

# STATES OF JERSEY

## OFFICIAL REPORT

**WEDNESDAY, 26th FEBRUARY 2020**

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[9:30]

**The Roll was called and the Greffier of the States led the Assembly in Prayer.**

**The Bailiff:**

We have the matter now of the Chief Minister, Senator Le Fondré. Who is it who indicated the Senator is delayed? Stand up, please.

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

His flight does not land until midday, Sir.

**The Bailiff:**

Very well. Are you able to tell the Assembly why the Chief Minister ... is he on leave, or States business?

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

He was returning from leave on Sunday and was caught out in the fog that descended Sunday night and was unable to rebook a flight until midday today.

**The Bailiff:**

So you would ask he be *défaut excusé*?

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

Please, Sir, yes.

**The Bailiff:**

Does any other Member wish to speak on that?

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

I think it was George Bush who says: "Fool me once, but you cannot fool me twice." Whether he got it wrong and I cannot remember exactly what he said. **[Laughter]** I think this is completely taking the mick, I do not know if "taking the mick" is unparliamentary, but I have certainly got another expression, which is even more unparliamentary. It is now Wednesday and the Chief Minister cannot get back to the Assembly and we would not tolerate this from any other of our workforce. It sends out a complete double standard. I, for one, do not think we should even be asking for this, frankly. I do not know if any other Member would have the gall, or the cheek, to do this. It should simply be that the Chief Minister is marked *en défaut*. We have got 2 really big debates this week on domestic and global policy and the Chief Minister has not even got the front to be here. I think he is a disgrace.

**The Bailiff:**

I think you might express the view that it is disgraceful not to be here, but not the individual is a disgrace.

**Deputy M. Tadier:**

I think the latter is probably more diplomatic, Sir.

**The Bailiff:**

I would have to agree with that. **[Laughter]**

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

I will mention again, as I did yesterday, that many public service workers, if they cannot get back from holiday, through no fault of their own, are asked (1) to make up the time in their own time, or

(2) lose pay for this. I think if we are public service workers I think that is a mistreatment of public service workers, but it needs to be common across the board, because so many put in extra hours, anyway. So, I am afraid this is not acceptable.

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

The point I made yesterday was that, at 1.45 p.m. on Sunday, while sat on the train at Calais, I booked a flight on easyJet at 7.00 a.m. on Monday, so, therefore, to say that we are now at Wednesday and there were no alternatives I do not accept that is the possibility.

**The Bailiff:**

If no other Member wishes to speak on this, the vote will be whether, or not, the Chief Minister is marked *défaut excusé*. A vote for that will mean that he is. A vote *contre* will mean that he is *en défaut*. The *appel* is called for, I would ask any Members absent to return to their seats. I ask the Greffier to open the voting. So, a vote *pour* it is *défaut excusé*, a vote *contre* it is *en défaut*. Your motion is that it is *défaut excusé*, I think.

<b>POUR: 18</b>		<b>CONTRE: 17</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Senator K.L. Moore		
Connétable of St. Clement		Senator S.Y. Mézec		
Connétable of St. Brelade		Connétable of St. Lawrence		
Connétable of St. John		Connétable of Grouville		
Connétable of St. Peter		Connétable of Trinity		
Connétable of St. Mary		Connétable of St. Martin		
Connétable of St. Ouen		Deputy G.P. Southern (H)		
Deputy K.C. Lewis (S)		Deputy M. Tadier (B)		
Deputy S.J. Pinel (C)		Deputy of St. Martin		
Deputy of St. Ouen		Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		Deputy J.H. Young (B)		
Deputy of St. Mary		Deputy K.F. Morel (L)		
Deputy G.J. Truscott (B)		Deputy of St. John		
Deputy L.B.E. Ash (C)		Deputy M.R. Le Hegarat (H)		
Deputy G.C.U. Guida (L)		Deputy S.M. Ahier (H)		
Deputy of St. Peter		Deputy R.J. Ward (H)		
Deputy K.G. Pamplin (S)		Deputy C.S. Alves (H)		
Deputy I. Gardiner (H)				

**The Bailiff:**

The Chief Minister is accordingly *défaut excusé*.

**Deputy M. Tadier:**

This is a point of order. It is about nomenclature. I understood that we did not call it *défaut excusé*, we call it *excusé* and *défaut* is something different. Can you just clarify? He cannot be *défaut excusé*.

**The Bailiff:**

No, I am taking the words as co-joined, possibly it is not good French, but I am saying the default, which is something which otherwise would be a default, is excused. Therefore, *défaut excusé*, whereas if it is simply *excusé*, it is not deemed to be any form of ... if it is simply *défaut*, then it is not excused, that is the way I have certainly treated the words, if that assists you. We now come on to Deputy Higgins, who is absent, we are told, from the air display. Does anyone wish to make any observations about the position of Deputy Higgins?

**Senator L.J. Farnham:**

I was thinking back and Deputy Higgins has been marked *excusé* on a previous occasion for air display business, not on States business. I might have suggested it be States business, but I simply ask that the Deputy is marked *excusé*, because he is on air display business, which is an important event for the Island.

**Connétable L. Norman of St. Clement:**

It is my understanding and I may be totally wrong, if someone could put me right, but I do understand that the air display is not simply States business, but it is also the Deputy’s business, from which he receives some not insignificant remuneration, unless things have changed recently. If I was away on my personal business, or anybody else was away on their personal business, I do not think they would even ask to be excused. It is just I feel it is somewhat totally different from the one we were discussing before and being away on States business and being away on personal business, I think, there is a difference.

**Deputy M. Tadier:**

The complete double standards of this Assembly are frankly shocking. The Chief Minister is away on his own personal business. His leave, his private time, is his business - and this is not personal about the personality of the Chief Minister, I get on well with him, as I do with Deputy Higgins - but clearly there is a grey area here where the air display is of significance to the Island. It is a big event that draws tourists and it is important for the Economic Development, Tourism, Sport and Culture Department and so if we are going to give latitude to one Member based on principle we should extend it to another, but otherwise we are just simply saying we are playing personality politics and it depends who you are in this Assembly. I was told that we are all equal in this Assembly once we are here, but clearly that is not the case, so let us have some principles and extend the same courtesy to Deputy Higgins that we have just extended to the Chief Minister.

**The Bailiff:**

Well, it is a matter for the Assembly, of course. If no one else wishes to speak on the matter then again I will put it to the vote. A vote *pour* will be to excuse Deputy Higgins. A vote *contre* will be that he will be registered as *en défaut*. So I would ask the Greffier to open ... I assume the *appel* is wanted. I ask the Greffier to open the voting.

<b>POUR: 23</b>		<b>CONTRE: 10</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator K.L. Moore		
Senator L.J. Farnham		Connétable of St. Clement		
Senator T.A. Vallois		Connétable of Grouville		
Senator S.Y. Mézec		Connétable of Trinity		
Connétable of St. Brelade		Connétable of St. Peter		
Connétable of St. John		Connétable of St. Martin		
Connétable of St. Mary		Deputy G.P. Southern (H)		
Connétable of St. Ouen		Deputy S.J. Pinel (C)		
Deputy K.C. Lewis (S)		Deputy of St. Martin		
Deputy of St. Ouen		Deputy L.B.E. Ash (C)		
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				

Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

[9:45]

**Senator I.J. Gorst:**

I wonder before we move on I could ask the Chair of P.P.C. (Privileges and Procedures Committee) to be mindful of the vote yesterday morning and this morning and the comments that Members have had to make. I wonder if it is time just to review those particular Standing Orders in light of what has been said.

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

Noted.

[9:45]

**COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Bailiff:**

**1.1 Appointment of new Solicitor General**

Under A, I have received notice from His Excellency the Lieutenant Governor that Her Majesty the Queen has been pleased to approve the appointment of Mr. Matthew Jowitt as successor to Mr. Mark Temple Q.C. (Queen’s Counsel) as Solicitor General. **[Approbation]** This appointment follows the recruitment process that was conducted late last year and Mr. Jowitt will take up his appointment during the course of this spring. He has worked previously in both the private and public sectors in the legal profession in Jersey and it gives me pleasure to make this announcement and to offer the Assembly’s best wishes.

**PUBLIC BUSINESS**

**2. Carbon Neutral Strategy 2019 (P.127/2019)**

**The Bailiff:**

We now continue with P.127 and I have listed as next to speak the Deputy of St. Peter.

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

The discussion of batteries came up yesterday from the Constable of St. John and the potential detrimental effect it has had on the manufacturing of them and the mining of cobalt. I think batteries are quite fascinating, because I do not know if anybody remembers the brick mobile phone in the mid-1980s. I am sure there is a city trader opposite me who will remember them well. They were about that big and they had a battery life of about a maximum of an hour’s speaking time. Where was I? The big brick batteries and I am not allowed to mention the manufacturer, but it does not matter. Then, eventually, that same phone had a smaller battery in it, but it still only lasted about an hour, but at least it was more mobile, you could put it in a briefcase or a pocket and not carry it around like a sewing machine. Then you went in through to the mid-1990s and the Finnish manufacturer had phones about that size, where the battery would initially last again half a day and maybe a couple of hours’ talk time, but then that progressed to almost 3 days with the same size of battery. Then you went into smartphones afterwards and that again started draining batteries because of the apps and again we were down to very short usage. Now we have a smartphone. Am I allowed to get it out?

