States have made a decision that the Bailiff will no

longer be president of the States from early next year and if that is endorsed by the referendum that is what will happen.

7.1.2 Deputy M. Tadier:

Will the referendum question be likely to mirror the words just spoken by the chairman, that the public are asked to endorse the decision of the States that the Bailiff should no longer be president of the Assembly?

The Connétable of St. Clement:

The Commission will be advising P.P.C. on the wording of the referendum following their focus groups. It is something which has got to be clear, understandable, not leading. So the actual wording will be a recommendation from the Commission, which will be given to my committee, which will bring a proposition in the Referendum Act to the States.

7.1.3 Deputy M. Tadier:

Of course there will be an opportunity for amendments to be lodged by any Member of this Assembly to the Referendum Act and to the subsequent question. Does the Chairman envisage or indeed believe that there might be scope in thinking about whether the wider recommendations of the Clothier Report are also to be put to the public?

The Connétable of St. Clement:

Not in this referendum. The States have made a decision on what the subject of the referendum should be. The States have been given the opportunity in the past of voting on the Clothier proposal, they have declined that opportunity. The important thing is that we get on with the referendum on the subject which the States have decided they wish to have.

7.1.4 Deputy M. Tadier:

So ultimately there is a risk of course that even though the Referendum Act will be brought to the current Assembly, it will be for any future Assembly to decide whether they want to maintain that referendum, especially in the light of any changes in the membership of this Assembly. Therefore, ultimately the decision about whether or not a referendum is held at all will be for a future Assembly; is not the understanding of the chairman?

The Connétable of St. Clement:

Yes, that is clearly a matter of fact. Any new Assembly can overturn the decision of this Assembly.

7.1.5 Deputy M. Tadier:

On that basis, does the chairman believe that it might be better not to bring the Referendum Act and to leave it in the hands of the new Assembly to see what the steer is at the general election and the feeling of the new Members, in order to save time and energy from this Assembly? Clearly it is a moot point but it is an option which was considered or might still be considered by the chairman and his committee.

The Connétable of St. Clement:

That clearly is a matter for the States. We have got to remember, even if we are looking for an autumn referendum - because we have decided that the change of the presidency of this Assembly will take place at the beginning of 2019 - it is important that if there is going to be a referendum that it takes place in the autumn. We need a 3-month lead-in between the date of approving the Referendum Act and the referendum itself, and a further 4 weeks gap between lodging the Referendum Act and debating it. Therefore, if it is going to be in the autumn it has either got to be the last meeting of this Assembly that it decides on the referendum question, or the first or second

sitting of the new Assembly decides. Whichever way is not absolutely ideal, but nevertheless the States have made the decision and we have really got to move on with it. Whether the States want to debate the Referendum Act in this Assembly will be totally up to States Members.

7.1.6 Deputy M. Tadier:

Is it the understanding of the chairman that the current position is that the States Assembly has made an in principle decision to remove the Bailiff and that we are seeking the public to endorse that decision through a referendum, or that the Assembly has only made a decision based on the fact that it should go to a referendum first and if the public decide that they want it then we will reconsider the position on that? It is relevant, I think, in how it will be presented to the public.

The Connétable of St. Helier:

I think the matter is quite clear. The States debated the proposition. I have not got the proposition in front of me but the proposition said effectively that the Bailiff will no longer be President of this Assembly from January or February 2019 and the States will elect its own speaker from either within or without the Assembly. But those 2 paragraphs will have no effect if a referendum votes against that proposition. So the States has made the decision - yes, they have made the decision - but it is subject to the approval of the people in a referendum.

Connétable Len Norman
Chairman, Privileges and Procedures Committee
Morier House
St. Helier
Jersey
JE1 1DD

24th January 2018

Dear Chairman

Referendum Commission

I write further to our meeting on 9th January 2018 to update you on the work of the Referendum Commission. The Commission met subsequently on 19th January 2018 and noted your intention to make a statement to the States Assembly on 30th January 2018. As with our previous update to you, I confirm that we would be content for this letter to be circulated to members at the time of your statement, if that were helpful.

In my last letter to you, I set out the Commission's view that it was unlikely we could do a thorough job in meeting its responsibilities under the Referendum (Jersey) Law 2017 if the prospective referendum on the Bailiff's role as President of the States were to be held at the same time as the elections of May 2018. We have noted that, in the statement you subsequently made to the Assembly on 11th December 2017, you advised that members might therefore need to prepare themselves for the fact that a referendum in May 2018 would not be practical.

From that practical perspective, the challenges of holding the referendum at the same time as the elections have not dissipated and, indeed, it would now seem to be impractical for it to be held then, given the provisions of the Law. Nevertheless, the Commission has also given much consideration to whether, as a matter of principle, the referendum before us should be held at the same time as an election.

In considering that principle, the Commission has taken into account the Code of Good Practice on Referendums, as prepared by the European Commission for Democracy through Law (more commonly known as the Venice Commission). We have also sought guidance as to the approach taken by the Electoral Commission in the U.K. on matters such as this.

It is apparent that there is no hard-and-fast rule as to whether or not referendums should be held at the same time as elections. Different jurisdictions take different approaches and different approaches are sometimes taken within the same jurisdiction depending on the subject matter of the referendum. What is clear from our inquiries is that there needs to be clarity for those taking part in a referendum as to what they are voting on. It is also apparent that there are risks from holding a referendum at the same time as an election, in that the issues of both can merge and become confused – thereby reducing the possibility of that clarity for participants which is so important. Ultimately, if an issue is of such importance and complexity that it merits a referendum being held separately from an election, then that is what should happen. It is our view that the referendum on the Bailiff's Presidency of the States Assembly is of such importance and complexity.

Whilst raising this point of principle might be moot, given the impracticalities now of holding the referendum in May 2018, the Commission believes it is important for members to know that it adheres to that principle. Even if it were practically possible to hold the referendum at the time of the elections of May 2018, our recommendation would be not to do so; because the nature of the referendum before us means it merits being held separately.

We have not come to a view on when the referendum should therefore be held. We would be grateful for further guidance from, and discussion with, you and your Committee on that point. Indeed, the Commission would be grateful to correspond further with your Committee about the practicalities of holding the referendum, including the provision and circulation of information to the public. We are nevertheless moving ahead with our work, taking into account the advice you gave me when we met: that the current Assembly should be given the opportunity to debate the Referendum Act that would set the wording of the referendum question and the date on which the referendum will be held.

To that end, we have noted that the last meeting of the current Assembly will take place on 10th April 2018. Taking into account the four-week lodging period of a Referendum Act, the Act will need to be lodged by 13th March 2018. We are working to that timeline.

The first function given to us by the Referendum Law is to advise on the wording of the proposed referendum question. In that regard, and in line with intentions I set out in my previous letter, we have commissioned the holding of focus groups to consider matters surrounding the wording. We are conscious that some people may question why we should do this and not simply consider these matters by ourselves. We believe it important, however, to seek external advice and views on this subject. In the time available, we have decided that focus groups are the best way to do that. Such groups were commissioned in respect of the referendum arising from the work of Jersey's Electoral Commission; and such methods will allow the Commission to gain valuable insight of the understanding that the public has about the issues involved in the referendum before us. Focus groups will therefore be used to test that understanding; to test potential referendum questions; and to research factors that would encourage greater numbers (and a representative section) of voters to take part in the referendum.

In undertaking this work, we are mindful that the Assembly has not yet explicitly agreed the wording of the question (that will only happen with the adoption of the Referendum Act). However, we have taken as our starting point for this work the wording used in paragraph (3) of the Chief Minister's proposition, as amended, which was adopted by the Assembly.

We expect the focus groups to be held in early February and for the Commission to receive the resultant report by the end of February. We will subsequently provide the Committee with our view on the potential wording of the referendum question in order that the timescales I have set out can be met.

We remain grateful for your interest in, and support for, the Commission's work. We will continue to keep you and your Committee informed of our progress and we stand ready to address any questions which may arise.

Yours sincerely,



Mike Entwistle
Chairman, Referendum Commission

8. The Chairman of the Education and Home Affairs Scrutiny Panel - statement regarding access to information for the Student Finance Scrutiny Review

The Deputy Bailiff:

Very well. If no one wishes to ask another question we will move on to the statement by the newly elected Chairman of the Education and Home Affairs Scrutiny Panel.

8.1 Deputy J.M. Maçon (Chairman, Education and Home Affairs Scrutiny Panel):

As chairman of the Education and Home Affairs Scrutiny Panel I have written on behalf and with the endorsement of the panel to the Chief Minister to make a formal complaint in respect of a recent issue encountered while undertaking our review of the Student Finance Proposals. By way of background, the panel requested information relating to the options that were considered to address the student finance issue from the Treasury and Resources Department on 11th December 2017. Upon receipt of this information on 12th December, the panel forwarded it to its adviser, who was contracted to provide analysis of the preferred option in relation to the other options considered. Upon request of the adviser, our Scrutiny Officer approached the Treasury Department on 20th December 2017 to ascertain whether any further information existed regarding the options that were considered. At this time, officers from the department confirmed no further information existed. Our adviser subsequently proceeded to complete his report with, what he was certain, was all the information available. In the spirit of co-operation, the panel forwarded the completed adviser report to both the Treasury Department and Education Department to check for factual accuracy in advance of its publication.

[12:00]

Comments were received from both departments highlighting concerns about the adviser's report and the figures contained within. The panel subsequently received a document titled *Options for the Future of Student Finance* which was presented to the Council of Ministers from the Treasury and Resources Department to evidence these concerns. The document had not at any stage been sent to the panel despite a request for all information relating to the options being submitted on more than one occasion. This was subsequently sent to the panel's adviser and the panel has been informed that he must now rewrite a great deal of his report based on the information which, had it been received when initially requested, fundamentally changes the tone of his report. Both the adviser and the panel would like to express their total dissatisfaction that the information was not provided, when initially requested, as the adviser will now have to undertake further work on his report. The taxpayer will in turn incur additional and unnecessary cost. It is frankly unacceptable that the panel is not provided with all the information it requests and Scrutiny cannot perform its function on behalf of States Members and the public of the Island in such circumstances. The panel has not made this complaint lightly and views the seriousness of the matter so severe that it needs to be brought to the attention of the Assembly and therefore the public. The panel will of course continue to produce its evidence-based report and attempt to work with the departments, however, we hope Members will understand the difficulty the panel encounters when it is treated with such contempt. Thank you. **[Approbation]**

The Deputy Bailiff:

Very well. There is now a period of 15 minutes within which questions can be asked. Senator Ferguson.

8.1.1 Senator S.C. Ferguson:

Has the panel received a satisfactory explanation for this oversight?

Deputy J.M. Maçon:

Not at this time but I feel we might hear back quite soon, thank you.

8.1.2 Senator S.C. Ferguson:

Will this be referred to the Commissioner for Standards?

Deputy J.M. Maçon:

I believe at this time it is a breach of the ministerial code and therefore it is the Chief Minister who is the one to arbitrate in such matters.

8.1.3 Deputy K.C. Lewis:

Does the chairman not agree, in order for Scrutiny to perform its function when requested, a full and frank disclosure of all relevant information must be presented to Scrutiny in order to perform its function otherwise it is a complete and utter waste of time and money?

Deputy J.M. Maçon:

Yes, I echo those sentiments entirely, and it is within my statement, especially in the situation where we had alerted the departments that we were keen to consider these matters when they were being formulated. We do our best to perform the Scrutiny function on behalf of the public in this Assembly and we cannot do that if information is not provided to us and not provided to us in a timely manner.

8.1.4 Senator I.J. Gorst:

I did want to thank the new chairman for his statement and offer an unreserved apology. I have set a process in place. I will very shortly - hopefully this afternoon - have finally a letter giving some explanation to the chairman but I think the most important point is it was not provided, for which I personally apologise and I know that those departmental officials as well, apologise.

8.1.5 Deputy R. Labey:

I wonder if the new chairman could expand on what his adviser's view was on the situation.

Deputy J.M. Maçon:

Again, it will not be much of a surprise, of course, it will be about funding the numbers for the cost of the proposals. That report is in the process of being rewritten and we will publish it on the Scrutiny website for full transparency as is the norm.

8.1.5 Deputy R. Labey:

Supplementary. I should have been more clear; I meant what were his views on the fact that he did not get the information he or she required?

Deputy J.M. Maçon:

Obviously, as I said in the statement, extremely disappointed and frustrated that the information was not provided given that it was asked for on more than one occasion. It is simply not good enough especially considering the time sensitive nature of these particular proposals and Scrutiny has been trying its best to co-operate and work with departments.

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

Notwithstanding that the chairman has not yet had sight of the letter from the Chief Minister, who, in his opinion, is responsible ultimately for this oversight; is it the officers or is it the Ministers?

Deputy J.M. Maçon:

I thank the Constable for her question. Of course we do not expect the Ministers individually to be responsible for handing out information from the departments, that does lie with its officers. Nevertheless, the Ministers are politically responsible for their departments and therefore it is a case

of both. What we hope to hear in that letter is how the processes will be improved so that this does not happen again.

8.1.7 The Connétable of St. Lawrence:

Does the chairman believe that a period spent serving in Scrutiny before becoming a Minister would put paid to such oversights?

Deputy J.M. Maçon:

Thank you. I think if one compares how Ministers who have not sat on the Scrutiny process compared to those who have sat on the Scrutiny process, it certainly seems that a much better and conducive relationship is borne out of that previous experience so I would agree with the point the Constable makes.

8.1.8 Senator A.J.H. Maclean:

I would like to add my apology because it is the Treasury Department that has been mentioned in regard to the statement the new chairman has just made. I was away last week; I became aware of this issue yesterday and I agree with the chairman's comments that it is unacceptable. The chairman will be aware that when I attended a Scrutiny hearing on this matter I gave an undertaking that all information would be supplied to Scrutiny, which is the appropriate course of action to take, and indeed all information should have been supplied to the Scrutiny Panel. I do not know the reasons but I certainly intend to find out, together with the Chief Minister, and that information will be supplied both to the Scrutiny Panel and more broadly to the Assembly, which is appropriate. Something has clearly not operated as it should have done in this case and, as I have said, I apologise on behalf of the department for which I am responsible.

8.1.9 Senator S.C. Ferguson:

What difference did this lack of information make to the assessment of the proposals?

Deputy J.M. Maçon:

As I said in my statement, it altered the tone of the report in that the analysis provided by our adviser raised issues about the thoroughness of the processes that had been gone through within the departments, the accuracy of figures, the comparisons, *et cetera*, and therefore, in light of the new information that was received, it changed that. There are still some fundamental concerns which remain the same, but it certainly changed the tone of that adviser's report.

8.1.10 Deputy S.M. Wickenden:

Can I ask the chairman what the additional cost has been by this mistake?

Deputy J.M. Maçon:

I thank the Deputy for that question. I do not have those figures to hand but I will find them out as soon as possible. Of course, what I can advise the Assembly is that because the adviser, that we had contracted previously, came back to work for Scrutiny in an honorary capacity given his interest in the work. This delay, however, might change that situation but I would need to confirm that with the officers. I will let Members know that in time but originally we had had the adviser come back to work for the panel in an honorary capacity.