It will not ring. This is a pretty tacky cheap one. You will get all-day use out of it and that battery can be replaced for £45. All I am talking about is progress with batteries has been made enormously, so we are moving on to cars. We are now moving, the developments are coming forth where batteries will have a 250,000-mile life and the duration of those batteries are many years. I am just saying progress has been made. Now, as far as cobalt is concerned, can I just say Tesla, because we know where we are now? The manufacturer of that particular company has stated that he is reducing his use of cobalt down to 3 per cent of manufacture and the next generation of batteries that he is demanding will have no cobalt components whatsoever. The point I am saying is I totally agree, we must be concerned about this if we are going to build a policy on electric cars and other forms of electricity with battery powers, so I just ask that we monitor this within the policy going forward, so we are kept abreast of development, so we can make a more balanced judgment on that. But I think, quite honestly, when you have a company like Tesla, which has got a greater market capitalisation than a German manufacturer and produces one per cent of the output, what is quite clear is they have got a lot of skin in the game in ensuring that battery technology is developed, not to the detriment of the manufacturing process, as the Constable alluded to, quite correctly. Enough of that one. I am a bit concerned where a lot of other jurisdictions are putting a lot of tax exemptions into cars and E.V. (electric vehicle) parking and I am just worried that that ... and I know we have had the Amendment yesterday, which was quite rightly supported, that we have to be aware of the cost to the pocket of individuals of financing that, because if we are going to be giving Government grants for E.V. cars *et cetera*, that could go the wrong direction financially and free parking *et cetera*. I do not see anything on the power of similar investment. I do not see anything very big and brave about electric planes and electric boats and also one of the things that really is missing - unless I missed it, forgive me - is hydropower. We are surrounded by the biggest tides in the world and that is something that must be captured. Potentially it is big and brave and it could cost an enormous amount of money, whether we are going to shore up the whole of Noirmont to Elizabeth Castle, but, however, it could leave us totally independent and self-sufficient of power for generations to come. Then I think it is something that could be a brave decision, but really needs to be looked at seriously. A parishioner came and knocked on my door in the Parish Hall and gave me a big lecture on this the other day, quite an influential person. I will not mention his name yet, because I do not have his permission, but he was talking about education, education, education. I hate saying that, it does not trip off my tongue very well, but the fact of the matter is it is a very cost-effective way of getting the message out, so every single person behaves properly. I see this in section 4, but I just do not think it can be over-emphasised as a way of trying to change people's behaviour from within. The last thing, because I am sure you are all very bored by now, is I would like to see some clear goals: what the Island will look like in 2030 if we have achieved what we have set out to achieve, carbon neutrality; just have some images and some pictures - how many cars, what will the day-to-day lifestyle be like - so we have something that is real, we can touch and we can aim towards collectively as an Islander and with policies from an Assembly. Otherwise, I totally support.

### **2.1.1 Senator S.Y. Mézec:**

I am pleased, as I suspect most Members are, to support all parts of this Proposition. There has been, from some Members, some negativity and some scepticism about the principle of having a Citizens' Assembly, so I wanted to focus my remarks on that part of the Proposition, because I am positive about a Citizens' Assembly. I think the formation, that has been derived for this particular Proposition, as opposed to the other citizens' panels that have been suggested for other proposals, I think is the best one. I think it is the most credible and set up to be the most capable to do its job. I know that there is some debate on whether this Assembly, itself, is a Citizens' Assembly and therefore negates the need for a separate Citizens' Assembly, but I will come to that point shortly. The Republic of Ireland has had a Citizens' Assembly in operation for several years now, which was put together to deal with some of the more contentious issues that cross the usual political divides in Ireland and I think has shown to be very successful. It was used in the run-up to the debate on

abortion, bearing in mind that Ireland was a country that, for decades, had been well behind the rest of Europe in what is a fundamental issue, I think, of women having the right to choose what happens to their own bodies and not to criminalise people in the disgraceful way that many European countries, including Jersey, at one point, did. By getting a cross-section of the public from all walks of life together to deal with that thorny issue, they were able to come up with a proposal that was acceptable to not just their parliament and their government, but to the country as a whole. That was roundly endorsed in a referendum and I know that they intend on using that format to deal with other thorny issues in life in that country. I think that has shown to be a success and it is worth thinking about, because of that success, how something like that could operate in Jersey. I think this is the perfect subject for it. The issue of how Jersey deals with climate change is not an issue of political preference, it is an existential issue and it requires solutions and the issues to be considered from outside the usual political parameters. Ultimately, there will need to be a package of measures which are put together, which individually might not work, or individually may even be unpopular, but you would hope that the package ultimately ends up greater than the sum of its parts. I am hopeful and anticipate that this Citizens' Assembly will do the Island proud. I am sure that the people, who end up involved with it, will take their duties seriously and I think that they will come up with something with the credibility that no highly paid consultant could ever come up with and I think they will have the courage to be bold. I think that stands in stark contrast to this Assembly, which shows that time and time again it prefers to kick difficult issues into the long grass, it lacks courage and often is too scared to put aside self-interest. Yesterday, we had a perfectly decent Proposition ready to go, that would have protected the vulnerable in the Island. We utterly failed to deal with it and I anticipate that if the issue of how we play our part in dealing with climate change is left to this Assembly and this Assembly alone, it would fail on that issue, like we fail our people on so many other issues. This issue is far too important to be left to self-interested politicians, incapable of making a decision, so I congratulate the Minister for the Environment for this proposal. It has my absolute support.

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

I would like to echo the words of the Minister and recognise the tremendous achievement of producing the Carbon Neutral Strategy by the end of the year. When the States Assembly declared a climate emergency last May and asked the Council of Ministers to say how they would address it, I think we would all probably wonder whether it would be possible. I would like to acknowledge the commitment, contribution and support they have all shown in helping achieve this task, by responding so quickly to this pressing challenge. As we have all heard and are very aware, tackling the climate emergency is an extremely complex issue and with the many interrelated themes, not least, of course, is how we reduce our emissions from operational activities. As elected politicians, we will ultimately have to make the tough decisions to act for the long term, but this will not be enough, unless everybody faces up to the impact that being carbon neutral will have on our daily lives. We will need to travel differently, work differently and consume very differently. Lots has been said in the national media of this of late and I understand that the ban on selling new petrol, diesel and hybrid vehicles in the U.K. (United Kingdom) has been brought forward from 2040 to 2035. Now, this is not a ban on petrol and diesel vehicles, this is a ban on selling new petrol and diesel vehicles, so anybody with a vehicle will be free to continue using them, but I fully support the idea. My Department has been pushing hard for the greener biodiesels to be used in Jersey, which is a good halfway house. It has been suggested to me that I should compel the bus company to use green diesel, but I do not have the authority to do it. They are an independent company, but they do have very good clean Enviro 6 engines, which are very low in emitting particulates, but we will do our best to persuade that cleaner fuels are on the market. Reference to the cobalt situation, I am aware of what has been going on in the Democratic Republic of Congo with the mining operation there and young children.

[10:00]



I have checked with Amnesty International and they are pressurising the Government of the Democratic Republic of Congo to cease this exploitation of children with immediate effect, but it is not just car batteries, it is personal phones and all sorts that this element is going into. As has been mentioned by the Deputy of St. Peter, the cobalt in car batteries will be phased out in the not too distant future, but there are mines opening in Australia and Chile, I believe, to extract the minerals from there. I did work for a company in the 1980s that had one of the original mobile phones, which was literally a car battery with a handset on top of it and that weighed a tonne and was not really eco-friendly, but we have moved on tremendously since then. I would like to say that I fully support the carbon neutrality. There are several elements in that, that will be covered in the not too distant future by the Sustainable Transport Policy, which will be in the next States sitting, but I urge Members to support the Carbon Neutral Strategy.

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

There are various elements I would just like to discuss with regard to the Proposition. On the first part (a), adopting the defining principles, as set out in Section 3 of the Appendix, maybe the Minister, when he sums up, will just clarify that it is Section 3 and not the Appendix. As I see it, having read through it, the Appendix 3 refers to the Citizens' Panel, so I am not wishing to be pedantic, but the wording does not seem to be quite right there to me. With regard to the defining principles, a parishioner sent in a note referring to Australia's experiences and it might be useful just to quote from the Australian P.M. (Prime Minister), Scott Morrison, who, at the end of his speech, suggested that the smart way in dealing with this, to get emissions down, is to focus on the technology and make sure that technology is affordable and scalable. You want to get global emissions down, you need technology that can be accessed, put in place, not just there in Australia, but all around the world. Meetings will not achieve that, technology does and I can tell you that taxes will not achieve it either. I think that is quite pertinent. So, bringing it back to Jersey, what are we going to have to pay for? I think that is probably not terribly clear at this stage and hopefully it will come out later in discussion. Jersey can do an awful lot without crippling the population and we need, I think, continually to look outside the box to see what we can achieve. It is early days, I think, in the world in how to deal with carbon emissions and I do not deny that we should play our part in it. I think most of the residents in Jersey would wish to. On that point, I think we probably need to change the perception of climate support groups, the public perception of those that are supporting climate emergency, because up until now I think those in that vein have been considered extremists and I think we need to change that. The perception needs to be it is normal to accept climate change and it is not an extreme movement. When we look out to countries such as France, the Netherlands, Canada and Australia, who seem to be under pressure from the U.N. (United Nations) to meet their targets, it is a bit worrying in that are they going to meet them; are they able to meet them; have they got the technology to meet them? We do not know at this stage. There is no denying that the whole world has to clean up its act, clean up its oceans, stop pollution of rivers with rubbish and dispose of waste responsibly and considerately. It is through education that we need to do a lot more and I think probably, from a personal level point of view in the Island, education is an area in Jersey that we can focus on, a simple thing like making sure our washing machines have a proper filter to collect fibres, so they do not end up the sea, or in our systems. Surely that is fairly easy thing to achieve. There are issues the Minister for Infrastructure referred to just now in terms of biodiesel. The use of ethanol in fuel is an area that we can encourage and I think, from his point of view, he can be more encouraging, shall we say, not only to the bus companies, but to transporters and hauliers, who are using significant amounts of diesel. Those are areas, I think, we need to put focus into. I would also like to thank my working group, going on to (b) and citizens' panels. I know a lot of scepticism has been expressed regarding citizens' panels and the Minister for Children and Housing mentioned, just now, his support. They do come in various guises. I suppose we formed a working group, which could be termed as a citizens' panel and it really, I think, has worked quite well for my Parish. We had several meetings I attended and the product of that working group was that we would consider various items within