PUBLIC BUSINESS

9. Jersey Electricity plc.: referral of stand-by charges to the Channel Islands Competition and Regulatory Authorities (P.88/2017) - as amended

The Deputy Bailiff:

Very well. If that concludes questions to the Chairman then we will move on to Public Business. The first item of Public Business is the Jersey Electricity plc.: referral of stand-by charges to the Channel Islands Competition and Regulatory Authorities, lodged by the Deputy of Grouville. Deputy, there is an amendment in your name, do you wish the proposition to be taken as amended?

Deputy C.F. Labey of Grouville:

Yes, please, Sir.

The Deputy Bailiff:

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

The Deputy Greffier of the States:

The States are asked to decide whether they are of the opinion (a) to request the Minister for Treasury and Resources, as shareholder representative, to request Jersey Electricity plc. not to impose stand-by charges on commercial customers who generate their own power from 1st November 2017, until the opportunity has been provided to the Channel Islands Competition and Regulatory Authorities (C.I.C.R.A.) or another qualified body to undertake further research into the implications of this charge and to report on any findings to the States; (b) to request the Minister for Treasury and Resources to request C.I.C.R.A. or another qualified body to undertake research into the implications of such charges for the competitiveness of the market for the generation and supply of electricity in Jersey; (c) to request the Council of Ministers to bring forward the legislation required to permit C.I.C.R.A. to become the economic regulator of Jersey Electricity plc.; (d) to request the Council of Ministers to bring forward proposals to update the Electricity (Jersey) Law 1937 and thereby open up debate on locally-generated renewable electricity targets; and (e) to request the Minister for Economic Development, Tourism, Sport and Culture to bring forward an Action Plan setting out how he intends to exploit and facilitate the development of the renewable energy sector in Jersey as stated under Key Objective 3 in the Economic Development Department Business Plan of 2014.

9.1 The Deputy of Grouville:

I wish to start by clarifying the current situation since lodging my proposition last September. The work I have done with the Minister for the Environment has secured clauses (a) and (b) of my proposition and these are seemingly going ahead. The comments of the Council of Ministers received yesterday are very welcome. However, the Council of Ministers must not forget they cannot commit a future Minister to a project or some work. We shall also be in purdah when the J.E.C. (Jersey Electricity Company) propose to bring in their charge on 1st May, which is why it is important to have the backing of the States Assembly today and that is another 39 Members. Likewise, with clauses (d) and (e), asking for review of the 1937 Electricity Law and an action plan from the Minister for Economic Development to set out how we are going to exploit and facilitate renewable energy and the renewable energy sector. I want this to happen and if it is not completed in this term of office, which the writing of the law will not be, then I want it to continue in the next, and as much as I would like the current Minister for the Environment to continue his work I need the backing of the Assembly to ensure it happens. We, in the States Assembly, are the sovereign body and Ministers, I feel, sometimes forget that. I shall start my speech. Here we are, Jersey, in the middle of the sea, surrounded by huge tidal movements, constant wind, and Jersey, the sunniest place in Great Britain. So what are we, in Jersey, with our 62 per cent shareholding in Jersey Electricity, doing to harness, facilitate and exploit some of this power? Absolutely nothing. In fact it is worse than that, we are allowing the J.E.C. to actively discourage locally generated power. I have been concerned for some time now that energy, let alone renewable energy, has not featured on anyone's agenda. Just trying to find out who is responsible for the various clauses of my proposition was difficult enough. What

is more concerning though is that it has not appeared to be a priority for Ministers with the now notable exception of the Minister for the Environment, and I am very grateful he has taken the lead on this. After the Minister for Treasury and Resources deferred this debate last October I discovered that there are 5 Ministers and Assistant Ministers responsible for electricity in this Island, who all hurriedly met a few days after my proposition was deferred. Basically they decided that they would set to work on some of the aims I was originally asking for and a scoping document was drawn up for the review of the stand-by charges. Energy gets very little focus in this Assembly and rarely features on Ministers' agendas when I believe it should be given a priority. Energy underpins every aspect of our daily lives. It underpins business, our transport, our environment, our cost of living and the general success of our Island. I am sorry to shock Sarah Ferguson but climate change is real.

[12:15]

The Deputy Bailiff:

Deputy, you have to refer to any Member by their official title, that is Senator Ferguson.

The Deputy of Grouville:

Sorry, Sir. I am sorry to shock Senator Ferguson but climate change is real and it is here. Renewables and sustainable energy is the future and if you do not believe me ask your grandchildren. Renewable energy is promoted by governments and even sometimes actively supported as in the case of south western Australia. Their government recently invested 1 billion Australian dollars in solar power. Recent investments, new technologies and greater usage means the sector is enjoying significant cost reductions in solar and wind turbines. The world is experiencing a renewable energy revolution; or maybe I should say the rest of the world because that is not what we are experiencing in Jersey. In fact, we are about to see an active discouragement of renewables by the proposed introduction of a stand-by charge that the J.E.C. want to impose on 1st May on locally generated commercial renewable energy. From my questions with the Minister for Treasury and Resources, in this Assembly and to the J.E.C. last summer, I can see no evidence base for this charge. It appears to be infinitely adjustable, it may be applied on a case-by-case basis, and applying it to domestic users has not as yet been ruled out. But most importantly and what it will most certainly do is de-incentivise new generation and kill off fledgling local businesses in this sector. So unlike the rest of the world, post the Paris Climate Change Agreement, this stand-by charge will discourage meaningful investment in renewable technology in the Island. It is prejudicial against business, especially local business, and against a diversification within the sector. So do not let any States Member stand up at election time and claim they want to diversify the economy and vote against this. Reading the Council of Ministers' comments it seems that they have finally seen the writing on the wall and I am grateful to them for that. What a shame the Jersey Electricity Company has not, for they persist with pursuing this stand-by charge and the obscure almost embarrassing justification for its introduction, and that is the reason why we need to at least consider regulation. For the Jersey Electricity Company claims that the stand-by charge introduction is - and I quote from their accounts: "To protect low income groups." I ask Members to consider that if this is the reason for this charge, if it is really for the protection of the less well-off it is truly disappointing that this concern has not converted into lower prices for residents over the last few years because according to their latest annual report their profits in the energy division have increased from £3.2 million in 2013 to £11.7 million in 2017, which is a staggering increase. It also reveals the C.E.O.'s salary increasing by 55 per cent in the same time period. None of this indicates to me a concern for the poor. I must also ask why has Government failed to take a position on this issue; failed to encourage and support a diversification in renewables. Is it that Treasury are just grateful to bank the annual dividend cheque of £2.5 million, on the one hand, but turn a blind eye to the fact that we are paying over £8 million in annual electricity bills with the other? Why have Government, a 62 per cent shareholder, failed to secure a better buy-back tariff for industry while watching most of our glasshouse industries over the years go out of

business? That is not necessarily the fault of the current Government, it has been happening now for decades. But even now at the J.E.C.'s better buy-back tariff of 6.24 pence per unit, which the J.E.C. goes on to sell for over 14.5 pence per unit, which is hardly an incentive to invest, but still not satisfied with this huge profit margin the J.E.C. also want to impose a stand-by charge on top of that so they then have a mechanism to rack up the charge to ensure locally generated renewables remain unviable in Jersey. That is the reason why we need to at least consider the economic regulation, as I say, and I want to hear Members' views on this point. Jersey Electricity is a publicly-listed company. Their purpose now is to make profit and there is nothing wrong with that. But they make profit from a very advantageous position while enjoying monopoly status on both production and supply of electricity in Jersey. They have complete control of the grid. It surely cannot therefore be unreasonable to ask for some form of monitoring and oversight, if not regulation, to ensure residential customers receive electricity at a fair price and the local market is a fair trading place. Does it not occur to the Council of Ministers and the Minister for Treasury and Resources, because it certainly occurs to the J.E.C., that if we embrace renewables, if we have policies that encourage them, then rather than relying on 92 per cent of our electricity from France and all the price fluctuations we are going to endure in the future, the States will have less of a need to spend over £8 million in electric bills from one source? Simply put, our investment in renewables would mean our electric bills go down. But if we ever draw out of the grid we will be subject to a stand-by charge imposed by Jersey Electricity, which will be destined to go up and make those investments not worthwhile, and that is how they ... that is the nub of the issue but I am amazed that they are allowed to get away with it. Renewable investments should be encouraged but right now they are being actively discouraged. Government needs to adopt a position. An update of the 1937 law should help. It may very well be the case - and this is my own personal view - that we are better off selling our shares in Jersey Electricity but retaining 100 per cent ownership of the grid. But we need the debate, we need the research; we also need a vision. Just imagine how investment into local renewable energy and electric vehicle infrastructure would make Jersey more attractive, a clean tech finance centre; it would create jobs and spike a digital economy. These things could return more money to Treasury in time than that of the J.E.C. dividend if it worked correctly. What I am asking is not unreasonable, in my opinion, as it is increasingly concerning that we, as an Island, in the 21st century are happy for our electricity to be provided to us by an unregulated publicly-listed for-profit company with a monopoly on energy. I also think that introducing a charge on renewables at a time when the rest of the world is experiencing a revolution in renewable energies, which are becoming increasingly more economic, is something that needs to be investigated, if indeed not controlled. Jersey should be looking to diversify our electricity production and supply to protect us from price and currency fluctuations and to ensure that we, as an Island, receive the best deal possible for Islanders. I make my proposition.

The Deputy Bailiff:

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

9.1.1 The Deputy of St. Martin:

Can I start by thanking the Deputy of Grouville for bringing this matter to the Assembly today? I will be acting as rapporteur for this proposition as I have adopted the role in my capacity as chair of the Energy Executive which is the political oversight group for the delivery of the Energy Plan, the key part of my ministerial brief, but I do speak on behalf of the Council of Ministers. I am very familiar with the issues raised by the Deputy, they have also been on my radar as part of the complex delivery of that Energy Plan. It is very helpful to have them escalated here to the Assembly and I am grateful for this opportunity to discuss them today. I am sure that the Assembly will be pleased to hear that to address the specific issues raised in this proposition a ministerial working group supported by a senior officer group has already been formed to address the cross-cutting nature of the matters raised. Personally, I am very pleased that this is the case as it is complementary to the

work I am undertaking as part of the delivery of the Energy Plan. Since this proposition was first presented in October 2017, we have worked closely with the Deputy and the key stakeholders. We have made a lot of progress and I will go on to outline this to Members shortly. In fact, the Deputy's proposition leads to a programme of work which is now being planned and indeed initiated, and over the course of the next few months will answer many of the points she has raised. Members will have seen that the Council of Ministers' comments accept all parts of the proposition except part (c). We cannot accept part (c) at this point as it asks for the legislation to be brought forward that leads to the full economic regulation of Jersey Electricity by C.I.C.R.A., which is something we believe is not currently warranted. However, part (c) aside, we all share an understanding that Jersey needs secure, affordable and sustainable energy and that renewable energy has a part to play in that ambition. We also recognise that Government needs to ensure that the framework within which renewable energy is generated is fit for purpose; fair and transparent both for the generator but also for Jersey Electricity as the owners of, and investors in, our electricity infrastructure. With all this in mind I now turn to the proposition and its constituent parts. Parts (a) and (b) of the proposition refer to a stand-by charge. I do not propose to turn this debate into a technical discussion on the charge, or the rights and wrongs of it, but I would like Members to bear with me for a few moments as I give a quick outline of what is under discussion today. At the highest level, the stand-by charge is a tariff that Jersey Electricity has proposed imposing on the generators of embedded energy. These embedded generators also benefit from back-up electricity from the grid when they cannot generate enough electricity for their own use. Embedded generators are people who generate renewable electricity through, for example, solar panels. Typically they use an amount of the electricity they generate themselves. They might also export excess electricity into the electricity grid and in turn generators will also use electricity from Jersey Electricity when they cannot generate enough themselves; at night or perhaps when their generation is low, for example on a cloudy day. It might at first seem counterintuitive that Jersey Electricity are proposing a charge for someone who is generating and using their own electricity, however, as with most things, this is not quite as simple as that. Even when exporting energy out of their own system the embedded generator is using some grid services. These grid services have a cost to Jersey Electricity. As the supplier of last resort, Jersey Electricity provides extensive infrastructure to these generators as well as voltage and frequency stability services. Jersey Electricity must ensure that they have in place the back-up electricity to instantly be the supplier of last resort when embedded generators need power.

[12:30]

The more embedded generators there are, the more costs there are, although I accept that currently there is very little renewable energy in our grid. Jersey Electricity have looked at their existing tariffs, considered the matter carefully and they have calculated that the cost of these stand-by services is £3.25 per kilowatt hour peak per month. They have proposed charging the embedded generator this amount as they argue it is the embedded generator that is enjoying the value of the service that stand-by provides. However, some feel that this charge is too high and have questioned whether it is impacting the uptake of renewable energy when the Energy Plan would seem to advocate it. I am one of those people and I know that the Deputy of Grouville is another. The first part of this proposition asks that the calculations underpinning this potential charge are independently reviewed and we agree that this would be beneficial. We therefore began the process of appointing technical advisers in November last year. We have developed a scope for the advisers in full consultation with key stakeholders. We now have an active and open tender process underway to seek suitable, experienced, independent advisers to look at the charge and ensure that the charge is fair and reasonable. In assessing this we are seeking advice on whether the charge is justifiable on a commercial basis, whether the charge is equivalent to what a firm operating in a competitive market would set, and whether Jersey Electricity, in setting the stand-by tariff, is either taking factors into account that it should not or, alternatively, is not taking into account factors that it should if these