the Parish. They were distilled down to what was achievable now, not aspirations for the future. We will get on to that, that will come later, but we wanted some recommendations that we could get our teeth into now. They are not great in number, but it really was things like encouraging the provision of secure cycle parking within the Parish to connect with public transport and thus encourage a greater use of buses; to consider replacing Parish vehicles with hybrids, or E.V.s, if suitable, when they are due for replacement; we were to support car-sharing, where possible; we are to develop an action plan to install photovoltaic solutions on Parish properties; we are to use environmentally friendly paper; we are to support the composting of food waste, if at all possible within the legislation we have in the Island at present; we are considering divesting from fossil fuel investments, which is an interesting point; we are to consider installing L.E.D. (light-emitting diode) lighting on the street lights, when due to be replaced; adopting a new approach to green spaces in our parks and gardens with the planting of trees and pollinator patches, where appropriate; to consider using eco and active green businesses when selecting suppliers of goods and services; and, of course, getting that message across through our own Parish magazine. So, I believe that everything is achievable. We all have to apply our minds to it and make sure this Citizens' Assembly works. I think we are a little bit sceptical. I would be very interested to see what pans out from it. One would like it to work and we would certainly, I think all of us here, look forward to seeing the results. In conclusion, I would like to see figures attached to the recommendations that come through from the Minister in due course. We cannot just keep pointing to pie in the sky and talking about hundreds of millions. We need to be fair to residents of the Island and they need to have the knowledge of what it might cost them - if it is to be the case - in taxation in the future.

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

I would like to start that we do need to recognise the hard work and willingness and our openness, as an Assembly, to embrace a task as huge, as daunting, as climate change. When it came in May we all - most of us - voted for it and I think we are all on this journey. Something needs to change. We are all trying to protect the environment. We can all agree what are the things that should not be done and are damaging to our environment and I think we have some maybe disagreement, or discussions, on the paths, but not about the destination where we are all going. So, let us find things that we all agree and take those things forward. The creation of strategies, policies, laws, to protect our environment, it is not new. I think it is going for years that this is what we are doing and we take for granted now legislation to stop people allowing sewage to run on to our roads, to dump furniture in the countryside, to stop us using lead paint, so all this legislation came at some stage and maybe that time it was really crazy, I am not sure, but I think it would be, so now we all consider these laws absolutely obvious and we would be crazy to try to reverse them. Some of the decisions that we will pass here in this Assembly would be obviously the right thing considered by the people in the future and probably we will be very surprised and say: "Oh, why did we even debate it?" It will be in the future, I am absolutely sure on this. This is the way that I would like it: we will find the small things, practical things that we can do together and move them forward as quick as possible and maybe bigger things that will benefit and improve our environment locally and have some way towards saving the planet. From my perspective, I would like to embrace climate emergency as an opportunity that we need to do something to reduce our carbon footprint and we can do something at the same time to protect our beautiful Island. We can do these things at the same time. I will give a short example about the offset. This is my thing that I raised a couple of times and in the Proposition we have 2 options: offset out of the Island and to offset on the Island. I would like to ask the Minister if the opportunities to offset on the Island will be explored first, before we are going out of the Island. We are all on the journey, we are all on it, we are all learning. I have learnt a lot and thank you to the Minister and his officers. They brought lots of ideas that I was not aware about them and it was really good communication between Scrutiny and your officers around the climate emergency. For example, yesterday during the speech of Senator Farnham, I learnt that we can use our coastal resources and plant seaweed and basically offset the carbon on the Island. It means investing money

in our local industry, our local initiatives and we benefit. Another way, I would like that we all together explore the circular economy, which is closing the loops, nothing wasted, agriculture waste into the produce into the compost back into the ground. There are local initiatives, which need to be developed, which can basically bring our food waste into the compost waste and back into the ground and it is a win-win situation. We have development of our businesses and also enhancing our soils and we are offsetting on the Island, instead of spending the money outside of the Island. It will make a global impact on our scale. In the conclusion, I would like to thank Deputy Young and his officers for their hard work and I have no doubt that future generations will recognise this contribution, because they worked really hard. One point about a Citizens' Assembly, there is lots of scepticism that has been mentioned and I have scepticism on other Citizens' Assemblies. When the Department presented to the Scrutiny about Citizens' Assembly, I was like: "Wow, this is the way we really need to go on this particular point" and I tell you why. In the Proposition, the purpose of the Assembly is how we should work together to become carbon neutral. We need the public on this journey. We are all on the journey. I imagine, in 20 years, we will be debating here different challenges like - I do not know - disposal of hydrogen cells. We are just part of the process that never finishes. The environment is not something that we can fix and forget. It will be continuing to develop and it would be good to have this, join the forces together with the public on this journey, so I would be supporting this Proposition.

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

It is late in the debate and I am not going to regurgitate everything that has been said so far, but I am obviously fully supportive of this going forward. There are a few observations. I will start with the Citizens' Panel. I think it is so important. The Minister, at one point, pointed out that it could cost over the 10 years something like £600 million to go carbon neutral and I think, when there is such magnitudes of money involved, it is important that we bring the people with us on this, because, goodness me, there are going to be some really difficult decisions to make going forward.

[10:15]

We have got challenges, as it is. We have just come out of 12 years of austerity, effectively. The world economy basically crashed. We have got a new hospital to build; that is going to be £500 million. We have got so many demands on the public purse. Every year now we start with a £400 million-plus wage bill to find, so going forward the challenges are going to be quite enormous. I think it is important to bring the people with us on that, because the decisions in this Chamber are going to be extremely difficult to make and to get the balance right between saving the planet and looking after our people, as well, so I just wanted to make that observation. I was encouraged. I sat on the Panel with the Constable and we had a really enthusiastic group and they have taken control of this climate emergency and they have come up with 11 very practical solutions. I think, if we roll that out throughout the Parishes, that would be a great thing. It is just doing something and I think that is so important for the human psyche that we all realise that there is a problem out there: the ice sheets are melting; there are fires in Australia. It is a grim situation, so I think we really do need to all be involved and do our little bit to try and save this planet, because, ultimately, I believe that is what it is coming down to, so it is important. As I say, £600 million over 10 years, it is going to be challenging, but I think whatever we do, we have got to do it. I think it is Tesco have that: "Every Little Helps" or: "Every Little Counts." What is it? "Every Little Helps." It has been said that Jersey, being a small jurisdiction, what difference can that make in the world? Frankly, every little helps. If every community, around the world, did their bit collectively, cumulatively, it would make a difference and I think that is so important going forward. I think we have got to lead. We have, as I say, some difficult decisions to make, but I am fully supportive of the measures going forward and I will do everything I can to help progress things and I am sure every other Member will, as well.

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

May I ask a point of clarification on that speech?

**The Deputy Bailiff:**

Yes.

**Deputy R.J. Ward:**

Can I ask the Deputy, the figure of £600 million, is he referring to the replacement of our entire infrastructure, without the cost of the replacement of day to day over the same period of time would be? Because it is a really complex figure and I am interested in where you came up with the figure.

**Deputy G.J. Truscott:**

I am happy to. It was a figure that, I think, the Minister himself has produced.

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

I am pleased to follow my colleague from the S.E.B. (States Employment Board) on this. I think, firstly, I echo his sentiments. I completely support this. There are a couple of points I would like to make. The first is about electric cars. We should not write off electric cars as being an unsustainable form of transport because of their range, or the capacity of their batteries. The reason I know this is my son worked for a Formula One company and you might think: "Well, that is not relevant. What are you talking about?" Formula One is a hybrid formula and the development of batteries and electric engines is at the very forefront of their thinking. The technology they are looking at, he tells me, will completely revolutionise battery power and electric power, so what we have now will not look anything like what we will have in 2 or 3 years' time, so I urge people not to dismiss electric cars, because they are the way of the future. This is what I am being told by a major automotive manufacturer, so we should think about ways of supporting this. The other point I want quickly to make is I think Parish support. Poor old St. Ouen is a long way from Town and we tend to get forgotten and at times almost ignored, but we are trying to do our bit. One I will be bringing to the Parish Assembly is kerbside recycling in the next month, or so. We are installing 4 electric charging points courtesy of the J.E.C. (Jersey Electric Company) for electric cars and we have completed our carbon usage spreadsheet, which the Environment Department very helpfully ran a workshop on. But the problem I have - and I think a lot of the smaller Parishes have - is we still need a bit more support and a bit more guidance. The guidance and advice is a bit patchy and what I would say is, there is a lot of goodwill in the Parishes to achieve carbon neutrality, but we do need a little help and support centrally to do that. I would urge both the Minister for the Environment and the Minister for Infrastructure to try and make that help available to us, because we are willing to use it and we are willing to take on board the offers of help that they have so far provided, which have been extremely helpful. Finally, before I sit down, I would just like to pay tribute to the J.E.C., because my engagement with them has been unbelievably helpful. They are keen to help, they are keen to talk to you about the technology they can offer to solve your carbon neutral problems and I think I would urge everyone to engage with them, both privately and at Parish level, because they will provide you with a lot of help and assistance and advice. When you compare the cost of running oil boilers, which kick out a lot of carbon into the atmosphere, with the cost of running electric boilers, there is not a lot of difference. In fact, there are some savings to be made, so it is worth looking at it from an economic point of view. Finally, the only other point I would make in relation to the proposal, which I will definitely be supporting, is about the Citizens' Panel. I think it is a great idea and I think we should support it. I am not too keen about messing around with the appointment of the person to run it. I think, in my view, that should be left to them, they should decide on how to do it, rather than us interfering and saying: "You should do this, you should do that." We want their advice and guidance. We should not just turn around and tell them what they should be doing, we should just listen to them. The only point I would say - and it is a point the Extinction Rebellion were very keen on - that their output should not be binding on this Assembly. We should listen to them and we should take

advice, but it should not be binding. I would definitely be opposed to anything of that nature. With that, I would thank the Minister for the Environment for all the hard work that he has put in on this. It is a great Proposition and I urge everyone to support it.