charges are to be deemed fair and reasonable. Jersey Electricity has agreed to share their operating model with the advisers, in confidence, and to assist their work. They have also agreed not to impose these charges until May when it is assumed the work will be completed and the implications are understood. This co-operation is welcomed and I am delighted they are working so productively with us. Therefore, we have no problem in accepting part (a), in fact we are well on the way to undertaking that review that the Deputy of Grouville has asked for. Moving to part (b) of the proposition, once the review is complete we will then have an independent view on Jersey Electricity's calculations and a value attributed to the cost of stand-by here in Jersey. The reviewers may conclude that £3.25 is too high a charge, too low a charge or just about right. We will also know if the charge should be imposed now or in the future when there is a higher proportion of renewable energy in the grid and the impacts of intermittency cause greater material costs to Jersey Electricity's system and network security. Whatever is concluded we will then want to consider the implications for the competitiveness of the market for the generation and supply of renewable electricity here in Jersey's energy system. Therefore, the work described in part (b) follows naturally from the tariff review in part (a). Government, in consultation with the stakeholders, will then need to decide its policy in respect of renewable energy. It will need to consider what policy levers might be needed to assist the uptake of renewable energy if the true price of stand-by is punitive to the embedded generator and makes renewable energy installation unaffordable. Government will also have to consider what, if any, assistance to the embedded generator is required both at today's prices and also those in the future as system prices continue to fall. I commit to carrying out this work with the cross-ministerial group as soon as the tariff review is completed. Once we know the level of the stand-by charge, its implications on the competitiveness of the renewable energy market and our own policy position, we can then assess if we need to directly help or not the local renewable energy sector. One way to do this is very sensibly suggested by the Deputy of Grouville in part (e) of her proposition, through the specific sector action plan. The Minister for Economic Development, Sport, Tourism and Culture has indicated he is happy to lead this work in due course and I welcome that commitment from him. Members will have noticed that I have skipped over parts (c) and (d), and I have done this deliberately as they are concerned with much wider issues of the framework within which Jersey Electricity operates. These 2 sections are more impactful than the narrower but nonetheless important subject of renewable energy charges. Turning now to part (d), in my position as chair of the Energy Executive I had already made a commitment to review the 1937 Electricity Law in my speech to the Chamber of Commerce in September 2017. The purpose of this review is to ensure that the Electricity Law is still fit for purpose and future-proofs the Island's energy aspirations now and as new technology and storage and distribution systems become commercially available and widespread. There is no doubt in my mind that Jersey Electricity provides well-priced low carbon electricity. Many forget that our electricity is a mixture of nuclear and about 30 per cent pure renewable hydroelectricity, which contributes significantly to the Island's carbon reduction strategy of reducing our carbon emissions by 80 per cent, on the 1990 base levels, by 2050. Nevertheless, the world is changing rapidly. Centralised electricity distribution systems that electricity companies have traditionally used globally are changing. The energy security achieved by decentralised systems is becoming more widespread and far cheaper, and if those systems harvest renewable energy then energy sustainability is also achieved. Our Electricity Law was written for a different time, 1937, and we need to help Jersey Electricity move into a new future where the law more adequately reflects the newer nature of energy systems. A review of the law is the way to do this and my department will lead a cross-department work stream to start this work from this summer. It is recognised that such a review is a significant piece of work, which will require careful scoping and planning and a multi-department approach agreed by all relevant Ministers. It will touch on many areas and the impacts must be carefully considered, quantified and consulted upon with all the relevant stakeholders before any final recommendations are brought before the States Assembly. With the breadth of the scope, the enormity of the subject of energy generally, and the vital

importance of power to our Island, I do not expect conclusions before the end of 2019. Albeit there are challenges and there will need to be careful deliberation and consultation, I do not want to shy away from this. As you will have seen, the Council of Ministers backs this work stream and recommends that part (d) of the proposition be accepted. So all that remains for me to discuss is part (c) of the proposition, and here, I am afraid, I cannot support the Deputy of Grouville's proposition which calls for the Council of Ministers to bring forward the legislation to permit C.I.C.R.A. to become the economic regulator of Jersey Electricity plc. I do not propose to get into any discussion today on the merits of C.I.C.R.A., the Island's competition regulator, nor do I propose to get into detailed discussion on the merits of sector-specific full economic regulation of the energy industry. All I will say at this stage is that I believe this part of the proposition jumps to a significant and far-reaching conclusion about regulation that today we do not have the necessary information to make a judgment upon. Economic regulation can be costly, it can also be ineffective and can be wide-ranging in its impacts. I believe it is a substantial step that should only be taken if the Island's Energy Plan aspirations cannot be achieved through an update and extension of the law supported by the appropriate policy levers. The review of the Electricity Law will explore many of these issues. It might lead to the conclusion that economic regulation for Jersey Electricity is required. Should the evidence lead towards this conclusion, an options appraisal and any supporting work will be carried out. Appropriate recommendations will then be brought to the Council of Ministers and the States Assembly. Although I am clear that today is too early to reach such a decision, please rest assured that I remain committed to understanding this issue thoroughly and will not shy away from challenging discussions if that is where the evidence takes us. With this in mind I urge Members to reject this part of the proposition while accepting all other parts. So, in conclusion, Sir, I accept parts (a), (b), (d) and (e) but reject (c) as a step too far at this stage. Thank you.

9.1.2 The Connétable of St. John:

I would like to start by saying the Jersey Electricity Co., in my opinion, is a very well-run business, it has served the Island very well over a significant number of years. The failure I have to say, in my opinion, is where the Government has failed to keep pace with changes in this world. The J.E.C. set up in 1937 is very different to what we have today. I have to declare an interest here in that in 1981, 1982, or thereabouts, when I started farming, I was looking into using methane gas given off from my manure heap on the dairy herd into electricity and a senior politician of the day, Senator Shenton, came, had a look and said: "This is fantastic, the Government should support it." Thirty-five years later we are still talking about whether that should happen. The issue here is that the Government currently has no real strategy on how to support and how to encourage or how to assist small businesses, large businesses or any business wishing to generate electricity. This can be done very simply from cow manure - methane from the cow manure; it can be done very simply with wind power; it can be done very simply with tidal power, very simply from water; there are numerous ways in which electricity, in small forms, can be generated around the Island and there is, at the moment, no encouragement from Government to do so. The real debate here is who and where the money for this encouragement should come from; should it be from the J.E.C. or should it be from Government. I believe that it is the Government's responsibility to come forward with the necessary encouragements to encourage electricity generation on this Island, and therefore to impose these barriers by the J.E.C. is unfair and unrealistic and should not take place. I have listened carefully to the Minister for the Environment, and I take heart with what he says and I am pleased steps are now finally in motion after some years. I am inclined to support what he says in that we should support the proposition with the exception of (c) because that, at the present moment, is possibly a step too far. But I urge Members to support this because this is an important matter and we must start generating some of our own energy here on the Island. Thank you.

The Deputy Bailiff:

It is now that time.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

The adjournment is proposed. Very well, the Assembly will stand adjourned until 2.15.

[12:44]

LUNCHEON ADJOURNMENT

[14:15]

The Deputy Bailiff:

I propose to create the opportunity for the newly elected chairman of the Scrutiny Panel to propose the members of his panel and deal with it immediately after this item of business, with the leave of the Assembly. Very well, we now continue to deal with the proposition P.88 of 2017. Does any other Member wish to speak? Senator Ferguson.

9.1.3 Senator S.C. Ferguson:

I have every sympathy for the Deputy of Grouville in wanting to encourage the use of renewable energy and I am very pleased to see that the proposition we have has been revised. But I think there are a few things I would like to clear up. The climate always changes. I have no problem with that, I want it to get warmer but I do not agree with the zealots of East Anglia University. I prefer the approach taken by Lord Lawson or the member of the Institution of Chartered Electrical Engineers who expressed their view of wind power with the following adaptation of one of the Christmas carols: "See amid the winter snow temperature is 10 below, with no power it's such a pain, wretched windmill's stopped again." For those who perhaps do not understand the finer points of meteorology, very often when it is very cold there is no wind. Anyway, I listened with interest to the Minister for the Environment. I am not aware of any chartered engineers in the Planning and Environment Department, especially power engineers, and I find it difficult to understand how his department will be able to advise on electricity generation by whatever means or method. As for the chairman of the Public Accounts Committee, also known as the Constable of St. John, surely the whole point is that if a procedure is commercially viable the Government will not have to subsidise it. It is just another charge on the population to add to all the other charges; I am sorry, I mean taxes. Surely the chairman of the P.A.C. (Public Accounts Committee) does not want to increase taxes on the population. Originally I was really quite concerned by the draconian moves proposed in the original proposition, which ignored the fact that any charges on whichever section of the customer base must be recovered from somewhere. This is a business quoted on the U.K. stock exchange and while the States is the majority shareholder, stock exchange rules for quoted companies may trump the wishes of States Members. I was also pleased to see that the Council of Ministers noted that if commercial customers are exempt from the charges then the charges would fall on every other consumer. I agree entirely with this comment since it is fine if you are a high net worth resident but how about everyone living in Le Marais flats or at The Cedars. This would result in what is a highly regressive tax being inflicted on the most vulnerable in society and it will be an extra tax on middle-Jersey, which I do not think any of us want. There are a number of technical points. There is the surge caused when the commercial businesses switch over to the grid because the sun has gone in or the wind has stopped blowing; that requires various failsafes. What happens when the solar panels are belting away generating more electricity than is needed during the summer? In Germany they have found that they have had to divert the surplus to other countries like Denmark, which have a joined-up grid, but where do we send it? Is there a reverse gear for the interconnection with France? I have checked and there is not anything particularly available. The power we take from France would be reduced but there will be extra equipment that is needed to cover this. It may have been a while since I was

working practically in the electrical engineering industry but before we start making rules I think we ought to check the practicalities. The problem that Germany has found with over-generation is instability in the grid with blackouts. Just the thing we need with our finance industry. In fact, Poland and the Czech Republic are building switching stations on their borders to block the surges of green energy which are destabilising their grids and causing blackouts. A classic example is South Australia which went terribly renewable and ended up with incredible power cuts during their summer. Under paragraph (b) I have no problem in looking at competitiveness of the market, in fact it would be very interesting to see what the actual cost per megawatt hour is. In the U.K. the subsidy per megawatt hour being demanded for offshore wind farms is up to £161. Hinkley Point: the last figure I was able to obtain it is about £92.50 per megawatt hour. The Swansea barrage is going to be well over £168 per megawatt hour and the current retail price of power being generated by your standard coal and gas power stations is around about £49 per megawatt hour. So all the renewable stuff is a great deal more expensive than the basic bog-standard gas-fired, coal-fired power stations. A couple of years ago the price per kilowatt hour in Germany to the consumer was 28 pence. For the U.S.A. (United States of America) it was 6 pence and in Jersey it was 14 pence. So, we do have to sort out what the figures are for Jersey. Food for thought: in the recent cold period in the U.S., the electricity supply came as follows: 45 megawatts from coal, 35 megawatts from nuclear, 25 megawatts from gas, and from renewables 3 megawatts. If they had not had fossil fuels they would have frozen to death. If you look at the U.K., on the recent coldest night of the year, coal was supplying 20 per cent of electricity and gas 50 per cent of electricity. As it said in my little bit of doggerel at the beginning, if it is very cold there is no wind and the days are very short, if the sun is even out. So, I think we must look at the pay-back period, for example, for solar panels. Paragraph (c): I wonder how much we can regulate a company listed on the U.K. stock exchange when we are the majority shareholder. I am sure there must be a rule about it somewhere, there usually is. Now, talking about the way we regulate prices, when I was at business school my finance professors used to disappear for 6 weeks every year to participate in hearings where the utilities argued with the authorities over what the increases in consumer prices would be. They would have long discussions about what the cost of capital was and what would be a reasonable return for that cost. Have we ever asked for this information from our utilities, I wonder? I would certainly like to have more information, as required under paragraph (b), before I could agree to (c) and I do have a problem with (d) and (e). I do wonder whether we have anyone who can give us an unbiased view on renewable electricity generation. As I have said, there are no engineers in the Environment Department, let alone electrical engineers, and there certainly are not in the suggested political oversight group so, I say to my colleagues: "You are not alone." Every politician in the world seems to have ignored the fact that renewables are not independently commercially viable at the moment. In fact, before we start an expensive programme looking at a renewable energy sector we must look at the financial information which we will find under paragraph (b) and then have an economic impact assessment. Do we really want to encourage a system in the Island which adds fuel poverty to the other charges which we are loading on our middle income residents? Does the Council of Ministers not realise that the only reason large landowners in the U.K. have wind farms is the excessive level of subsidies being paid to those landowners, and the take-up of solar panels on houses is only due to the large subsidies which have been paid in the past for the electricity supplied to the grid? There have been drops in the subsidies and this has decimated the number of wind farms being built and the number of solar panels being installed in the U.K. Despite what is said and what many may tell you, neither wind farms nor solar panels are yet commercially viable without subsidies. If the Deputy of Grouville can provide the figures which contradict this I will be delighted to see them. I am glad to see that the Minister for the Economic Development, Tourism, Sport and Culture Department has acknowledged the fact that he will need specialised external input. Given the complexities in the renewable industry, I suggest he needs to take great care. In fact, I would suggest that nothing is done until they have the research needed under (b) plus the economic impact assessment we need. I agree with the Deputy

that we need an energy plan but not for the same reasons. Monsieur Macron's Minister, I think it is for Energy, has said that he wants to have all the French nuclear power stations closed down by 2025. This will make a significant difference to the price charged by E.D.F. (Électricité de France) to the J.E.C. What are the alternatives? What is plan B? We need to know. Make no mistake, I would dearly love to have my own generator and solar panels but let us see the information gathered on the financial side under (b) before we expend large sums on researching renewables. If nothing else, I am grateful that the Deputy for Grouville has brought this proposition since genuine research under (b) will enable us to see just what we are paying for electricity, whether charges are excessive and how they compare to the other Crown Dependencies and to the U.K. In other words I am happy to support (a) and (b), for (c), (d) and (e) we need more of the information which we will get from (b). I will listen to the debate but I am disinclined to support (c), (d) and (e) without more information.

9.1.4 Deputy G.P. Southern:

It is always an interesting experience to hear Senator Ferguson trot through her usual routine on the absence of climate change in the world, and particularly interesting to hear her, yet again, quote Lord Lawson as the world's expert on energy matters. I was not aware - perhaps she knows better - whether he had achieved his science degree yet, I suspect not. A lot of what has just been said reflected the line taken by J.E.C., that these stand-by charges were to protect the lower earners in our society from exorbitant price rises on electricity. I note the letter that many of us have got from Sun Works C.I. (Channel Islands), recently set up or set up in the last few years to enable Islanders and visitors to use their premises to generate electricity and they made the general remark that although Jersey is the sunniest place in the British Isles you may have noticed that there is very little solar power here compared to almost anywhere else. That is about possibly the absence or the presence of incentives to convert into solar but that is a different argument altogether. But this argument that the J.E.C. and the Senator relied on was that this would save a burden on the lower paid.

[14:30]

The letter received from Sun Works has this to say on this topic: "The position taken by J.E. (Jersey Electricity) is that unless they levy this new charge, poor and vulnerable people in our society will have to pick up the bill for additional costs on energy infrastructure and that is unjustified. At such time as the level of renewable passes a certain threshold, then a conversation about the possible stand-by charge could more reasonably take place. If these proposed charges were in place, for example, on all current solar installations, they would raise less than £20,000 per year and this must be compared with the 2017 J.E. electricity sales of £80 million and a profit after tax of £10.6 million." The argument falls apart. This is pence, if that, fractions of a pence, on the average bill, so the argument that J.E. is making that this is to protect the poor and the vulnerable is a nonsense. It will make not one jot of difference to the profits being made and barely affect by fractions of a pence the bills that are going around. That as an answer to one of the central arguments of J.E. leaves me in the cold. Certainly, in talking to J.E. in the last week, they made special effort to talk about this new standing charge and I have been unimpressed by the argument. If those figures are anywhere near accurate, then their argument falls apart and I will be supporting, I believe, all 5 of these propositions.