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

My colleague in St. Ouen has almost taken the words out of my mouth, because I wanted to make reference to the input of Parishes in this strategy. On page 33 of the document that we have, it is clear that there is an urge to engage with the Parishes from the Department. However, what I would like to suggest is that the Minister comes, with his officers, to speak to the Comité as the Minister for Infrastructure arranged recently for his officers to speak to us about the Sustainable Transport Policy. On page 33 we are told that support will be available through eco active to the Parishes. Not all of us are in a position to move forward with our own individual Parish carbon neutral schemes. I know that Grouville and others are putting plans into action, but the help that the Constable of St. Ouen has just referenced I am sure would be welcomed by us all, so that is an invitation to the Minister and his Assistant Minister and officers to come and speak to us and tell us how they can help us. Of course, then we engage directly with parishioners, so not a Citizens' Assembly, but parishioners across the Island. Just on the Citizens' Assembly, I have spoken to the Minister and the Assistant Minister about this. My only concern is that ... and a brilliant idea, yes, we see it has been undertaken in other areas of the U.K., I think Camden and other places. My only concern is that we do not disengage with the members of this panel, because, as the Assistant Minister mentioned yesterday, to me it is very much like the referendum. We encourage people to participate and then we are in a position to ignore what their wants are, so we ignored the outcome of the referendum, I think in 2013 or 2014 and that led to a lot of disquiet from the public, who felt that they had participated and had then ultimately been ignored. I am sure that that is not going to be the case here, but I do want the Minister to stress to the members of this panel that it may be, for whatever reason, that the recommendations that they come up with and which are then, maybe, accepted and subsequently put to this Assembly, may not then be accepted by the Assembly. I think that needs to be made clear to them. So, obviously going to support this. Who would not and why would we not?

#### **2.1.8 Deputy L.B.E. Ash of St. Clement:**

Just to follow up the point made by the Constable of St. Ouen, anybody who wants to go to the J.E.C. I would strongly recommend it, because they have set up what you could call a green zone that you can go and look at how they can operate, how they can help your household bills. It really is quite constructive. They did stage an open day, which Senator Mézec attended. No one else managed to make it. We are committed to these sort of things. Perhaps, people should go along there, should have a look and anyone listening in on here, I would strongly advise it, because it is very interesting.

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

As Members will recall, St. Helier was the first Parish to declare a climate change emergency and to form a group made up of concerned residents, not only of the Parish, but from across the Island and assisted very much by the J.E.C. Before I make my short intervention, I want to thank very much Deputy Ward of St. Helier, who brought that Proposition to the Parish Assembly before bringing it to the States. I think he deserves our thanks and a lot of credit for leading the way, being a real trailblazer in getting political buy-in to this important step. I would also like to salute the hard work done by the Minister and his team, in producing, very rapidly, the document that we requested from him in good time. I am slightly mystified: when we look at the Proposition, which is the bit we have to sign up to and we are asked to adopt the defining principles for the Carbon Neutral Strategy, as set out in Section 3 of the Appendix, well, when you go to the Appendix, you find that this is all about the People's Panel. This problem that States Members have, I have been recently exercising my mind, trying to make some headway with the Transport Strategy that we are due to debate in 2 weeks' time and similarly completely foxed and bemused by the inability of States' documents to really give

what we need for our decision-making in a clear form, because you cannot find the information in that document. This document, I am sure the Minister is going to tell us what we are signing up to, but it certainly is not what it says in the Proposition, because that is not where the defining principles are. Now, obviously, I support the defining principles, of course I think we will do and I am sure that it will be a unanimous vote this morning, but I have to remind Members that receiving reports, of course, is the first thing. We are asked to receive the Carbon Neutral Strategy and, in my Amendments, which I hope to be lodged today to the Transport Strategy, I have suggested that receiving is pretty weak. Legislatures should make decisions, they should not just receive things. But what we are being asked to do is quite easy, it is to agree some principles and, of course we are going to sign up to them, but the real acid test will be when measures are brought to this Assembly later on this year, which begin to bite, which begin to hurt. That is going to be the interesting part and I am sure Members will be reminded that they supported these principles, when the precise measures come in. Now, we are not being asked to sign up to any particular measures. I will flag up, straight away, that I do not support generous public subsidies to vehicle purchases. I do not support it, because we only have, if we look at Appendix 4, the Strong Start Delivery Plan - I love the new language of the Government of Jersey, it is all so positive - this Strong Start Delivery Plan is terribly underfunded, £1.5 million. I mean, how many people are you going to help to buy electric cars with that amount of money, as well as building walking routes and cycling routes and doing all the other things that you are going to do in this Strong Start? The amount of money being set aside for the transport part of this is miniscule. Are we really going to be giving generous subsidies to people, who are already pretty well-off, who want to buy a new electric vehicle, when you cannot cycle safely to school? I do not think that is right, so I will certainly be watching very closely how this money in the Climate Emergency Fund is being spent, because I do want to see it spent on the priorities, on the most vulnerable road users, on the people who cannot afford ... never mind an electric car, they cannot afford a car. These are the people we should be supporting in their attempts to live lives which have less impact on the environment. That is certainly a concern I have about the issues. I do not want to follow the Constable of St. John into his quite elaborate speech yesterday about electric vehicles and the problems, but I think he does have a point.

[10:30]

My colleague from St. Ouen saying that electric cars are the future, well, they are not. Electric cars are not a panacea for all of our transport ills in this Island because, of course, the same number of cars being electric are going to cause the same congestion. One of the big issues we have, certainly in the centre of Town, but not just in Town, all along the south coast, is congestion and congestion is bad. It is bad for business, it is bad for our health, it is dangerous and so I would suggest that electric vehicles are great if you can afford them - and I do not believe the States should be helping you buy one - they do create less emissions from the exhaust, but they still create emissions from the brake linings. As the Constable of St. John said yesterday, the carbon footprint of a new electric car means that you are better off keeping a well-tuned petrol car running until the end of its life. That is a fact. But if you really want to help relieve congestion, if you really want to improve the health of our children and, in fact, our own health, the best thing is to leave the car in the garage and to walk, or bicycle, or take the bus, because it is the use of the car that is the problem. It is not the type of car. I know the Constable of St. Ouen is, as I am ... perhaps a bit of a closet one, but we are both petrol heads, we both like old cars. I know the Constable of St. Ouen has a nice ... I forget what it is, but he has got a very nice old vehicle which he likes to race with. I wanted to move on, as I wind up, on to the fact - and I have referred to this in my Amendment to the Transport Policy - that Jersey does have a long tradition of motorsport, thousands of Islanders enjoy having cars and they enjoy them, not so that they can drive to work every day, although a lot of them do, because the parking is free, they enjoy having cars because they can get off the Island, they can go for a trip in France, they can go fishing at midnight if they want to. They are never going to do that with public transport, so cars, I believe, will remain an important part of life in Jersey. They should be cleaner, they should be safer

and they should be used far less than they are the moment, but the actual problem is not the ownership of cars, it is the use of cars that creates the problem. If I want to keep an old classic car in my garage and buff it up every ... well, I suppose it is the wrong word. If I want to shine it with a chamois every weekend and take it out for a little drive, I do not think there is anything wrong with that, because most of the time I am walking and I am bicycling. I just happen to like having a motorcycle, as well as a car. I think that it is not wrong. The impact of that on the environment is minimal. The important thing is that we reduce our car use and our vehicle use and we find ways of improving our health, improving our environment that do not rely on the car. The other thing, I think, which is going to be of concern to Islanders is when they discover they cannot use their fires. I mean, how many of us are lucky enough to have a wood-burning stove, or a wood-burning fire in our houses? I know this has created enormous problems in France, when it was announced that the French would no longer be allowed to burn wood on their fires. It is not a specific thing we are signing up to, but if that comes to the Island I think for a vote, it will be a very interesting vote on how we control emissions from our fires. Will it now become illegal to burn the leaves, when you rake up the leaves in your garden in the autumn? These kind of questions, I think, are going to bite and I look forward to seeing how the Minister sells them to the public, because they will be more difficult than selling the principles, which I fully support.

#### **2.1.10 Connétable L. Norman of St. Clement:**

I have been inspired. I have been inspired to rise to my feet by my good friend, the Constable of St. Ouen, when he said one of the ways he is going to help achieve our carbon neutrality is by introducing a kerbside recycling scheme in his Parish. Now, that must be a good thing to do, must it not? We all believe and we all perceive that that is the right thing to do, but I wonder, is it? We should examine these things, before we make these assumptions, because the reality, I think - and I have yet to be convinced - is somewhat different. More than 50 per cent of Islanders have access to kerbside recycling, most of the Parishes have kerbside recycling facilities, but the reality is only 8 per cent of plastic bottles, a similar amount of household metal packaging is recycled. The rest of it goes into the Energy from Waste plant, into the incinerator. Now, how much are we really helping our carbon neutrality ambitions by having this kerbside recycling? Because, the Constable of St. Ouen is going to have his vans, these diesel vans, or these petrol vans, or whatever they might be going around, probably not twice as much as they do now, but certainly at least 25 per cent more than they do now, collecting 8 per cent of the plastic bottles, while the van is going around the week before, collecting the same plastic bottles from the dustbins, or from the wheelie bins and taking them down to the incinerator and these vans, which are going around 25 per cent more than they did before, are pushing out carbon, so not ... what they are actually doing is increasing our carbon footprint, rather than decreasing it. I have challenged the Infrastructure Department about this and they tell me: "Yes, it is 8 per cent is always left" even though more than half of the population have got access to kerbside recycling. So, I think we need to be very careful about what we do to make sure it is making a contribution to carbon neutrality and not increasing it.

#### **2.1.11 Deputy K.F. Morel of St. Lawrence:**

Yesterday, in the Amendment debate we finally, as an Assembly, adopted a fifth defining principle to go with this carbon strategy. What we did not discuss was what I believe and what has been alluded to by the Constables of St. Clement, St. Ouen and St. Helier, is that there is a sixth unwritten defining principle in this carbon strategy, in any carbon strategy. That sixth defining principle is one of complexity and what is before us today is very simple. We are being asked to agree 5 defining principles to set the road for a Citizens' Assembly, allow it to make its work and ask the Minister to come back by the end of this year with the climate action plan for debate by the States Assembly. What we are doing, what we did also previously, is the easy bit. The difficult bit will be when the Minister lodges his climate action plan at the end of this year. That is where we will see what addressing the climate emergency is going to do for Jersey. That is in no way to speak against it. All

I want to do, in this speech, is to make people aware of the complexity that still lies before us. Too often I am concerned and I have been concerned and I have made a few statements, about the apparent simplicity people suggest there is for dealing with climate change. There are no simple options, whether it is an electric car, whether it is changing our heating fuels, there are no simple options, but taxes, spending, these all have effects and these effects can be positive and can be negative. What we have to do, as an Assembly, is try to understand which is the best way forward to achieve carbon neutrality with the fewest negative consequences and the greatest possible number of positive consequences for our society. There really are positive consequences. This can help us transform our economy over the coming decades. This can help us live in a pollution-free Island and hopefully, and I am with the Constable of St. Helier on this, an Island where car, vehicle, use is much less than it is today. Those are the hopes, but to achieve those there will be some tough trades on the way and some very complex issues for us to deal with. I just want us to remain always aware of that and not be caught by any sense of being driven by people who just see everything as very simple. None of this is going to be very simple and that is something we must be aware of. To that end, I believe the Citizens' Assembly, with the appropriate protection, as I see it, or insurance as I see it, in place from the Amendment we adopted yesterday from the Environment Panel as to act as observers, to make sure that the process of the Citizens' Assembly is proper and they have all the information that they need to come up with some advice, I think it is going to be an interesting exercise. We have never done this exercise. We do not know if it will work. That needs to be told to the people, who sit in the Citizen's Assembly. We do not know if this is going to work, or not. But we are going to give it a go and we are giving it a go, because we recognise the complexity before us and we recognise the trade-offs are going to be difficult. I do fully support this. I think, though, we need to be honest. If the Citizen's Assembly does not work, we need to say that. There must not be the kind of political temptation to just say: "Yes, it was great, it was wonderful" and then leave everything on the shelf, as we did in that famous referendum from a few years ago. If it does not work, we tell the people why it did not work, explain why it did not work and say: unfortunately, we tried with our best intentions. If it does work, we need to celebrate it and then look at the possibility of rolling it out further into the way we inform ourselves as an Assembly here. Certainly I agree and I asked the question recently of the Chief Minister about whether he would ever accept the Citizens' Assembly to be binding and he said no and I was very satisfied with that response, because this is the elected democratic Assembly of this Island and the Citizens' Assembly is just ... it is essentially a very large policy development board and that is the role it should have. I hope it does work, but that is what it is. I will leave it at that. I am going to be voting for all aspects of this Proposition, there is no question about that, but I do so knowing that this is the easy bit and the really tough questions are yet to come. By adopting this, we are not committing ourselves to anything yet. We are committing ourselves to a year of consultation and discussion. That is what we are doing today. Questions such as 2030, 2040, 2035, those sorts of discussions are yet to be had. They are going to be the tough ones. They are going to be the ones where we find out what appetite we have, quite rightly, because how much do we want our citizens to pay for carbon neutrality? The sooner the date we choose, the more they will pay. The more will leave our economy to pay for that. The later the date, the easier the transition will be in terms of less financial impacts. So, these are the questions we will have to ask ourselves and today we are only committing ourselves to a year of consultation, so asking the Minister to bring a plan back by the end of the year and we must bear that in mind and we must bear in mind that this is deeply complex and there are no simple answers.

### **The Deputy Bailiff:**

If no other Member wishes to speak I call upon the Minister to reply.

### **2.1.12 Deputy J.H. Young of St. Brelade:**

I want to thank all the 18 Members that spoke and what a positive atmosphere there is in the Assembly this morning. What a difference a day makes. Clearly, while it has enthused me, it is not only if



Members expressed their support with the approach we are taking, but what we have had in the speeches is a wealth of ideas. A wealth of really important issues, which those who sit round the table, or tables, in the Citizens' Assembly and then ourselves, when the fruits of that work come to this Assembly, are going to have to grapple with. Looking at the time here, I have got a choice here, I can either go and highlight a number of things, which I think I probably will do, because I think, in trying to reply, I do not want to cover all the ground, but I think there are some kinds of themes there. Quite a lot of Members have made, absolutely correctly, the link between the Sustainable Transport Strategy and what we have on the table today. That is absolutely right. Of course, we all know that our emissions from transport are extraordinarily high. How we do that, we are going to have another debate very soon on the start of that journey, on the sustainable transport and it is a start. I do not think there is any getting around that. It is true that the monies are modest to start with. But I think all Members pretty well have recognised that - I cannot remember who used the words - this is the easy bit. Signing up to the principles and, of course, we do that all the time here, do we not? But then we know there are real tough decisions ahead. Of course, issues of money, the economy, is inflation important? Does it matter if we save the world? Yesterday it was whether inflation matters more than people dying in people's homes and today it is about whether money, I think there is an issue there that we will have to consider. It is a lot of complex. I think it is right, Members have also highlighted that rather than just focusing on our own emissions, scope 1 and 2, we have to also think about what we call, in this report, the scope 3. I think in a number of speeches, the Constable of St. John, absolutely right. A number of Members spoke about the effects. I think the Deputy of St. Peter spoke about the effects internationally of technology and what it is doing in mining and so on and we do need to look at the way those sums work. Absolutely, Deputy Morel, what a complex set of equations. That is why we are going to need expert help with this. I know Deputy Maçon, obviously yesterday there was a different kind of mood in the Assembly and Deputy Maçon raised quite a lot of negative thoughts about the Citizens' Assembly and he said things like: "We do not need experts, we can do this ourselves."

**Deputy J.M. Maçon of St. Saviour:**

I definitely did not say we did not need experts. I thank the Minister for giving way.

[10:45]

**Deputy J.H. Young:**

I know and I think a number of the Members have praised and I absolutely more than share that praise, I echo it, of the very small team of officers we have got, which have helped us get this far. Not only have they been able to deal with the big picture material, I have to tell you they are also coping with the Island Plan at the same time and the sustainable development strategy, *et al.* And they have got time, yes, to go to Parish committees, St. Brelade, Grouville and try and help them. But I think the point I am trying to get to, the capacity is not there. Not there to do more. What we have to do is to be able to strengthen the resources and make sure we follow through with the expert knowledge and provide the support, as we go on this journey. I think we have to have cognisance of that. I think Deputy Truscott spoke of why do we need a Citizens' Assembly and that question constantly comes up. Why can we not take those decisions? We have had economists tell us what the potential big picture range of costs might be - might be - they are illustrative costs. It will not be like that. They are illustrative. Somewhere down that journey we need to find where is the right position for Jersey in that range between nought and, say, £600 million. But those are still massive decisions, because we are a low tax society. How do we pay for it? The Constable of St. Helier rightfully says and personally I do share the views: I do not support myself providing capital large cash subsidies for people, who are reasonably well off, to buy electric vehicles. Why? Because that would contravene, I think yesterday we pointed out the issue about inequality. That is an issue. But, of course, there is a cost and how are we going to find that. I think that is why, when we had the debate in May, I brought the Amendment to the purpose of this to say that that work should look at