9.1.5 Deputy S.M. Brée:

First off, I feel I should say that I fully support this proposition brought by the Deputy of Grouville and I support it for a number of reasons. I think we have to have the conversation about renewable energy. We have to have that debate. It is very important because there are commercial companies over here who are looking to invest themselves in some form of renewable energy, whether it be solar panels or other means. But we as a government of this Island have to give a clear message: do we wish to support a move towards renewable energy? Surely we do, because at the moment our energy source is bought from E.D.F. Now I think it is 90 ... **[Interruption]** 92 per cent, thank you very

much, 92 per cent of our power is bought from E.D.F. That is, in my view, not a good situation to be in because we are doing nothing to encourage a move towards renewable energy. We are sitting back and buying electricity from a third-party supplier. But I also think what this proposition does is, certainly in my mind, raise the very interesting question that Jersey Electricity plc is listed on the London Stock Exchange. Now according to the latest figures, 62 per cent of the company is owned by the States of Jersey, but that 62 per cent shareholding is not listed on the London Stock Exchange, it is what is called “unlisted”, so the remaining share issuance of 38 per cent is owned by external investors. Now, the problem is that the Jersey Electricity Company have certain duties that they have to give to their shareholders, which is to return a profit from which a dividend is paid. Now, if you look at the dividend that is being paid and compare it to other electricity companies, it is not that good, but they are still returning a dividend and that is to the 38 per cent owned by private investors. So, we have one electricity company, one utility company, that is running the grid and is determining the policies that they wish to bring in because the board of directors of this company are governed by the rules of the London Stock Exchange. The directors of the company under Jersey law are required to do what is in the best interests of the company, not its shareholders. So it does raise the question of should we be looking at our relationship as a government with the monopoly that is the Jersey Electricity Company? Because therein possibly lies the paradox and the problem. We want the Jersey Electricity Company to do certain things. We have an energy policy. We are looking to them to possibly bring in certain things, or not charge for certain things, but the problem we have is that we cannot direct them, we can only ask them, because we are not the 100 per cent shareholder. A majority shareholder cannot direct the board of directors of a company to act in a way that is detrimental to the minority shareholders. That is the rule of the London Stock Exchange. So I merely pose that question: is now the time if we are going to be investing in renewable energy projects and policies, if we are going to be looking at this, which I sincerely hope that every Member here supports that, perhaps now is the time to be looking at our relationship with the Jersey Electricity Company. We can buy back the shares if we want. That is an expensive option, but we need to look at these things and have the conversation: where are we going with our energy policy? Where do we want this Island to be in 10 years, 15 years, 20 years? Because now is the time to make that decision. If we avoid making it, we are going to have this problem time and time again. Therefore, I would urge all Members to support the Deputy of Grouville’s proposition. Thank you.

9.1.6 Deputy S.Y. Mézec:

I am not going to speak for too long, there are just a few points I want to make. I will be supporting the proposition, but I do think that there are certain things we should not lose sight of. The first point is that, in the grand scheme of things the Jersey Electricity Company, I think, is a very good company. It does provide an excellent service. I used to be a customer of a supplier when I lived in the U.K. that I did not have as good experiences dealing with that I do as a customer of the J.E.C. The cost that we pay for our electricity here is lower than, I believe, the U.K., Isle of Man and Guernsey and it is carbon-free electricity as well. I do not think it is right to be too, too harsh on the J.E.C. and we are all going to complain about whatever services we get. That is our right in a democracy, especially when it is something that is majority State-owned and there is certainly more that could be done. But I think the way that we go about achieving better results and getting more renewable energy in our market is by being positive about it and working with the J.E.C. to deliver on that. The other point I wanted to make is that it is really good to hear from States Members their support for renewable energy and I hope that, certainly in this election campaign coming up, that it is made an issue because it is a discussion that we ought to be having as an Island to talk about how we get to having more renewable energy. I personally would like to see us 100 per cent renewable by a set target date in the future. I am sorry to be negative here, but in the grand scheme of things, this is not that big an issue. The amount of commercial buildings that will be suitable for solar energy is not close to all of them. There will be many, simply because of the angles of the roofs, that will not be suitable for it.

It is not a charge that is applied to domestic properties either. There are much greater things that the focus should be on. So, by all means let us have this debate, let us get this passed, and let us do something positive. But if we are really serious about renewable energy, there are a lot bigger issues that we ought to be dealing with, and I sincerely hope that debate happens in future.

9.1.7 Deputy R. Labey:

I just wanted to get in, thank you, before the next Minister begins to speak and I believe the Minister for Treasury and Resources is about to. I just feel after the Minister for the Environment's very good speech which was very helpful, I just wondered if we could drill down into why C.I.C.R.A. would not be acceptable in the Council of Ministers' minds to do the work of a regulator because on the face of it, one might think that they would be a perfectly-appropriate body. It does seem when C.I.C.R.A. is mentioned in the Assembly it is a bit like somebody mentioning Voldemort and there is a change of atmosphere. **[Laughter]** I am not privy to any inside information but, should we know, what is it with C.I.C.R.A.? On a scale of one to 10 - one being the lowest, 10 being the highest - what is the Council of Ministers' confidence in the body and what is its state of health, and if there is something wrong, I think we should be told. Thank you.

9.1.8 Senator A.J.H. Maclean:

As the Minister for the Environment has already alluded to, he is the lead for the Council of Ministers in this area and made a very clear speech earlier on before lunch. I would just repeat the points that Members will be aware of from the Council of Ministers' comments and that is that Ministers are accepting (a), (b), (d) and (e) but not (c) which relates to regulation and I will come back, if I may, to that in a moment. I would just make a few brief comments on the elements of the proposition that the Deputy of Grouville has brought. She should, as others have said, be congratulated for raising this issue, and I made that point when asking Members to defer until the New Year. I am pleased that Members agreed with that because it has given an opportunity for Ministers to look at some detail at her proposals and that is why a number of them - all of them bar (c) - have been accepted. Just a few minor points. Under (a), of course this is not a new charge, it is an increase in a tariff. What I would just mention to Members is that Guernsey already has such a charge or tariff in place and, in fact, the charge is double that of the J.E.C. So, there are benchmarks elsewhere, but as we have already given an undertaking to, it is going to be reviewed. I would say that the J.E.C. did indeed get this matter independently assessed by external advisers before coming up with the proposed charge, but indeed that will still be the subject of the review which is about to commence, a review where the scope of the review has been issued, tenders have gone out, and the review is due for completion by the end of March. Under (b), this work follows tariffs review in (a) and, as I have said, Ministers are accepting that particular one, as indeed Ministers are accepting (d), which is the update of the 1937 Electricity Law. That was a commitment given some time ago back in September by the Minister for the Environment in a speech he gave to the Chamber of Commerce and of course the action plan in relation to renewable energy and this is an important debate that we need to give due consideration to. It is not, though, straightforward and I say that as somebody who drives an electric car, which I enjoy greatly, around the Island. It is a fully-electric car, but of course Members will be aware that it does not make me some form of environmental God because I realised very quickly that there are issues surrounding electric cars, for example, the batteries which have to be disposed of, and other matters; the electricity that goes into them. So these things are not necessarily that straightforward, but nevertheless we do need to continue to move forward and a commitment has been given to that effect. I think that is absolutely as it should be. That action plan on renewable energy will be worked on once the reviews have been completed. This is the important point, that the reviews that have been accepted and agreed to progress need to come first before the action plan can be undertaken, but also importantly before any further consideration can be given about regulation.

[14:45]

How can one commit to regulating before one has a full understanding of all the issues? Some of the points Senator Ferguson raised were particularly pertinent in that area. I would like to just spend a few moments on the issue of regulation. It is not straightforward at all and we have seen evidence in other Island jurisdictions as to the effect of regulation. Close at hand, Guernsey is a good example, a case in point perhaps. Guernsey Electricity has been regulated for the last 17 years. What has been the result, what has been the outcome of 17 years of regulation in Guernsey and what has been achieved by it? Well what we see in Guernsey is higher prices to consumers, we see lower grid reliability and higher carbon emissions. Furthermore, Guernsey Electricity is clearly under-invested in its infrastructure as a result. Regulation has been, and often is, particularly in small jurisdictions, a significant distraction to the management of the entities that are regulated and ultimately this feeds through in cost to consumers. Now that - and I am going to emphasise this as I make a few more points about regulation - is not a reason not to look at it. I think that is absolutely right, but we have to understand in a balanced way that there are downsides to regulation. It is not the panacea that solves all problems as we have seen with the experiences of Guernsey. In fact, it is interesting to note, probably not surprisingly, that the States of Guernsey have now themselves recognised the failings of regulation and they have decided to no longer regulate prices in the electricity market in Guernsey in the way that they have been. They have removed that requirement and they are following Jersey's approach, so perhaps we need to bear that in mind and I am sure, when the matter is reviewed, that will be the case. As a point, I would just say the cost of regulation in Guernsey was running at around about £250,000 a year and in Jersey of course, the Jersey Electricity Company is a very much more complex business with many more divisions. The estimated core cost of regulation would be around about £500,000, it is estimated, but when you include internal staffing costs, systems, processes, consultants, and all the other paraphernalia that goes with regulation, the cost could well rise to between £750,000 and £1 million, it is estimated. I would just ask that Members give due consideration to the fact that we need to make sure that we have an appropriate regulatory environment. Indeed, we have a Competition Law in place and we have the J.C.R.A. already carrying out functions there. We need to make certain that is functioning properly, and this is a matter I know the Chief Minister has commented on, and I am sure if he speaks in a moment, might wish to allude a little bit further to. I thank the Deputy of Grouville for amending her proposition to quite rightly take into consideration that the right body is asked to look at the work that is being requested, and that is an appropriate way forward. With regulation, it is clear that benefits should exceed the costs. Regulation is normally only considered to control costs and reduce prices, so I think it is important to just consider for a moment how our Jersey Electricity Company is performing. How is it operating for us and, in particular, for Islanders? Jersey Electricity prices are already some of the lowest in Europe: 15 per cent below the U.K. and around 20 per cent lower than they are in Guernsey. The Jersey Electricity network and infrastructure is one of the most reliable, 10 times ahead of the U.K. Another important issue to consider is the environmental credentials for Jersey Electricity and, I have to say, they are impressive. The Jersey Electricity grid has already been decarbonised and is one-tenth of the U.K. grid's carbon. I think this demonstrates more than anything else that we are fortunate to have a well-run electricity company of which we are the majority shareholder. Now, the Deputy of Grouville made some comments about taking back the grid. Well, of course, the Jersey Electricity Company is listed; that is not something that can happen unless we were of a mind to consider purchasing the outstanding shares from the current investors. The estimated cost of that would be close to £3 million and I am not sure that is a route we would want to quickly pursue, particularly when we have a company that is, by and large, operating in the interests of the Island in a very efficient way with low-cost electricity. I would urge Members, therefore, to reject (c) but accept, as the Council of Ministers have agreed, the other elements of the proposition brought by the Deputy of Grouville who, as I said at the beginning of my remarks, should rightly be congratulated for the work that she has done in raising this issue, particularly around matters of renewable energy

which are important, but need to be considered in a balanced, carefully thought-through way, which I believe will now happen as a result of the reviews that are being proposed and will be undertaken and completed in short order. Thank you.

Connétable J.E. Le Maistre of Grouville:

Could I ask a point of clarification, please?

The Deputy Bailiff:

Yes, indeed.

The Connétable of Grouville:

Did the Minister say that to buy the outstanding shares of the electricity company would be £3 million? It seems rather a low figure to me.

Senator A.J.H. Maclean:

I did, but I did not quite hear what the Constable said. Did he think it was a low figure or a high figure? But that is the figure that I did give.

9.1.9 Senator P.F.C. Ozouf:

I was listening just outside - I could not get in - to the speech of the Minister for Treasury and Resources. Having been the individual who has, like him, played poacher and gamekeeper in relation to utilities in the sense that we have discharged on behalf of this Assembly the responsibilities for the shareholder function and had oversight of the regulator, I think the Minister is absolutely correct in his advice to the Assembly that we should not be accepting the economic regulation of the electricity company. I say that because that is the only part of this proposition which I will disagree with. I wish to add my own remarks to those of others who have complimented the Deputy of Grouville on her work in relation to environmental issues and dealing with the issue of standing charges. I do accept and will be voting for all parts of the proposition except the regulation by C.I.C.R.A. But I would wish to say that I do think that, if I may say, I am voting for the proposition and I do not necessarily entirely agree with perhaps the scolding, or the extent of the scolding, which I am not sure - the Deputy perhaps in her summing up she will say - that I think she was giving to the electricity company. I think the issue is that ... and I also commend the Minister for the Environment for what he is doing. I think what has happened is that the problem is that this Assembly has not in the past given clear guidance for its own entities in the way in which regulation and the shareholder function is given. There has been no guidance. There has been no policy guidance in respect of electricity. If it is the view of this Assembly or the Minister discharging the oversight that the policy should be to move towards a certain environmental objective or social objective, then that must be articulated, and the company will then work within that mechanism. That is exactly what the Minister is doing, and he should be commended for that. The J.E.C. will act in the interests of their shareholders and unless they receive instructions otherwise, and they are also a public company, so they have obligations of reporting functions, *et cetera*, then they will act in the interests of their shareholders which, I have to say, they have done. But uniquely they also have acted extraordinarily well in the interests of their consumers. Now, my particular concern, which is a concern which is mirrored in my amendment to the Minister for Housing's proposition on regulation, is regulation has a cost and it is a reality. The Minister for Treasury and Resources was absolutely correct. I think we are talking about writing a cheque, which will be paid for by somebody, of in the region of £750,000 for regulating electricity. The question will then come in ... and that is what this is going to cost. One has to say: well who is going to benefit from that? Because that is certainly what it is going to be. The moment you regulate, you create a whole nomenclature of people who will simply be concerned. Their daily job will be to try and do the right thing by regulating electricity prices. You will then get lawyers involved. Nothing against you, Sir, or lawyers or anything like that, the Solicitor General.

We love lawyers, but they invariably get involved because there is acrimony and there is disagreement and it cannot be done without a legalistic approach, and that is why it costs an awful lot of money. Regulation costs money and regulating the electricity market in terms of giving C.I.C.R.A., which I will come to in a minute, the responsibilities of doing it will cost £750,000 and then who is going to pay? Well, there is the sure thing that just like taxes paid by businesses... businesses collect taxes and they are paid by people. I will repeat that. Company corporation tax: companies do not pay tax; people do, either the shareholders, the consumers or the workers. So this is going to be like a £750,000 tax that is going to have to be borne by somebody, so who is it going to be borne by? Because the cost is going to be there. Is it going to be the shareholder? Well, the States of Jersey, the people of Jersey own a slight majority of this company. Is it going to be the consumers or is it going to be the workers? There is no magic money tree. You cannot print money from nothing. I hope that Senator Ferguson is mumbling in agreement.

Senator S.C. Ferguson:

No.

Senator P.F.C. Ozouf:

Oh, dear, right. Oh, dear, right, well I better carry on then and do some more attempts at persuasion because this is good open market and free market stuff. Regulation costs money, but there is a free type of regulation which has worked extremely well in the electricity market and that is the threat of it. The threat of regulation has always been an extremely effective tool that we have used against 2 utilities in Jersey: one, Jersey Water and the other one electricity. The electricity company knows that they could be regulated, and I can tell Members that I do not think they want to. They do not want to get into a legalistic, expensive cost which will either be passed on to their consumers or the shareholders or their workers or the people of Jersey. They do not want it. So they avoid it, and we can see how they avoid it, by doing what we have seen by, as the Minister says, having the lowest possible costs, having some of the lowest electricity prices in Europe. That is a massive success and it has come at zero cost. Now is there a case for regulating some aspects of the Jersey Electricity's activities such as looking at stand-by charges? Well, yes, and that is what the Deputy eloquently is doing. We are doing partial regulation, or we are intervening partially on public policy matters, and that is absolutely right. But to go to the full extent of regulating electricity, is there the case to do that? Does the problem that the Deputy has rightly identified in relation to the stand-by charge, does that justify a mountain of a ... it is a sledgehammer to crack a nut. It is a sledgehammer to crack a nut that will cost easily ... a conservative estimate would be £500,000 but a realistic estimate would be £750,000 and do we want to do that? That is an awful lot of money. We are going to basically then take the management's time of the J.E.C. A lot of their time is going to then be spent dealing with the regulator because the regulator is going to want to have lots of interference in what they do. The initial phase of this is going to be extraordinarily problematic because C.I.C.R.A. is going to want to know everything that is going on with the J.E.C. What is going to be more important? Do we want the J.E.C. to be getting on and dealing with what the Deputy of Grouville is talking about and dealing with this interesting innovation in relation to renewable energy and seeing how can we solve this bit, or do we want them spending hours and hours of their time on effectively, which it will be, a fight with the regulator?

[15:00]

It always is. Because if I would also have evidence that C.I.C.R.A. in its current form would be doing anything else apart from taking an aggressive stance with regulation, I would possibly be minded to potentially discuss it. But I call to mind the foreword by Professor Sir John Vickers in the competition regulatory report that the Chief Minister mentioned in his question time earlier when I was talking about price control. He wrote a foreword and I do not think one can argue with Professor

Sir John Vickers. I am just going to quote 2 passages, if I may. He says: "In small-Island economies, such as Jersey, it is just as important that markets work well as it is in larger economies. But in smaller jurisdictions competition policy, and regulation where competition is not possible, faces particular challenges. First, in some markets not exposed to international competition, there is not as much scope as in larger economies for there to be effective competition. Second, there are economies of scale in regulation and competition policy itself. This underlines the importance of the institutions that carry out competition and regulatory policy working as effectively as possible." Now basically what Professor Sir John Vickers then went on to say is that he reviewed the operation of the J.C.R.A. and found a number of issues. It was very politely written but let there be no doubt that this report was finding some critical opportunities for improvement with C.I.C.R.A., and this was before the Court case which the Royal Court addressed, or the judgment of which was released 2 or 3 weeks ago. The point that Professor Sir John Vickers makes about regulation is ... he makes 2 points: "The first is the importance of principled pragmatism. All competition authorities have a duty to make best use of scarce resources, but in small jurisdictions this is especially important and challenging." He said that the focus should be on the most important issues in relation to prices and lowering the cost of living. He wanted to see pragmatism. "More innovation is needed", he said. Absolutely. Innovation in stand-by charges. The other point, and final point, he made is that competition is not just an issue for the competition authority. It has got to work with government too and you have got to have a policy framework. Now, when I read this, and I see the Deputy of Grouville - I am not sure whether she is happy or not happy with me - but there is no case when you read this foreword by an expert who knows far more about competition and regulatory authority than me or, with respect, probably any other Member of this Assembly. When we see the effects of C.I.C.R.A. as it is currently working, who have basically taken a very aggressive approach in relation to a new entrant, an innovator in the energy market who is a competitor to the J.E.C., who has cost taxpayers probably £1.5 million on their case, are we seeing, have we got the confidence today, to say, yes, this competition and regulatory policy is working and this authority is working in such a way that we are confident that they are going to be able to regulate electricity properly? I say: "Absolutely no way." I say that first of all there needs to be a proper debate about whether or not the case can be made for regulating electricity at all. I do not think it exists because what is the case? Electricity prices are lower in Jersey than virtually any other European country we have. So, is there a case, is there a problem like there is with Jersey Gas? No. There is not a price problem that is before us and staring into our eyes. What the Deputy is asking us to vote for is full economic regulation, which means price control, so that means the full Monty. That means the full everything; that is price control. Now, secondly, that case is not made, so the first test is: is the case required? Well, no, because our prices are low. Secondly, is the organisation that we have got, that I plead guilty in bringing the legislation for the setting up of the J.C.R.A. and the Competition Law; I brought that law and argued that law for this Assembly, do I have confidence that we can pass this part (c) and trust this currently organised C.I.C.R.A. to do it properly? Well it did not work in Guernsey, as the Minister for Treasury and Resources quite rightly said. It ended up being a nightmare. They have got an absolute nightmare on their hands in Guernsey because the regulator stopped them investing in infrastructure. It stopped them investing in infrastructure to try and lower prices. It was a myopic short-term view. So, I am afraid, for 2 reasons, I argue in the strongest possible terms on behalf of consumers, on behalf of the shareholder majority, which is the people of Jersey, and the management and staff of the J.E.C., that we should not inflict today full economic regulation on the J.E.C. It is not justified, it will not add any value. Moreover, I would prefer to see all the energy that would be taken in full economic regulation being used instead to the objectives of the rest of the proposition that the Deputy speaks about, which is effectively dealing with the issue of stand-by charges. There is an issue of proportionality and that is the other final thing which I will say about the Professor Sir John Vickers' foreword: pragmatic proportionality. Is the problem that is identified by the Deputy worth the huge cost of full economic regulation? No, it is not, in my view, and the evidence is there from the other

regulatory activities that they have undertaken, and I cite in evidence the court case 3 weeks ago. I urge Members to support enthusiastically - and I do say enthusiastically - all other parts of this proposition, but please not inflict another cost on consumers and the people of Jersey which will see our electricity company in a less strong place than it was before. But let us continue to keep the opportunity to threaten them and to say if they do not behave, they will be fully regulated. But we do not need to do that yet, the threat is working perfectly well. Thank you.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition? Very well, the debate is closed, and I call on the Deputy of Grouville to respond.

9.1.10 The Deputy of Grouville:

I would like to thank all Members who have spoken. It has been a good debate for the most part and it has also been a necessary debate. I think to ensure that any work is started in this term, we needed to have this debate today. I am not going to speak on what everyone said. But to be clear, nobody is asking for a subsidy at this point, just a reasonable playing field so that people can see their electric bills go down and new companies can work from a level playing field without this threat of a stand-by charge hanging over them and consumers do not invest in renewables because they will not get any benefit in them. Referring specifically to point (c) which seems to have received the most amount of focus, my view is we have a regulator, C.I.C.R.A., to make sure the Island is getting a fair deal, and I make this point generally for future debates too. If C.I.C.R.A. are not the right people that the Council of Ministers seem to make all the noises suggesting that they are not the right people to regulate an Island monopoly, then who is, and why are we still paying them £500,000 a year? I should also remind Members that my proposition was lodged on 26th September 2017, so if the Council of Ministers no longer believe our competition authority is fit for purpose, they, or any other States Member, have had 4 months to bring forward their own amendments. The J.E.C. states in its 2017 Annual Report that the board of Jersey Electricity consider regulation to be their number one risk. Why do Members suppose that is? It is a shame, I think, because I have always believed Jersey Electricity Company to be a good company, but they need to recognise what is happening globally and how they can embrace it instead of devising mechanisms to kill off on-Island competition. They should surely be at the forefront pioneering local renewable production, and by that I do not mean covering good agricultural land with solar panels that ought to be on rooftops. But, as I said before, the Jersey Electricity Company are a publicly-listed company and there to make a profit. I get it. However, what we in the Assembly have to do is to do what is right for our community and that is not just to collect the no-questions-asked dividend cheque. What States Members have to ask themselves when they vote is: are you confident that the Jersey Electricity Company are offering Island residents and businesses a fair deal? When you do so, consider this: why have the J.E.C. cited regulation as a number one risk? Where would most of our glasshouse industry be now if they had been given a fair buy-back tariff? Why do we not have solar panels on all the roofs of new buildings and all Andium Homes to help reduce electric bills? Why is our Energy from Waste plant only feeding in 6 per cent of its energy to the grid instead of the target of 10 per cent as it was set up to do? Why do we not have local fledgling renewable energy companies queuing up to embrace new generation and to diversify our economy? That, Senator Ozouf, is the problem. Why would Jersey Electricity Company be attempting to impose an additional charge now to new local renewable companies while enjoying a massive increase in profitability? Do you consider that the board of J.E. use their position to frustrate the growth of locally-generated renewables in Jersey? Now, having said all that, I had decided anyway to withdraw (c) at this time because regulation can be costly and the last thing I want to do is give Jersey Electricity Company an excuse to hike electric bills. I also think that the revision of the 1937 law could bring about some of the changes I am looking for which would include the ownership of the grid. But in doing this, I expect Jersey Electricity to play their

part too, to take their stand-by charge off the table for good and to start acting for the good of Jersey, not just their own profits. They are thwarting business by keeping this stand-by charge hanging over young, fledgling companies. They are losing business and they, too, just like the glasshouse industry, will go out of business. If this is an impossible ask for a plc, then I will bring regulation back after we have updated the 1937 law. Hopefully by then, the Council of Ministers will have sorted out their issues with C.I.C.R.A., whatever they might be. Finally, as the sunniest place in Great Britain, we need to move with the rest of the world on renewables. If the J.E.C. are not going to help us achieve that, then we need to embrace a more enlightened, less old-style monopolistic future. I make my proposition.

The Deputy Bailiff:

Yes, Deputy, well you require leave of the Assembly to withdraw (c). So do you seek the leave of the Assembly? Because it has been read and debated on, so you cannot withdraw it without the Assembling agreeing. So are you asking the leave of the Assembly to withdraw (c) from your proposition?

The Deputy of Grouville:

Sorry, Sir, I can hardly hear you.

The Deputy Bailiff:

Sorry. You require the leave of the Assembly to withdraw paragraph (c), if that is your wish, because it has been read and it has been debated on and it cannot be withdrawn without leave of the Assembly. So do you ask the Assembly to withdraw (c)?

The Deputy of Grouville:

Yes, I do, and I will take the vote on each of the clauses separately, thank you.

The Deputy Bailiff:

Very well, do the Assembly agree that (c) can be withdrawn from the proposition?

Senator P.F.C. Ozouf:

I call for the appel.

The Deputy Bailiff:

You call for the appel in general, do you mean?

Senator P.F.C. Ozouf:

No, no, for the withdrawal.

The Deputy Bailiff:

For the withdrawal of (c)?

[15:15]

Well, the appel is called for as to whether the Deputy is permitted to withdraw paragraph (c) from the proposition. I invite Members to return to their seats. The vote is on whether the Deputy of Grouville may withdraw paragraph (c) from the proposition. Those in favour of withdrawal will vote pour. So, I ask the Greffier to open the voting.

POUR: 40		CONTRE: 2		ABSTAIN: 2
Senator P.F. Routier		Deputy of St. John		Deputy of Grouville
Senator P.F.C. Ozouf		Deputy R. Labey (H)		Deputy J.A.N. Le Fondré (L)
Senator A.J.H. Maclean				

Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

The Deputy Bailiff:

Deputy, you wish to take each of the paragraphs separately?

The Deputy of Grouville:

Yes. Thank you.

The Deputy Bailiff:

Very well, those in favour of adopting paragraph (a), kindly show.

The Deputy of Grouville:

Can I have a vote, please?

The Deputy Bailiff:

You would like the appel?

The Deputy of Grouville:

The appel, sorry.

The Deputy Bailiff:

Do you wish the appel on all of them?

The Deputy of Grouville:

Yes.

The Deputy Bailiff:

Very well, in which case, those in favour of adopting paragraph ... I ask the Greffier to open the voting.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				

Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

The Deputy Bailiff:

I ask the Greffier to reset the electric voting machine and the next is on paragraph (b) and I ask the Greffier to open the voting.

POUR: 44	CONTRE: 0	ABSTAIN: 0
Senator P.F. Routier		
Senator P.F.C. Ozouf		
Senator A.J.H. Maclean		
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator P.M. Bailhache		
Senator A.K.F. Green		
Senator S.C. Ferguson		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Ouen		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy E.J. Noel (L)		
Deputy of St. John		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy R.G. Bryans (H)		
Deputy of St. Peter		
Deputy S.Y. Mézec (H)		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		

Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

The Deputy Bailiff:

Paragraph (c) has been withdrawn with the leave of the Assembly, so paragraph (d). I ask the Greffier to open the voting.

POUR: 43		CONTRE: 1		ABSTAIN: 0
Senator P.F. Routier		Senator S.C. Ferguson		
Senator P.F.C. Ozouf				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				

Deputy of St. Mary			
Deputy G.J. Truscott (B)			

The Deputy Bailiff:

Lastly, paragraph (e). I ask the Greffier to open the voting.

POUR: 43	CONTRE: 1	ABSTAIN: 0
Senator P.F. Routier	Senator S.C. Ferguson	
Senator P.F.C. Ozouf		
Senator A.J.H. Maclean		
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator P.M. Bailhache		
Senator A.K.F. Green		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Ouen		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy E.J. Noel (L)		
Deputy of St. John		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy R.G. Bryans (H)		
Deputy of St. Peter		
Deputy S.Y. Mézec (H)		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy S.M. Bree (C)		
Deputy M.J. Norton (B)		
Deputy T.A. McDonald (S)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

10. Nomination of Deputy T.A. Vallois of St. John and Deputy S.Y. Mézec of St. Helier as members of the Education and Home Affairs Scrutiny Panel

The Deputy Bailiff:

Very well, as I indicated earlier, there is nomination by the chairman of the Education and Home Affairs Scrutiny Panel for members to join his panel. I am advised you wish to have 2 members on your panel, is that so? In which case, you are, I think, proposing the Deputy of St. John and Deputy Mézec, is that correct? Yes, if you wish to ...

10.1 Deputy J.M. Maçon (Chairman, Education and Home Affairs Scrutiny Panel):

Yes, I would just like to begin firstly by thanking our previous chairman, Deputy Doublet, for her hard work on the panel. **[Approbation]** Certainly a baptism of fire, joining the Assembly and becoming a Scrutiny chairman at the beginning, during your first term. I would just like to place on record of course we have worked as a good team together, not only with the members but also with the officers coming forward with many successes for the Scrutiny function. So I just wanted to put that on record. Yes, it gives me great pleasure to propose the team that would like to carry on and that is the Deputy of St. John, Deputy Vallois, and the Deputy of St. Helier, Deputy Mézec.