fiscal measures and levers. I think the fiscal measures and levers, if you like the carrot and stick arrangements, the redistribution of costs, of who pays, is such a crucial part of the work that we are going to ask the Assembly to do. Finally, the big picture decisions will come here and I hope, because I am always an optimist, is that the States will rise to that, because this is not just about a little insular matter. This is of international importance. OK, overstating, save the plant. Today, tomorrow, we have to ... the whole world is signed up to this and we have to play our full part. There are some mechanics, some sort of procedural issues. Yes, I apologise to Members who have pointed out - and I did not spot it - the drafting error in the Proposition (a) that talks about the Appendix to the report. It is actually Part 3, where the principles are. It points you to the wrong bit, but nonetheless the principles that we are being asked to sign up for are, I think, clear. I probably could stand here for the next hour going through Members, so I am not going to do that. But a whole number of Members gave us ideas about marine science and so on where we need to invest and also about our environment. Recycling, as well. I absolutely understand the Constable of St. Clement's point. All I can say is we have looked to our sister Island, we find that since they have introduced recycling, in the latest format, they have reduced their volume of ordinary waste, which is equivalent to what goes to the E.f.W. (Energy from Waste) plant, by 50 per cent. We have reduced it by, what, 9 percent? So, I think, there is an agenda to do there. But we have to look at the mechanics, the complexities and so on. Yesterday, I was tempted to be really negative and I probably was, to say: "Look, well what chance have we got?" But on today's positivity, I am really lifted by the debate and I take full notes, and I am sure officers are listening, and I think probably I might provide you with a summary, a written summary of all the key points and ideas that have come out, because I do not want that to be lost, because it is too important. I am going to flag up one other issue, I am just picking really big things. The issue about investments, capital investments and it has been raised before: what is the Island's position on ethical investment? We are an Island, we are a massive worldwide player in capital markets and what have you and we have a massive ... so what is our position on that? Are we going to have a policy, or a position, where we try to encourage disinvesting in abusive practices of businesses that destroy rainforests and others that go against it and impose those costs on communities that are not able to pay for it? I am very delighted to say that, if our Minister for International Development was here, she would speak strongly on this. I am really delighted that she is working with us on this, trying to make sure we join up that aspect in this work. Of course, we absolutely need to take the public with us. The Constable of St. Lawrence is right, it is going to be difficult, because we already have people saying: "Make the Citizens' Assembly binding." But we cannot do that, we know that, it is not right, it breaches democracy. On the other hand, we have to communicate that we may not accept all of what comes out of that Citizens' Assembly, but I say this, we are going to have to have reasons and we are going to have to show clearly why that is the case. It is right - and I cannot remember who raised it - that there is an economic evaluation on those. We have to have the numbers. The way I see that, that will probably have to take place downstream between the very, very tight timetable we have set here, the Assembly pretty well starts straight away, formed in May, produces a report in July and then we start to do the work on it and it should come here by the autumn. That is a really tight timetable. That will require the resources and efforts. Parishes, I encourage the Parishes to please keep going on this and I apologise that I did not attend the St. Lawrence one. I have to tell you I am sorry, I just find the workload so high at the moment I cannot be everywhere at once, so I apologise for that. I will do my best to get to St. Lawrence, as the Constable has said. I am going to apologise, because there is so much I would like to compliment Members on and mention their contribution. Perhaps I could leave it sit at that point and if Members ask for clarification, if there is anything on a particular point they were seeking to ask me and I shall do my best, if that is all right. I make the Proposition.

**Deputy J.M. Maçon:**

Can we just have some clarity on what we are voting on, because there has been a bit of confusion about which Annex of the report that we are voting on? Are we voting on effectively the Annex in Section 1?

**The Deputy Bailiff:**

I think the confusion perhaps arises by the fact that there are, in effect, 2 things called the Appendix. There are 2 reports and 2 Appendices, but there is only one report really. There is the report that is a single page and the Carbon Neutral Strategy 2019 itself it is called, top right, the Appendix to the report. Of course, at the rear of the Appendix, there are 3 Appendices, or at least 3 Appendices, so the Proposition, when you bear that in mind, does make sense, because the reference in (a) is to the large document attached to the report, which is called an Appendix and in (b) Appendix 3 is the passage at the end of the Appendix, which refers to the Citizens' Assembly. Does that assist?

**Deputy J.M. Maçon:**

I think so, so basically we are talking approving pages 1 to 19?

**The Deputy Bailiff:**

The defining principles in section 3 of the Appendix at (a) are the principles we see on pages 28 and 29. Yes, pages 28 and 29 are the defining principles referred to in section 3. Do you follow? Section 3 of the Appendix is the section starting on page 28 entitled "Our defining principles" of course they were amended in the course of the debate. Does that assist?

**Deputy J.M. Maçon:**

Thank you, Sir, that is very helpful.

**The Deputy Bailiff:**

Thank you. Those Members in favour of the Proposition, kindly show. The *appel* has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 41</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				

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

**Deputy J. H. Young:**

I thank the Members of the Assembly for such a unanimous vote.

**The Deputy Bailiff:**

I also note, before we turn to the next item, that Deputy Maçon's phone made a small noise about 10 minutes ago and he will make the usual contribution.

**Deputy J.M. Maçon:**

Guilty as charged, Sir.

**3. Draft Control of Housing and Work (Residential and Employment Status) (Amendment) (Jersey) Regulations 202- (P.1/2020)**

**The Deputy Bailiff:**

The next item on the Order Paper is the Draft Control of Housing and Work (Residential and Employment Status) (Amendment) (Jersey) Regulations, lodged by Deputy Perchard of St. Saviour and I ask the Greffier to read the citation.

**The Greffier of the States:**

The Draft Control of Housing and Work (Residential and Employment Status) (Amendment) (Jersey) Regulations 202-. The States make these Regulations under Articles 2 and 44 of the Control of Housing and Work (Jersey) Law 2012.

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

Hopefully, this will be a short and straightforward debate. These Regulations bring into force parts of a Proposition I brought to the Assembly on 11th September 2018. The original Proposition, P.99 was lodged on 14th August. It was debated on the 11th and the policy guidance notes, associated with the Proposition, were indeed updated by the Chief Minister, for which I thank him, but the legislative change, which was very minor, has not yet come through and so I bring that, which the Assembly agreed upon, to the debate today.

**The Deputy Bailiff:**

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

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

On a fundamental point of principle, there is total agreement from the Government with the Deputy on this matter that 2(1)(e) decisions should be referred to the Housing and Work Advisory Group. The original Proposition, brought by the Deputy and approved by this Assembly, requested the Chief Minister to bring forward the necessary policy and the legislative changes. The policy has changed from May 2019, all 2(1)(e) applications have been referred to H.A.W.A.G. (Housing and Work Advisory Group) and every few weeks we get a new dossier and that policy is carried through. So, there is complete support to support the Deputy's Proposition to hard coat this collective approach into the legislation and I thank her for bringing it to the Assembly and it has our full support.

### **3.1.2 Deputy M. Tadier of St. Brelade:**

This does beg the question about why any States Member would bring an in principle Proposition, if it is going to be ignored by the Assembly. It seems much more expedient - and I speak from experience in this, because I am still waiting for the Children Discrimination in Properties to be brought forward by the Minister for Social Security. It was agreed, if not unanimously certainly overwhelmingly by the Assembly, as was Deputy Perchard's - that the Minister should do this and it gets delayed.

[11:00]

I am wondering in future whether, in fact, backbenchers, or indeed Ministers who are perhaps acting in a capacity as a backbencher, bringing private bills, for want of a better expression, should just bring Amendments to the law. It cuts out the inefficient middlemen and women, because we are being told: "I am sorry, this is not a political priority." It makes you wonder who is running the show, when the Assembly says this is a political priority, because we passed an in principle decision, get on and do it and then we are told by civil servants: "Actually, this is not a political priority, it is going to have to wait until next year and it is going to come back to the Assembly." Who is running the show in Jersey? We are told that there are not enough law draftsmen to do the job. Where is the Proposition coming forward from anyone, from Government, saying: "Can we have another £100,000, £200,000 to employ a new law draftsman in the Department, so we can be more expedient?" We were told that Ministerial Government, which I still support, I still think it is ... I do not look back at the Committee system, I can see the advantages. I do not think that is the way forward. We were told Ministerial Government is more expedient and yet we are constantly being told: "Sorry, we cannot do this, there is not enough bandwidth." When we can spend millions of pounds, quite rightly in some cases, on other initiatives, but we do not have the staff within our civil service either to do the job, or we have got some obstructive staff in some cases and I do not say that lightly, but we have got examples of civil servants telling Ministers what they can and cannot do. I am sorry, when did that become a thing? We are the elected politicians, we are the ones that get held to account, the Ministers sometimes collectively are held to account and we will be the ones that face the electorate at the next election. This is not satisfactory. For Deputy Perchard, it is good that she managed get the first Proposition of the year, it is always good to get P.1 lodged, but it is sad that she had to do it, because this should have been done by the Ministers and it is essentially a failure, a systemic failure, not a personal failure by any particular Minister. This has got to stop and it is indicative and symptomatic of a wider *malaise* and rot that is present currently in our system. There is deep concern that is being voiced, on a daily basis, by some very professional people that we have got - not just politicians, but in the civil service - who are saying that there is something deeply wrong at the centre of our current political system. That has to change and it will not be tolerated for much longer. I put that out as a challenge to the Chief Minister, that I think he has a window of opportunity here. There is a lot of good work and a lot of good words and intentions and the action that he has promised on the front of the newspaper that this year will be a year of action needs to come to fruition

and I would suggest he has a window of a few months to prove that correct and to take control of the civil service, which is currently out of control.