The Deputy Bailiff:

Are those nominations seconded? **[Seconded]** Are there any other nominations? Very well, I declare the Deputy of St. John and Deputy Mézec are members of the Education and Home Affairs Scrutiny Panel. **[Approbation]**

PUBLIC BUSINESS - resumption

11. Draft States of Jersey (Appointment Procedures) (Jersey) Law 201- (P.97/2017)

The Deputy Bailiff:

Very well, the next item of public business is the Draft States of Jersey (Appointment Procedures) (Jersey) Law 201-, lodged by the Privileges and Procedures Committee, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft States of Jersey (Appointment Procedures) (Jersey) Law 201-. A Law to require a Minister, or a committee or panel or other body constituted by the Standing Orders of the States of Jersey, to follow certain procedures when exercising a power conferred by an enactment to make, approve, extend or terminate an appointment to an office; and to amend enactments. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

11.1 The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):

This draft law has its genesis in projet 205/2009 which set out a new approach to appointments made by the States. That proposition introduced a new procedure that, and I quote: “The Minister, body or Member responsible for the selection of the nominee for the position or positions concerned, would be required, before the appointment was confirmed, to present a report to the States in relation to the proposed nomination including the name and brief biographical details of the nominee, a brief description of the nature of the duties of the position and details of the selection process followed to select the person nominated and the appointment could not then be confirmed until at least 2 weeks after the date of presentation of the report to the Assembly.” The States will be familiar with this

procedure as it has become quite common. The 2-week period provides an opportunity for Members to ask questions about a proposed appointment without the need to raise issues on the floor of this Assembly, where the basis for appointments in a States decision, the Assembly agreed in 2010 that the new method of appointment could come into force straight away. This included bodies like the Jersey Law Commission and the Fiscal Policy Panel. In other cases, amendments to the constitution of external bodies were required. That leaves some 23 bodies for which changes to legislation were necessary to change the appointment procedure. The report accompanying this proposition sets out how these matters have been dealt with. In some cases, the legislation has already been changed, but then some bodies have a judicial function and appointments procedures are being considered separately by Ministers who have recently consulted on the establishment of an independent judicial appointments commission. That leaves 12 bodies whose appointments procedures are changed by this law and they are listed on page 6 of the report and proposition. In general, the draft law transfers the powers of appointment from the States to the relevant Minister or appointing body. It also puts in place, as I said just now, a requirement for the Assembly to be notified for at least 2 weeks of prospective appointment before that appointment can take place. The Assembly will continue to directly appoint to some posts closely associated with our own work, such as the Greffier and the Comptroller and Auditor General. I propose the citation.

The Deputy Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Very well, those in favour of adopting the principles, kindly show. Those against? The principles are adopted. Deputy Brée, as Vice-Chairman of the appropriate panel, do you wish to call the matter into Scrutiny?

Deputy S.M. Brée (Vice-Chairman, Corporate Services Scrutiny Panel):

No, we do not.

The Deputy Bailiff:

Very well. We come to deal with the matter in Second Reading, how do you wish to propose the Articles, Chairman?

The Connétable of St. Clement:

May I propose the Articles and the Schedule *en bloc* because they do exactly what I said in my proposal of the principles?

The Deputy Bailiff:

Are the Articles seconded? **[Seconded]** Does any Member wish to speak on the Articles? All those in favour of adopting the Articles in Second Reading, kindly show. Those against? The Articles are adopted in Second Reading. How do you wish to deal with the matter in Third Reading?

The Connétable of St. Clement:

I propose the Articles in Third Reading.

The Deputy Bailiff:

Are they seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the Articles in Third Reading? Those in favour of adopting the ... the appel is called for. I invite Members not in the Chamber to return to their seats and I ask the Greffier to open the voting.

POUR: 38		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator I.J. Gorst				
Senator L.J. Farnham				

Senator P.M. Bailhache				
Senator A.K.F. Green				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

12. E-Petitions: introduction (P.123/2017)

The Deputy Bailiff:

Very well, the next item of public business is E-Petitions: introduction lodged by the Privileges and Procedures Committee and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act of 2nd May 2017, in which they agreed in principle that a system for enabling people to petition the Assembly by electronic means should be introduced, and (a) to agree that an e-petitioning system should be introduced after the election in May 2018 in line with the detailed specification set out in the report accompanying this proposition; (b) that, as part of the new system, e-petitions attracting over 1,000 signatories should automatically be referred to the relevant department for a response, which must be made public, and that the chairman of P.P.C. should draw the Assembly's attention to e-petitions attracting over 5,000 signatories, with a view to those e-petitions being debated in committee, unless

the Assembly decides that there is a reason not to do so; (c) to request the Privileges and Procedures Committee to take the steps necessary to introduce an e-petitioning system.

The Connétable of St. Clement:

Can I ask that Deputy Wickenden acts as rapporteur for the committee?

12.1 Deputy S.M. Wickenden (Privileges and Procedures Committee - rapporteur):

This proposition came along due to my proposition P.14/2017 that we debated on 2nd May 2017. P.14/2017 asked the Assembly if we agreed to allow petitions to be submitted in an electronic format and it was unanimously voted through. P.P.C. subsequently set up a sub-committee chaired by the Constable of St. Lawrence, comprising myself and Deputy Maçon. All the detail of the proposition is already in the report, so I am just going to keep my speech, you will be happy to hear, just to the key highlighted points and I have broken them down to 3 headings of Process, Controls and Thresholds. So the process for this e-petitions that we are putting forward is that an e-petition will be created and submitted via a new e-petitions website, the Greffier's Department will check and make sure that the petition is asking something that the Assembly has authority over and the wording is not offensive. Once the petition has been accepted by the Greffier's Department, the applicant will be asked to find 5 additional signatories. Then once those 5 additional signatories have signed the petition, it will go live on the webpage where other people will be able to sign. If an e-petition receives over 1,000 signatures, the department responsible for the requested action will be required to give an official response. If an e-petition receives over 5,000 signatures, the chairman of P.P.C. will bring forward a request for an in committee debate to this Assembly. We have put a couple of controls in place to make sure that it all follows the right rules. If somebody is to sign a petition, it will be asked to agree that they are over the age of 16 and that they are a resident of Jersey. As I said before, it will be moderated by the States Greffe. Petitions will be active for 6 months before they are taken down to see if they get the requisite number of signatories. We propose to what is called "geoloc" the I.P. (Internet Protocol) addresses which means anyone trying to sign an e-petition using a computer outside the Island would not be allowed to sign. We will have protection against multiple signatures from a single location so nobody can create what it is called a "bot" and try and sign a petition 5,000 times themselves. There will be a protection from multiple similar email addresses, so if somebody is trying to use a differentiation of the same name, it will pick that up and it will stop it. As I said, the thresholds we set are: it needs 6 signatories to create an e-petition; 1,000 signatories will get an official response from government and 5,000 signatories will request an in committee debate of the Assembly. With that, I maintain the proposition.

The Deputy Bailiff:

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

12.2 E-Petitions: introduction (P.123/2017) - amendment (P.123/2017 Amd.)

The Deputy Bailiff:

Well there is an amendment lodged by Deputy Mézec, and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

Page 2, paragraph (a) at the end of the paragraph insert the following words: "except that e-petition signatures should not be accepted based on I.P. addresses, but should instead be accepted based on the States digital identification system to be introduced as part of the e-Government programme."

12.2.1 Deputy S.Y. Mézec:

Like Deputy Wickenden, I do not intend to speak too long on this either because I think it is a relatively simple case I am trying to make, and I have put it in the report accompanying my

amendment and tried to be relatively concise with it. The starting point I want to make is that I absolutely 100 per cent support the concept of an e-petition system. I think that the paper petition system we have right now is quite a good part of our democracy because it provides a way of members of the public, organisations from having a direct link to the Assembly to influence the propositions that we debate and what we do. We live in the year 2018 now and I think is a very reasonable expectation that people would like to be able to sign petitions online, rather than just have to do it by paper, which means having to have a lot more inconvenience going about trying to do that. The concept of an online petition system I 100 per cent support.

[15:30]

What I believe is that if you are to have a system that is linked with the official parliamentary process, then I think there are some standards that are essential that are maintained that I simply do not believe an I.P. address system will maintain. The most obvious of these is that an I.P. address-based system will be so easy to manipulate by anybody who has even a rudimentary understanding of how computers work. They really, really are easy to abuse. You do not have to be a tech whiz to be able to manipulate these systems and you see this all over the place with the U.K. petition system is often accused of having large amounts of fake signatures on it. You see it on surveys or polls that are done in Jersey; that it is very, very easy to come up with fake I.D.s (identifications) that look quite legitimate. I see them all the time on social media; all you have got to do is pick a random name and then Le Sueur or something like that afterwards and there is no way of knowing that it is not a real person. In fact I might even say that it is fairly easy to be able to write a letter to the *J.E.P.* (*Jersey Evening Post*) and get it published without any real information and any real identity behind it. It is incredibly easy to do. I just have a philosophical view that if a petition is going to exist, which will have an impact on the business of this Assembly, every single signature should be legitimate; it should match a real-life person who is eligible to sign. This will not be the case with this system. When it is based on I.P. address in the way that Deputy Wickenden has outlined, you will have Jersey people who are outside of the Island and still eligible to vote, for example, university students who will not be able to sign these petitions, people who are on holiday and there might be a petition that is connected to something that is relatively time sensitive, will not be able to sign it. But I think the clincher here really is the fact that in P.P.C.'s report to this, they overtly say that this system, that we will be spending thousands of pounds to create, already has a use-by date and it says that at some point in the future we would want to have a new petition system that is based on the electronic identification system. I ask the question, if that is the future, why not just go straight for that, rather than spending money on an interim solution, which will be insecure, which will be easy to manipulate, which will require human beings sat behind a computer screen dedicating time going through signatures to make sure that they are legitimate, they are real, whereas when it is based on the digital I.D. system that will not be necessary because it will all be automatically authenticated because you know if they have got an idea and they are signing, that is a real person; there you are, nothing to worry about there? I simply raise it as an amendment because I think it practically makes sense not to go for the interim solution, to go straight for the electronic I.D. system instead. It will save money. It will be more secure. I think it will be a system that is fit for one that is to do with the parliamentary process, rather than something informal outside of Parliament that does not have any impact on what business we do here. On that basis, I propose the amendment.

The Deputy Bailiff:

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

12.2.2 Deputy S.M. Wickenden:

A government digital I.D. needs to be set with a high level of verification and authentication to make sure that we have the utmost confidence that the person requesting the information at the other side

of the digital request is the person who is entitled to that requested information. This is to make sure that we are sharing personal information with the right person, as I said. Deputy Mézec is here today making a case that he believes, rightly or wrongly, that an e-petitioning system requires a level of verification or authentication that is equal to disclosure of tax, social security and health information. Firstly, I personally do not believe that to be the case and that the test of authenticity does not have the significance of the requirement. We must remember, the point of a digital service transformation is to build in only the steps that are required and no more. When planning a new digital service it is imperative to minimise the amount of friction or unnecessary steps to encourage uptake of that service. In the main proposition we have planned to control the ability to sign a Jersey e-petition by restricting the use to computers physically in the Island. This will, unfortunately, prohibit any Islander from signing a petition if they are out of the Island during the 6 months that these petitions are live. I feel that this is a lesser of 2 evils. I truly believe to leave the e-petitioning system open to everyone would be a much higher risk. The reason I say this is that in the digital world, which has no boundaries, if the petition was to go viral on the internet it is possible that we could get more signatures from people outside the Island with no link to the Island, than we would from actual residents. I think we can all agree that this would be unacceptable to give a disproportionately large voice to the rest of the world on how we govern Jersey over the residents of the Island. Deputy Mézec's amendment seems to assume that when the digital I.D. comes in, the whole e-petitioning system would have to be scrapped on any one Bill; that is not true. All we would need to do is pay for some development work that allows the digital I.D. to be used as the authenticating mechanism, alongside the 5 email addresses, we will just put it beneath the digital I.D. system. We will not have to rewrite the whole system. I am disappointed that Deputy Mézec did not engage with either myself or the eGov team before or after lodging his amendment, to better get an understanding of the eGov's digital I.D. requirements. I hope you will all agree that the e-petitioning system is an important addition to the Island's democratic toolset and that it will increase engagement with Government and that the proposed message to protect the integrity of the process in the main proposition are more than adequate already. As written in the main proposition, there is every intention to put the e-petitioning system behind the digital I.D. system once there is sufficient uptake where it will not cause undue friction in the process. I ask the Assembly to reject this amendment and support the main proposition lodged by P.P.C.

12.2.3 Deputy G.P. Southern:

I simply point out the extension of what is being said in this amendment, that we are committed to introduce e-voting in the next 4 years and, along with that, we need an electronic registration method in order to get the voting registration record up to date. It seems to me that this is a sideways move, rather than a direct move, which will enable us to become truly an e-voting society that makes it as easy as possible to vote, rather than as difficult as possible, which it seems sometimes that we make our system currently. I make those remarks in supporting the amendment.

12.2.4 Senator P.F.C. Ozouf:

I have a confession to make, I signed the petition in respect of the views against the tolerance clause, the e-petition on change.je from the United Kingdom over the weekend. I am not in favour of Deputy Mézec's proposition and I do not entirely agree, with the greatest of respect, with what Deputy Wickenden is saying either because I am wanting to approve what the actual ... we are not approving the report and I would be grateful for his clarification, we are approving, effectively, what the actual proposition says and there is no reference to an I.P. address. There is no reference to an I.P. address and I do not know whether I can support the fact that should an Islander, that is a voter and who happens to be over the weekend in the U.K., be prevented from providing a ... the Deputy can confirm, it is basically an I.P. address. What the Deputy's amendment is saying is that you will not be able to sign the e-petition if you do not have an I.P. address that is registered in Jersey; that is what

I understand the reason why Deputy Mézec is bringing this amendment. That seems to me to be odd; we know we can change I.P. addresses. I could go on to a V.P.N. (virtual private network) and change my I.P. address and pretend I was in Jersey to sign the petition that I signed from London over the weekend in support of the anti-tolerance or is it pro-tolerance - we will come in the debate later, debate? But I have a legitimate right to sign that petition and the fact is I have to put my name on it and that is the most important thing. The real test is that there is going to be a voter, we are not there with the electronic identification. Deputy Wickenden is absolutely right and I hope P.P.C. is behind him on this, when he says: "We cannot wait for the e-I.D. that we all know we need for the States." I wish we could say we have got one, it would be fantastic if we could say but we have not got it. It is delayed; it is rather unfortunately delayed. It is a bit of a nightmare and I have some pretty strong views about that, having been the former responsible person for digital and seeing how things have progressed so fast in Estonia, and we will not go there today but they have all this stuff in place in Estonia and we are out of step with the rest of the innovative places in the world, such as Estonia. We have not got any I.D. We are not going to get one any time soon but I want e-petitions. I want e-petitions as soon as possible with an appropriate safeguard. The appropriate safeguard is that you have to put the name on and that there is going to be some checks carried out by our excellent Greffe as to whether or not they are on the electoral register or other things like that and there should be some testing. When this comes forward, the detailed legislation, can I ask the Deputy ... but I may come back to the principles of the debate but if I speak now I will not speak on the principles. Am I allowed to do that, Sir? It is relevant, yes.

The Deputy Bailiff:

Yes, you can speak now, provided you are relevant to the amendment.

Senator P.F.C. Ozouf:

Yes, I think it is very relevant, Sir. I say no to Deputy Mézec because he is going to be waiting for an awful long time to have e-petitions, if he is waiting for the States e-I.D. It is a long way off. It is a long way off from being universally applied and working and everybody having one. I think Deputy Wickenden may be able to confirm when the e-I.D. is going to be applicable and available to everybody. I have got a Yoti e-I.D. but I am interested in that sort of thing. I wonder whether or not those Islanders who will want to sign an e-petition will want to have to know in the next year or so whether or not that will all be set up for them to get their Yoti e-I.D., that apparently is going to be the e-I.D.s that we are approaching for the States. It is not going to be ready in time and I want to enthusiastically support the P.P.C. and Deputy Wickenden's original proposition of having an e-petition available after the election. Yes, the P.P.C. say in their report that when there is an e-I.D. in place that is working universally and easily accessible, we will use it and we will use it to respond to Deputy Southern and may be the only safe way to have e-voting because if you do not have safety in e-voting you have corruption and you have real problems with your democracy and that is a real issue. I absolutely agree - and Deputy Wickenden is quite right - you need a very, very high level of security to deal with voting and to deal with tax returns, to deal with social security and other issues. But you do not need quite that high level of security when dealing with an e-petition. Certainly, the numbers and the scale of people that P.P.C. have very sensibly said in this proposition of 1,000 ... **[Interruption]** goodness me, is that the calamitous words that I have in this Assembly, Sir? There are some strange movements, electronic communications can do all sorts of things. I hope there is nobody hurt. Sorry, that has put me off. I will be quiet and just say I am afraid no sledgehammer to crack a nut again, you do not need a full e-I.D. to have e-petitions. We will be waiting a long if we do that, for that to be universally applied. I am not in favour of either the I.P. address because I understand what Deputy Mézec says about that but there needs to be another check, a reasonable check, testing check, a spot check, people who sign a petition, are they on the electoral register and they have to give some sort of identification? That is the real issue of dealing with it, is can they give

an address or an email address for the spot check to be carried out by excellent Greffe staff when that e-petition goes right up to that tolerance level of up to 5,000? There is nearly 5,000 on the change.je website against the tolerance clause; that is the opportunity of saying, come on, get online and whether or not you are a Jersey resident in London or elsewhere, sign it because there is no prohibition against that but obviously there are security issues with that but that is different. We do not need an e-I.D. for this. We need to back P.P.C.

[15:45]

But I do not agree that it should be an I.P. address just inside Jersey because people will legitimately want ... they cannot change it anyway, they can fix it and then you can change it. Maybe the Deputy can explain in his ... he cannot speak to you but maybe the chairman can. There is an easy solution to this and it will evolve; we will improve the security as we get on but you know what, the danger of a good plan is a perfect plan and Deputy Mézec is asking for a perfect plan, which we cannot have now. Let us just have a good plan and get on with it and I will sit down.

12.2.5 Deputy R. Labey:

Let us not forget that what we have at the moment is not infallible. It is open to abuse, the physical signing of the signatures and addresses on paper. It is open to abuse, it is also arduous, it is also old fashioned and also any visitor in the Island can sign a petition, as those of us who collect the signatures on petitions and it counts and, of course, it is gone through very carefully by the ladies in the front office of Morier House. But the visitors to the Island can sign the petition and it is quite sweet, in a way that they want to on issues. But also, should they really be doing so? You can bump up your numbers with visitors with a paper petition legally and also there are all sorts of other things that could be done. It is not an infallible system. This is de rigueur now. You cannot be online 6 months on Facebook and you see a petition that is attractive to you. It might be about an international animal cruelty thing or what have you and that is what we do. It is simple and quick and easy and we sign them. It is a really good tool to give our population as soon as possible and that is why I cannot support Deputy Mézec because it is going to delay things for up to 2 or 3 years. We should give our population this very easy useful tool for them to be able to have their say and we should do it as soon as possible, which is why I am supporting P.P.C. If these petitions are going to be up for 6 months, people can be away at university for a term and come back and still be able to sign it or away for the weekend and still be able to sign it. I think we should move on with this a.s.a.p. (as soon as possible) and I support the proposition and I cannot support Deputy Mézec on this occasion.

12.2.6 Deputy J.M. Maçon:

As a Member who sat on this committee, Deputy Labey has taken a little bit of the wind out of my sails because I did want to say part of the issue when we were considering this matter is considering the rights that one has when one lodges and produces a paper petition or an electronic one. So when we are looking at the thresholds, the age ranges, all those types of things, it is trying to keep it on balance with what is currently allowed under the paper one. In Senator Ozouf's scenario, if you missed signing a paper petition in Jersey because you were not there, it is the same situation if you are not there for the online version. It is trying to be consistent with the processes that we already have. Notwithstanding that, of course it is the situation where this process will evolve. It is looking to get your digital I.D. on there; I was very keen on trying to establish that. It should tie-in with being on the electoral register for Jersey because why are you going to sign the petition and care about what is going on in the governance of the Island but then not be prepared to sign up and register to vote? I think that is illogical to me. But at the moment the technology is not there, so what do we do? The committee upheld with the thoughts of Deputy Labey, which was it is better to get the system up and running, get something in place, get something going. There will be a few teething issues. There will be a few issues that will have to be addressed, as these processes come along. Ideally, yes, we

want to have it with the safeguards that will come in with the digital I.D. but it is the question then of: do we delay this for a time when we do not quite know how long or do we put something in place that does have some safeguards? It is not a complete free-for-all, there are safeguards, which are outlined within the report and, therefore, that is why the committee came to this conclusion and that is why it is in the form it is coming in. It is not a finished product. It will evolve in the future but it seems, from my point of view, better to get something in place now, have a few teething processes and if there are issues, of course, it can always come back to the Assembly to be changed, if there are problems that come forward. But, overall, I think we should be welcoming this development, getting with the times as much as possible and I hope that clarifies matters for Members.

12.2.7 The Connétable of St. Clement:

Yes, just briefly. I really do not think we should get terribly hung up or precious about this because I did check what Deputy Mézec said and he is absolutely right: we are in the 21st century. **[Laughter]** That is important because other jurisdictions have been carrying out e-petition systems for a number of years without digital I.D. I think of the United Kingdom, Australia, Wales, Scotland, they are doing it successfully. They are doing it successfully and there is no reason why we cannot too. Of course, no internet system, no system like this can be absolutely fool-proof but what really is the problem? If the moderator notices some strange activity, unusual patterns in people signing e-petitions, he can look at it and understand it. If he sees 500 signatures coming on overnight, he can check where they have come from and what is the problem. Why would people want to manipulate that anyway? Why would they want to? Because all an e-petition is going to do is to create some publicity, perhaps a referral to a Minister, perhaps a referral to the States and the States will decide if they want to take it. If there is unusual activity, serious group activity, the petition can be taken down anyway. As one or 2 Members have said, this is really a start. If we wait for the digital I.D. to come into place, we could be waiting 2 or 3 years. Even then the take-up of digital I.D. is not going to be everybody overnight, it is going to build up slowly, so it could be 4 or 5 years before 50 per cent or more of the population has got digital I.D. If we wait until 50 per cent have got digital I.D., that means we are depriving 50 per cent of the population in not being able to sign on to e-petitions. This has got to be the right thing to do to move ahead. As somebody said - I think Deputy Labey was saying - there will be problems, of course there will be. I do not think they will be significant and we keep improving the situation as it goes along. But at least give people today, but later on this year, to use the modern system of e-petitions.

12.2.8 Deputy M. Tadier:

I think part of the argument of having e-petitions has to be, of course, to provide an alternative to paper-based petitions. One of the arguments for that is that we are a modern society and, therefore, people do most of their business or increasingly they do their business online and, therefore, petitions online, as well as paper petitions. But the other reason is presumably for people who are not in Jersey, so if you cannot physically be around in your Parish Hall or in King Street to sign whatever the latest petition is because you are working abroad, because you are a student, because you are doing a sabbatical, because you are backpacking in India on your year abroad or you are working on your year abroad or you have got a house overseas in France or in the south of Spain, you will not be able to sign that petition, even though you are a legitimate Jersey resident. For example, you could have a petition that is doing the rounds on social media via the States website, which is on the issue of whether overseas retirees from Jersey should pay the full whack of 20 per cent or whether they should pay what they term as a fair amount of tax. The petition goes out and, ironically, the very people who would be interested in signing that petition because they live abroad and they have got strong links to the Island would not be able to sign that. You may say that is because they are no longer living in Jersey, they cannot vote in Jersey but that is not a requirement. You do not have to be on the electoral roll in order to sign this petition. There we have a very clear example of one group of

people who would want to sign a petition of an area of interest who cannot do it because they are not here. But, of course, tourists in Jersey can sign petitions online, so they can go to their hotel or they can take their iPad out and they can have a look and say: "There is a petition here, which is to ban plastic." We want to reduce plastic and they might sign that and say: "I am a tourist that comes to Jersey" and they might want to sign that and that might be quite legitimate for them to do that. But, of course, there could be other issues that really do not affect them at all and still sign that if they want to. Senator Ozouf has just stood up and made a very compelling ... again, very mixed messages saying he definitely does not support Deputy Mézec, even though that is the right way forward because we are miles away, we are years away, it seems, from having digital I.D. If nothing else, the amendment has certainly shone a spotlight into the Council of Ministers who, 4 years ago almost now, were all standing up before the election saying: "We are going to get on top of eGov, we are going to tie it in with Digital Jersey. This is the new buzz word. Forget just diversity of the economy, we are looking at digital, we are looking at eGov." We find out that almost 4 years later sheer incompetency from this Council of Ministers in doing anything that even looks like competency when it comes to eGov, where is it? We are being told that it is going to be years away before we can even get something as basic as a digital I.D. I know it is different, for the Parishes certainly have a digital I.D. so that I can log on as a parishioner and pay my rates online and they are doing some very good work around that. Why do we have all these discrete non-joined-up systems in terms of eGovernment of what exists a bit at the moment, when we should have one centralised electronic hub with spokes that go out for everything that we do? I would answer the Constable of St. Clement and say that people will sign up, they will make sure they get their digital I.D. at the first point of contact that they have with Government, whether that be at Social Security, whether it be paying their tax bill. Again, we can laugh at that because we are a very advanced finance centre but when it comes to our tax office we still have a paper-based system where women cannot even submit their own tax forms without permission from their husband; positively Dickensian, let alone 20th century. Yet we promote ourselves as a futuristic and modern Jersey in terms of some of our industries and there really is a mismatch there. I do not accept that pessimistic view from Senator Ozouf that a digital I.D. needs to be that far away. If it is we really are in dire straits. We have already been told that you can fake your I.P. address, you can be away and you can mask it so that it looks like you are resident in Jersey and if you can do that for one you can do that for many email addresses. I do not know why we do not have a system which simply says if you are on the electoral roll you can sign up and we will do it by digital I.D. Certainly, I.P. addresses have got to be the worst of all possible worlds, yet it is being promoted by P.P.C. I do not fully understand that. Certainly, as far as the amendment is concerned, we do need to be going down a digital I.D. route. If it is the case that we have to wait a little bit of time to do that, certainly we should be making sure we have a system that is fit for purpose before we roll it out. If that means waiting a little bit longer, so be it. We know that there already exists a system by which Islanders who are on the Island can still lobby their States Members to do the paper petition and this will be simply an ancillary way to do that because that is the problem. What we are doing is replicating what people can already do. As I said at the beginning, if you are already on Island you do not need an e-petition system; it is analogous to voting, if you like. If you are on the Island you do not need to have a postal vote, you do not need to do online voting, you can still physically get down to the polling station. There might be other arguments for having it but nobody is being disenfranchised by not being able to sign an e-petition while the digital I.D. is still being set up because they are being sought to be excluded by P.P.C.'s very way that they formulated this. We got it wrong. We have got to make sure that those who legitimately are outside of the Island who want to sign a petition are able to do that and the unamended proposals do not allow for that.

12.2.9 Deputy S.M. Brée:

I was quite surprised at the amendment lodged by Deputy Mézec and further surprised by the various speeches that have been made in support of it. This is not about eGov. This is about online petitions. At the moment we do not have an eGov digital identification system; we accept that. This is not attacking that; this is saying, how do we make it so that Islanders are given the easiest way of completing an online petition? At the moment we use an I.P. address. It is not infallible, nobody ever said it was but at least we can do it now.

[16:00]

I am surprised that Reform Jersey are seeking to delay the introduction of an e-petition on the basis that, look, we have exposed the eGov program is not working; that is not what this is about. Please, I would urge Members throw out the amendment and let us get back to the proper debate, which is, do we introduce e-petitions?

12.2.10 The Connétable of St. John:

Following the last speaker, I feel it is important to bear in mind that any petition, any vote, any poll, the most important thing is the credibility of that. If you are unable to say, yes, these are all Jersey residents who have voted and not some hackers across the globe, then that totally undermines the credibility of that poll. I am deeply concerned, especially when I know that you can take photographs in the Himalayas and you can press a button and it prints it for you back at home, so the photograph is ready for you when you get home. I am sure with that sort of technology it is more than simple for these gurus to hack into I.P. addresses, local ones and vote accordingly. If one is to have a credible poll then it must be from people who we can say, yes, they were entitled to vote. When elected some 3 years ago I was quite excited about the eGov program which was supposed not to muddle with a petition. I was told we would all have an I.D. within 12 months; 3 years later we still have not. But the latest information I have is that it is supposed to be happening quarter 2 2018. If it is happening quarter 2 2018 and digital I.D. is going to be available quarter 2 2018, what exactly is the problem? We are not looking to introduce this until quarter 2 2018 anyway. We can match the 2 together. It is not an issue. Can we please accept the amendment and let us move on for the benefit of all Islanders?

12.2.11 Deputy M.J. Norton:

I will not keep Members very long at all. As has been said previously, we are searching for a perfect plan here. What we really need to do is get on with electronic petitions as soon as possible. In order to do that and in order to enable that to happen, I think that Deputy Wickenden's original proposition does seem the one that I am more likely to support of the 2. Just as a clarification, I think I am right in saying that on the paper the e-petitions would be no more infallible than being checked by the Greffe. I am right in saying, I think, and I would look for some confirmation from the Greffier, although I know I cannot ask him, that on those paper petitions that go forward that are at Morier House, I believe that there is a filter system there if they do not have a Jersey address on it. Just to clarify the position and so they are taken out at that stage and hotels are removed from that if they are staying at a hotel. I think that that just goes to prove that the paper petition is being vetted properly and, as the original suggestion from the original proposition said, so would the e-petitions. I would support the original one. Unfortunately, because of the inference of delay that we may well have from Deputy Mézec's proposition, I cannot support it.