### **3.1.3 Senator S.Y. Mézec:**

Very briefly, to say that I completely endorse every word of what Deputy Tadier just said. On the Proposition itself, of course, I am wholeheartedly supporting it, as I supported the initial Proposition. The only word of caution that I would give to Deputy Perchard is that I do not think that this will improve the quality of the decisions that will be made. I put my cards on the table by saying that I think section 2(1)(e) is morally indefensible, I think that we ought to abolish the whole thing entirely. In my view, it is completely wrong to enable a system that allows people to jump the queue, just because they have money. I cannot morally defend that, I think it is wrong. Also, I have yet to see anything that I would describe as credible evidence that it does bring any social, or economic, value to the Island. I have been asking for the evidence for years, I have never seen it. The only thing that, apparently passes for evidence, that I have heard is purely theoretical and not actually tangible and not measured from what has happened. As Minister for Children and Housing, I have asked for greater consideration to be given to the wider impact on housing, in allowing people to come to the Island, buy up expensive homes, large swathes of land and creep, end up being given permission to buy a bit more. I have not seen that evidence, I think this is a scheme which is harmful for the people of Jersey, so I will be voting in favour of this, because it essentially acts as an extra safeguard, but ultimately I want the entire scheme scrapped, because I think it is morally unjustifiable.

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

In many ways I wish I had taken a recording of Deputy Tadier's speech and I would play that to you now, as well, because ... what was interesting, though, is that it is a speech made by a member of the Government and while all of it is, in my view, absolutely correct, it is shameful that Deputy Perchard has had to bring this Proposition, because it shows that the Government and the Ministers have held a decision of this Assembly in contempt. I am tempted to say that is because this is a Council of Ministers and a Government which is rudderless. But I look across the Chamber and I think: "No, it is not rudderless, the rudder sits behind the vessel, it is leaderless." The leader is meant to sit in front and guide, but I look across the Chamber and there is no leader, there has been none for this Assembly at all this week. Yes, we know the official reason why, but I think we all know the unofficial reason why. That is what happens when there is a failure of leadership and things become held in contempt. Ministers become the tools of their civil servants, rather than the other way around, because there is no defining way forward, no strategic approach, no proper prioritisation and that is, sadly, where we sit today. Deputy Perchard's Proposition today is a result of that failure of leadership and it is a result of a failure of Ministers to control their civil servants and make sure that the priorities of this Assembly are the priorities of this Government, as well. That is an incredibly sad place to be. It says everything that it is a Member of the Government that said that, before I did today and I believe there are probably other Members of the Government who would feel exactly the same way too. I shall leave it there and I will ask everybody, unanimously hopefully, to support this Proposition and to show the people, or person, who is meant to be in charge, who is meant to be in this Assembly today, that this is a failure of leadership that had led to P.1/2020 being lodged at all.

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

In a similar vein, I speak as a Member who, in the last Assembly, had a successful Proposition approved by this Assembly completely disregarded by the Government, by Ministers. I remember the morning the headlines broke on that, I bumped into Deputy Kevin Lewis in Charing Cross, just near the Toad statue and I will never forget it, because the first thing he said to me was: "Listen, Russell, I did not vote for your Proposition, but it is an outrage that it has not been enacted and it has been disregarded" and he said: "When I was a Minister" - he was not a Minister at the time - "whether I agreed, or not, with a Proposition that came before, if it affected my Department, it was something

that the States had asked my Department to do, whether I agreed with it, or not, we did it.” I have never forgotten that conversation. That is why I trust the Minister on the whole Green Street thing, although Article B of that still has to have some work to be enacted, but maybe that will take more time. I cannot think of anything more damaging, or undermining, the authority, sovereignty and purpose of this Assembly than decisions it makes not being enacted, simply being ignored. It is deeply damaging and it really concerns me. That is the point I wish to make.

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

I had not intended to speak, but I think the points that are being made are really important. I do not know the reasons why the situation has arisen that Deputy Perchard has had to follow this through in the way she has. I do not know what has gone on, what has gone wrong, but I do know this: since my election, I have been concerned about the complexity of the structures that we are now working in and the respected balance of control between Ministers and our civil service executive. I am concerned about that. That is a feeling, because over the years I worked in the Committee system, where Members ruled. Absolutely, there was no question. Civil servants served, they advised, but they served. They acted on the instructions of Members. People in Jersey know ... that is what they expect. When we go to the polls, you bang on the door, you do not say: “I am just here ... you have got the authority.” Of course, then we went to Ministers and the authority is there, but it is kind of not shared with all Members, it is just half the Members, but now we have a new structure, where power is highly centralised; highly centralised. I read the Public Finances (Jersey) Law the other day, I reread it again and I looked for the respective balance of power between the Minister and the Executive. So it is a thing that I have flagged up and I am going to be spending time on, for the duration of my term, because it is a thing I want to see addressed. Obviously, I am going to support this. I apologise that I do not know all the ins and outs of why we got to this point, but I am putting a flag up, my concerns are there over this, because I think the public expects, in our Government structures, in our administration, that politically elected Ministers make the decisions.

### **3.1.7 Connétable C.H. Taylor of St. John:**

I am speaking as a backbencher, not in any capacity otherwise. I am a little saddened by some of the comments that have been made. When the Deputy brought this Proposition forward originally, 18 months ago, I had already taken up, on a voluntary basis, consulting the H.A.W.A.G. which, to some extent, rendered this Proposition obsolete, because we were already in practice doing what it asked. Following this Proposition, we changed the policy and so the policy has been changed. The advice, legal advice, was there was no necessity to change legislation, because that takes Law Officers’ time, it takes officers’ time, it costs money and at the end of the day produces no difference to the situation. So I am completely mystified as to why we want to spend money to do something that we are doing, without spending that money. I do not think that that is the way Government should operate, by spending money unnecessarily to do something that we are doing already through the policy. Fine, if that is what this Assembly wants to do is to spend money unnecessarily, you go ahead, but I am very concerned that this is the stage that we have now got to.

### **The Deputy Bailiff:**

Does any other Member wish to speak on the principles of these Regulations? I do remind Members that we are discussing the principles of these Regulations.

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

I would like Deputy Perchard, in her summing up, just to tell Members if she had any communication, prior to the submission of this Proposition, from the Department, to let her know why this had not come to fruition. It would just be interesting to know if not, why not, because it is really quite easy to pick up a telephone to send an email these days and it just seemed to me curious that it got to that stage. I would certainly support the Proposition.

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

Simply, after listening to the Constable of St. John and hearing his comments as a backbencher I note and I believe that he is still a member of the H.A.W.A.G. panel. It would be helpful to hear from another member of that panel if they could give evidence and examples of H.A.W.A.G. employing this new policy that they say they have introduced to their working and describe to us on how many occasions H.A.W.A.G. have used this new policy, so that we might understand whether it is being used to good effect or even, indeed, in existence.

[11:15]

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

I find myself in a rather strange position, because we are supposed to be talking about the principles of the change to this particular piece of legislation, which the Deputy knows the majority, if not every Member, agrees, because they agreed in principle to the change. Slightly disappointing that other Members are taking it as an opportunity to criticise the Government, particularly Government Members criticising the Government. Self-reflection is always positive and we can always get good from it, but self-reflection in the wrong direction can just be destructive and that is never a good thing. What I did want to pick up on, though - and I am mindful you could ask me to sit down at any moment - is the comments of the Minister for Children and Housing. The 2(1)(e) decision are, in actual fact, housing decisions, they grant housing qualifications, they are done in consultation with the Treasury Department, because we know the requirements there. I am disappointed to hear the comments of the Minister for Children and Housing. For my part, I think great value is brought to the Island by 2(1)(e)s and those residents who engage, contribute to the community and I would not wish them to feel, on my part as a Member of Government, that this Government does not welcome them and recognise their contribution. Having said that, if the Minister for Children and Housing feels so strongly about the matter and I must also confess that the content of his speech does not surprise me, I think he has said it on previous occasions, he just now happens to be sitting in a different chair, I look forward to him bringing that issue to the Council of Ministers for appropriate, reasoned, evidence-based decision-making, if that is actually how he feels about an issue that falls within his legal remit.

### **The Deputy Bailiff:**

I call upon Deputy Perchard to reply.

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

I will address some of the points that I have been asked to address by the Assembly, starting with just some facts. As I said in my opening, this was lodged on 14th August 2018, debated on 11th September 2018. Within the Proposition itself there was a requirement for the Chief Minister to bring policy and legislative change – and, not or. That was voted on by this Assembly. A deadline was also voted on within the Proposition of 31st March 2019. That was after consultation with the Chief Minister, himself, who had been collaborative with me in the development of that Proposition, as was the former Chief Minister, who got the ball rolling with me, because I brought it to him before we got sworn in. What then happened is I had a conversation with the current Chief Minister, I asked: “How long do you need to bring this in, the policy and legislative change?” He told me 3 months and I said: “How about 6?” because I had been forewarned and as a fresh Deputy I thought: “I will be generous and give him time to settle into his role and priorities and I am happy to wait 6 months.” So, I extended the timeframe. Come the end of March, I asked a written question asking how progress was coming along, given that the deadline was looming, I think a week later. I had quite an unsatisfactory written response, which I then had a ruling on and was required to be resubmitted. That written response, that was resubmitted, made it quite clear that the work had not yet been done. Again, I had a private conversation with the Chief Minister, who assured me that it would get done.