Deputy M. Tadier:

Sir, can I just seek clarification? I understood, and it may be for one of the 2 sitting together to answer at some point, but if hotels are going to have their I.P. addresses removed, how does that affect staff living in staff accommodation or people at work who fill in the petitions at the hotel?

The Deputy Bailiff:

That has to be Deputy Norton who answers that, so perhaps it is best left over for someone else to answer it at some point if Deputy Norton does not know the answer.

Deputy M.J. Norton:

Sir, the clarification, if I can offer any whatsoever is that I was referring to the paper petitions at the moment should they not be a local address. I believe verification is sought by the Greffe, then they are removed from that. The inference there was that if it was a holidaymaker on holiday, then that would be the case. But I have made no comment whatsoever and they would not be removed were they an e-petition and it was a hotel because the I.P. address would lead them to being Jersey. I hope that clarifies the point I was trying to make.

The Deputy Bailiff:

Does any other Member wish to speak on the amendment? I call on Deputy Mézec to respond.

12.2.12 Deputy S.Y. Mézec:

I think I can see the writing on the wall with this one. As I said, I only raised this proposition because, in my view, it is cutting out the interim stage, it is saving money and going through a more secure system. Deputy Brée said he was surprised at Reform Jersey for supporting something that is more secure, better value for money and part of a bigger picture, but I would say that is what we normally stand for anyway. The most frustrating contribution to this debate was, as it tends to be, from Senator Ozouf who said he could not support my amendment and he will have his reasons for that, no hard feelings, that is fine. But he did say he had reservations about the I.P. address system and he said that we were not being asked to accept the reports to the original proposition from P.P.C. but just the wording of the proposition. If he reads paragraph (a) of the proposition it says: "In line with the detailed specification set out in the report." We are being asked to accept what the report dictates and that is what provoked me to bring the amendment because I do not accept what is in the reports and wanted to offer an alternative. What worries me about this is that we are saying we just want something in sooner rather than later. The problem though is that it is just a token; it is token gesture is what it is. We see this in other areas as well where the public, rightfully, expects to be able to access more services online. In line with trying to reach that expectation that the public have we keep introducing these independent stand-alone systems to receive services online that are not part of an integrated system, which is what the eGovernment program is meant to be about. It is what makes it value for money, it is what makes it common sense and it is what makes it secure as well. That is meant to be the benefit of eGovernment and instead we are going down the road of having independent stand-alone applications that do not interact with one another, that are not based on the same security procedures and are not based on the same information and access to the individuals' information and, ultimately, their rights over that information. That is what frustrates me about it, is that it is just a token. I do not really believe in doing tokens; I think we should do things properly. That is why the amendment was brought forward, it is to cut out this interim stage, saves money, we get a better system at the end of it and it is part of the bigger picture. I happen to think that that is common sense and that is why I brought the amendment because I think it delivers that. The chairman of P.P.C. spoke about the successful use of the petition system in other countries. I dispute that, to be honest, I think the U.K. petition system is an absolute shambles, to be perfectly honest. For a start, any of us can go and sign a U.K. petition right now if we want to because there is a box you have to tick that confirms you are a British citizen. You do not have to prove that you have ever lived in the U.K. or that you have ever had the right to vote there. You can still sign a petition, which will impact on the order of business in the U.K. Parliament, something that I think is wrong and unfair, whereas in a few years' time, whenever that may be, we should hope that we will have an electronic I.D. associated with each of us as an individual; that will be how we access particular services. It is going to be what we use to access online voting one day. I think that the comments

that have been made by Senator Ozouf and others have indicated just what a shambles the process of getting to that point has been, which I think is highly regrettable. Even though I think I am imminently about to be defeated on this amendment, at least we have managed to expose some of the problems and some of the mistakes that this Government have made. I will try not to despair too much about it and I ask for the appel, Sir.

The Deputy Bailiff:

The appel is called for. I ask Members to return to their seats. If Members have had the opportunity of returning to their seats, I ask the Greffier to open the voting.

POUR: 5		CONTRE: 33		ABSTAIN: 0
Senator P.M. Bailhache		Senator P.F. Routier		
Connétable of St. John		Senator P.F.C. Ozouf		
Deputy G.P. Southern (H)		Senator I.J. Gorst		
Deputy M. Tadier (B)		Senator L.J. Farnham		
Deputy S.Y. Mézec (H)		Senator A.K.F. Green		
		Senator S.C. Ferguson		
		Connétable of St. Helier		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Ouen		
		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of St. Saviour		
		Connétable of Grouville		
		Connétable of Trinity		
		Deputy J.A. Martin (H)		
		Deputy J.A. Hilton (H)		
		Deputy K.C. Lewis (S)		
		Deputy E.J. Noel (L)		
		Deputy of St. John		
		Deputy M.R. Higgins (H)		
		Deputy J.M. Maçon (S)		
		Deputy of St. Martin		
		Deputy of St. Peter		
		Deputy of St. Ouen		
		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (H)		
		Deputy S.M. Bree (C)		
		Deputy M.J. Norton (B)		
		Deputy T.A. McDonald (S)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		

12.3 E-Petitions: introduction (P.123/2017) - resumption

The Deputy Bailiff:

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

12.3.1 Senator P.F.C. Ozouf:

Very quickly, I apologise if I did not realise that the report was being approved, but I still can vote in favour of this because effectively as Deputy Mézec knows, an I.P. address can be effectively found. So what this will effectively mean is that somebody outside the Island needs go to a V.P.N. to find an I.P. address and basically sign the petition as if they were in Jersey. So effectively providing the Greffe understand the fact that you can fix the I.P. address and irrespective of where you are, and it is not confirmation of where you are but it is effective. I can go on my iPad now and pretend I am in the United States and sign something basically thinking I am in the United States. That is how technology works. I think that was why I was asked to be Digital Minister along with Deputy Wickenden. So that is fine. I understand what I am voting for. I understand this. But I would just ask the Greffe and the P.P.C. to ensure that there is a suitable issue ... because a lot of the widespread issue of being able to change I.P. addresses has become much, much more easy to do in the last few months. Certainly I am aware of it and how to do it, and just it is very interesting as to how that is the case. But I am sure the Greffe ... it does not even matter because effectively there is an email and a 2-stage process that the report does set out, and that is the security process that is in place which is more important than just the I.P. address but the email address is more important and I commend the proposition to the Assembly.

12.3.2 Deputy M. Tadier:

Indeed you can look up online how to change your I.P. address and it says some of the reasons you might want to change your I.P. address. It says you have accidentally configured an invalid address such as a static I.P. address in the wrong numeric range. I am sure we all know what that means; we have all been there, have we not? Using a malfunctioning router: that is providing a bad address such as one already being used by another computer on the network; installing a new router and reconfiguring your home network to use it for the I.P. address or because you have gone on holiday to the U.K. and you need to sign a petition in Jersey on a Jersey-related matter, but they only accept signatures from people with a Jersey I.P. address. I made that last one up myself, of course. I think that highlights the issue here. Now I think there is potentially a solution. The first solution which is maybe slightly humoristic is that there could be a video on the States website which tells people how to mask their I.P. address to make it look like they are in Jersey when they are abroad provided that they are a Jersey resident, and that the States should show people and facilitate how they ought to do that. In the absence of that though, I do not see why we need to be so rigid when it comes to the I.P. address saying that we will only accept signatures from an I.P. address that can be shown to be in Jersey. What we should have is a system whereby anybody can sign it and then if your I.P. address is not from Jersey it will be flagged-up to one of the Greffe staff, and then they will follow it up in the same way that they might do if there was an inconsistency or a question mark over one on a physical copy to do with an address; something to do with illegibility, for example. So I imagine if they had time and they were minded to do that, they might pick up the phone because phone numbers or addresses are provided saying: "Sorry, we cannot just read this. Can you confirm that it is you, you did sign this?" and once they are satisfied with that, they could do that. Given that the numbers should be relatively small in the grand scheme of things - in the Jersey context, we are not dealing with a big country - I do not see why that could not be a sensible methodology in the interim in the next 20 years while we are still waiting for the digital I.D. to become available. That should surely be manageable. I have other questions that perhaps the Deputy can help me with; more general ones. How will we know what the age of people is? How will we know how old they are when they are signing an online petition? Do we simply take that on trust that they tick a box saying: "I am over 16"? If we are willing to take their age on trust, why are we not willing to take their residency on trust? Why do we need to go through this whole argument of residency and I.P. address again? Similarly, will the current criteria that apply to paper petitions automatically apply to on-line petitions? So for example, it says in Standing Orders in point 6 that a petition may be in any language.

[16:15]

So is that going to be replicated online? If not, why not? It seems to me that if a paper petition can be presented in any language, then surely online there should be even more of a compelling argument to make sure that a petition can be presented in any language, and if so what is the resource provision that is going to be allocated for that, so if we do get petitions that are submitted in Polish, Romanian, Portuguese, French or even Jèrriais, can we be assured that they will be put on the website or will they have to be translated first? I think those are the initial questions that I have and I would be grateful for any clarification.

12.3.3 Senator L.J. Farnham:

Notwithstanding the valid comments we have just heard, I am impressed that the knowledge displayed by Senator Ozouf and Deputy Tadier on how to log in from other countries and so on and such, I would want to just congratulate P.P.C. and Deputy Wickenden for bringing it forward. The rate that technology is moving forward now with security, and security online is a huge issue. Companies such as Apple and Microsoft are grappling with it and coming up with some really smart solutions. So while we might not have all the answers now, I think very quickly we will and technology will move and we will embrace it and find better ways to be more secure, and perhaps Deputy Wickenden would confirm that when he sums up. So we can do 2 things: we can talk about this and make excuses not to do it and wait for everything to be perfect, which it never will be, or we can just get on and do it.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition? Debate is closed. I call on Deputy Wickenden to reply.

12.3.4 Deputy S.M. Wickenden:

In all my years working in the tech industry one of my favourite sayings has always been, a little bit of information is dangerous. There is a lot of misinformation you have heard over a lot of people's speeches here. For one, I would challenge any of the people that were spouting out words like V.P.N. to tell me what it stands for. Now speaking I.P. addresses, you need to go on to what is a V.P.N., a Virtual Private Network. That means you need to set up something called a virtual private network and then publish it so people can log on because then it looks like they are coming from Jersey. You can do that for things like the U.S.A. now because people go and do commercial virtual private networks and they publish it so that you can go in and you can spoof the address from the I.P. Nobody has set one up for Jersey. I mean, it could be done, but why would you bother? Really, why would you bother, just so you can sign a petition? We talk about the whole idea of I.P. addresses: is it the right, is it the wrong thing? We need to have some control, as I said before. If we open it up we open up to everyone. It creates more trouble than it is and saying it is the lesser of 2 evils is what we are doing here. When we say that the digital I.D. could be 2 years, that is the amount of uptake of residents of Jersey that will start using the digital I.D. It is about reducing the level of friction so that people can easily use the service. Now creating a digital I.D. and authenticating it through would mean that you would have to go... and because we are doing it at a high level for tax and health and social security, it could be a 24-hour process to get your digital I.D., get it authenticated. Nobody is going to go and get a petition online and then say: "Oh, I really want to sign that" and then, right, well next, what you have got to do if you do not already have this I.D., they will not sign. It will create undue friction. It is completely unnecessary in what we are trying to achieve right now. It will come along. We will put it behind, and it does not mean the eGov is 2 or 3 years away. It means that uptake of the digital I.D. is going to take a while for all the residents to start using it. They will only create one when they have a need to create one. We know that. We know that it is going to be an uptake that is going to be gradual over a number of years. I am glad that Deputy Tadier worked out how to change an I.P. address, but that was a local I.P. address for a computer, all of those

solutions are given. It was not an I.P. address for an I.S.P. or an internet service provider. That was not what you were looking at. You were looking at how you were changing one just in your home, and that will not work. That will not spoof the information in what we are trying to do here. The language - I did not make that clear at the beginning - the petitions can be submitted in French and English, but if they are submitted in French they need to have an English translation. Also, we are talking about on the idea that somebody is out of the Island. Okay, if they live in Spain, as Deputy Tadier mentioned, they might not get back to the Island at all in any one year. But these petitions are going to be up for 6 months. If you are at university it is very likely that you will be back in the Island within a 6-month period to visit family in summer or Christmas, and those could be done and signed there. We are still talking about 6 months to sign this petition. So I do not think that what Senator Ozouf and Deputy Tadier and Deputy Mézec were mentioning about people being out of the Island is going to be such an issue. It will be for people that live permanently out of the Island; I do agree with that. I agree with concerns of Deputy Tadier there on that particular point. There seems to be a real misunderstanding of what eGov is, and I want to put that clear. I know it is not in the proposition, but there was plenty said that it was a failed system of 4 years. Well, I am sorry it is not. We have had to make sure that we have done the right due diligence; that we spent the right amount of money; that we are using the right people; the right services for the right money because it is taxpayers' money. You do not rush something like that. You go through due diligence. You have to make sure that you have all of the standards correct so that if in the future any new bit of I.T. (information technology) equipment that comes in will talk to everything else; and that is what we have been doing in eGov: we have been making sure that it is future proof; that we can use things in a common way. So we are not using it once here and then doing a completely separate something somewhere else. We are making sure if we are putting that there it is going to be the thing that we use in every department across the board. It is not about creating one computer system and then spreading out. It is about creating one portal so that you go to one place to get your government services on line. In the background you will not see any of that. It does not have to be one computer. You will still have your health computer and you will still have your tax computer and you will have social security. It will be seamless to you at the front, but that is not what eGov is about. There is a complete misunderstanding in saying that this government is failing in eGov. Utter, utter rubbish. It is likely we are going to the end of the procurement process now and I am hoping to have this I.D. up and running in some format in the next coming months and I am really looking forward to that because that is the final piece that we have been waiting for, and it is fantastic. I am absolutely 100 per cent that we have done the right process and procedures to make sure we have the right solution. Deputy Mézec thinks that it is better for money the way that he wanted to do it, which was the digital I.D. It is not going to change a vast amount. We are not going to rewrite the system, as I said before, these thousands of pounds. We are just going to put it behind the digital I.D. system eventually. But again, when there is not enough friction, when it is not slowing down the process, when it is not making it harder for people to engage in this democratic process that we are setting online, I celebrate what we have done here. I am sorry that people have misunderstood what it is about, but I do hope you support the proposition and I do maintain the proposition and ask for the appel.

The Deputy Bailiff:

I ask all Members to return to their seats. I will ask the Greffier to open the voting.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				

Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

The Deputy Bailiff:

I announce to Members that the following has been lodged: the Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law, second amendment, third amendment and the Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law - second amendment comments lodged by the Attorney General.

Senator P.F. Routier:

I understand that we are considering, because of the order of business, that we call the adjournment now and start afresh in the morning.

The Deputy Bailiff:

Yes, the States on an earlier occasion resolved that if it finished business today it would start on the in committee debate relating to the implementation of the recommendations for the Inquiry at 9.30 a.m. tomorrow. So the States has already resolved that and in accordance with that resolution we stand adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[16:25]