On 16th May, which is after the agreed deadline, but a couple of months later, 16th May 2019, the Ministerial Decision was signed and the policy guidance notes were updated. However, my original Proposition, P.99, required policy guidance notes to be updated and legislative change. So, the policy guidance notes were updated and to what extent and to what level of satisfaction is not relevant to this particular debate - that is a matter that I hope to continue talking to the Chief Minister about - but the legislative change never came. We are now 9 months from the original deadline, 17 months from the original debate. What I have brought to the Assembly I did not share with the Chief Minister, because I felt I had done enough proactive, collaborative communicating to start with and I hope the Assembly will see that that has been the case from what I have just outlined. All of the dates I have cited and all the timeframes are documented. I have emails, should you wish to see them and obviously the Ministerial Decisions, the lodging dates and the debate dates are all public knowledge. So, I appreciate that it may have been a surprise for certain Members to see this come through. It should not have been. If anything, they may have been more surprised at how much time I waited, because I quite like to get things done as promptly as possible. So, I hope that answers the questions raised from the Constable of St. Brelade and Deputy Young. In terms of what was said by the Constable of St. John, I appreciate why he thought that there was no need for legislative change because these things do come to H.A.W.A.G., he is right about that. The decisions are made by H.A.W.A.G. and, in his role as Chair at the time, he assured me that those decisions were made and that the voices of all the panel members were listened to and that a vote was taken on these 2(1)(e) licences with the panel. But the point I would like to just make again is that the Assembly, this Assembly, voted for a legislative change to be made. That is what we debated on 11th September. That is what we agreed and, therefore, that is what I expected to be done. I do not think, just because Members might feel, well, we do not need that legislative change, tough, we voted for it. The wording of the Proposition deliberately was put in that way. I deliberately put policy and legislative and if that had been a problem, then that should have been raised at the time of the debate. The overriding message from me, as an independent backbencher, is that if I were to bring a Proposition that requires the Government to take action and that action is not taken, I am going to come back with more. I am going to come back and say: "No, you do really need to do this, because we have agreed to do it." These things do not just go away. I appreciate that putting into legislation the fact that H.A.W.A.G. have to make the decision as a group is minor, compared to other projects of the Government. I completely understand and appreciate that. But it was important enough to bring to a debate. It was important enough for us to spend time debating it and it was important enough for the vast majority to support the Proposition originally. We had 39 votes *pour* on both Articles that are being proposed and I will talk about the Articles in a minute when we propose them ... the Regulations, sorry. So, I think I am going to wrap up there, because I know we still have to talk about the Articles, but thank you for the comments of the Assembly and I propose the ...

**The Deputy Bailiff:**

Principles.

**Deputy J.H. Perchard:**

Principles, thank you, Sir.

**The Deputy Bailiff:**

Those Members in favour of the principles ... the *appel* has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 38</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				

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

**The Deputy Bailiff:**

Senator Moore, does your Corporate Services wish to scrutinise this matter?

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

No, thank you, Sir.

**The Deputy Bailiff:**

Thank you. Deputy, do you now wish to propose the Regulations in Second Reading?

**3.2 Deputy J.H. Perchard:**

Yes, Sir. Sorry, yes, I am going to propose the Regulations *en bloc*. For the information of the Assembly, there are only 2 Regulations. They are very straightforward. The first one amends the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013, so that the Chief Minister may grant entitled status under regulation 2(1)(e), on social, or economic, grounds or both and as being in the best interests of the community, only if the Housing and Work Advisory Group is satisfied that such grant is justified, and that is the fundamental change here.

Regulation 2 simply sets out the title of these Regulations and provides that they will come into force 7 days after they are made. I propose the Regulations.

**The Deputy Bailiff:**

Are the Regulations seconded? [**Seconded**] Does any Member wish to speak on the Regulations? Those Members who are in favour of adopting the Regulations kindly show. The Regulations are adopted in Second Reading. Moving on to the Third Reading, do you propose the matter in Third Reading, Deputy Perchard?

**3.3 Deputy J.H. Perchard:**

Yes, I do, thank you, Sir.

**The Deputy Bailiff:**

Are the Regulations seconded at Third Reading? [**Seconded**] Does any Member wish to speak in the Third Reading?

**3.3.1 Senator L.J. Farnham:**

I just wanted to speak briefly to remind Members, not that they need reminding, this is probably quite a rare case. I do not recall very often where Members of the Assembly have brought legislation because a Minister has not and I am sure Ministers will listen to that. It is the right of any Member of the Assembly to bring a Proposition, or legislation. While the Assembly might not always be able to direct Ministers, they can advise them and ...

**The Deputy Bailiff:**

I do remind you that the content of the debate in Third Reading shall be confined to the content of the draft as adopted in Second Reading.

**Senator L.J. Farnham:**

OK, thank you, Sir. I think I have made the point. I have nothing to say on the Regulations.

**3.3.2 Senator K.L. Moore:**

Just briefly, I would like to speak to remind Members that Deputy Perchard has been, among some of the new arrivals in this Assembly, a shining light and an example to us all on many occasions. I think this is a lesson to us all in how Members should and can be proactive in following up various pieces of work when it is not done and I applaud her for doing so. It is, as I have said, not a matter that the Corporate Services Scrutiny Panel will individually be scrutinising. However, we will be following up and asking questions of the Government as to why we have reached this state and we will continue to do so on other matters also.

**3.3.3 Deputy M. Tadier:**

I think this does talk to the content of the Proposition and one area of concern, which was raised earlier, by Senator Gorst in fact, was the fact that this is a housing issue, but we have a strange scenario ... sorry, the granting of licences is a housing issue, but we have a strange scenario where, in this, the Minister for Children and Housing is not the one who grants housing rights to a new arrival, it is H.A.W.A.G. So, in fact, it is a bizarre situation where the office of Minister for Children and Housing does not have the requisite power that one might expect and, indeed, I think the public would expect of that office. So, I am just concerned that in Part 1(a) we are actually saying that it is H.A.W.A.G. which makes the decision and, of course, it is very easy for the Minister for Children and Housing to be routinely outvoted by the rest of the group, because the criteria which he applies ... and he is our Minister for Children and Housing. He has been elected by this Assembly. He has the confidence of the Assembly and, therefore, we should be putting much more store by the criteria that he would be setting, not just financial ones, but looking at the whole value system of what people

bring to the Island. It may well be that we ... and we have never yet had an individual, who has been granted 2(1)(e) status on grounds other than wealth. In theory, we have that. It could well be that we have people granted housing status, 2(1)(e) status, who do not have 2 beans to rub together, but who have immense cultural, or other, wealth that they can bring to the Island and be willing to share.

[11:30]

Because we do not measure that in any way and because the cost-benefit analysis has never been done, H.A.W.A.G. is effectively working on personal opinions and you could say prejudice in the literal sense, prejudgments, about who is worthy to jump the queue to come to the Island. We have not given the Minister for Children and Housing, whoever that might be in the future as well, the ability to grant status based on merit. So, I think it is relevant, as we sum up in the Third Reading, to be mindful of that.

**The Deputy Bailiff:**

Does any other Member wish to speak? I call upon Deputy Perchard to reply.

**3.3.4 Deputy J.H. Perchard:**

In response to what has just been said, I think it is a completely valid point. Should the Government, or should the Assembly, or even the Minister himself, think that that responsibility should lie under Housing, then I would purport to say that the Government could do something about that probably more easily than I could as a backbencher. The reason why I personally have not pursued that route in terms of empowering the Minister for Children and Housing is simply because I was scrutinising the policy that already existed, poking holes in it as Scrutiny members do and backbenchers do, and trying to fill those holes with tighter Regulations. That was the reason that I did not propose something alternative. I do think that these Regulations provide a tightening where that was required, and I think that they give a platform to members of H.A.W.A.G. to reflect on whether they do believe that they should, or should not, contribute to these housing decisions. I encourage H.A.W.A.G. and the Council of Ministers to consider whether it would be appropriate for that decision to be left solely in the hands of the Minister for Children and Housing and I certainly would be supportive of such a proposal. However, that is not what we are discussing right now. What we are doing is just tightening up something that already exists and, on that note, I propose the Regulations in Third Reading.

**The Deputy Bailiff:**

The *appel* has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 40</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				

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

#### 4. Social Security Tribunal: appointment of members (P.2/2020)

##### The Deputy Bailiff:

The next item is the Social Security Tribunal: appointment of members, P.2/2020, lodged by the Minister for Social Security and I ask the Greffier to read the Proposition.

##### The Greffier of the States:

The States are asked to decide whether they are of opinion to appoint, in accordance with Article 33A of the Social Security (Jersey) Law 1974, further to a process overseen by the Jersey Appointments Commission, the following persons as panel members of the Social Security Tribunal for a period of 5 years: Mrs. Susan Cuming, Mr. Robert Douglas, Mr. Keith Graham.

##### 4.1 Deputy J.M. Maçon (Assistant Minister for Social Security - *rapporteur*):

I thank the Greffier for using most of my speech there so, as Members will have read the report, if there are any questions I am happy to answer them. Thank you, I so propose.

##### The Deputy Bailiff:

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

##### 4.1.1 Deputy R.J. Ward:

I have to raise some serious concerns over this. Yet again, in the Assembly, we are being asked to appoint somebody for a 5-year post on something that is very significant on the Island in terms of the Social Security tribunals and with really minimal information on the people that we are appointing. Indeed and this is nothing personal about those individuals because we do not know them personally, 2 of the individuals are ... one was a director of a trust company, the other financial services industry and the third an H.R. (human resources) executive. But this is about Social Security tribunals and I wonder whether there is any experience there of what it is to live reliant upon social security, the

understanding of what it is to be bringing a social security question, when you are vulnerable in our society and what it is about these people that makes them experts. I use that word advisedly, because when you look up the Tribunal website, it does say that the people: “Are completely independent from the Social Security Department and are experts on the issues involved in your appeal.” If these people are experts on the issues involved in your appeal, then this document should have detail on how they are experts in involvement in that appeal. Let us be clear. The panel is made up of a Chair, or a Deputy Chair, with 2 panel members and so, therefore, this is the entire panel. There is not a greater reflection. There is not, if you like, a watering down of their influence and I may not use the correct word there. I am trying to be dispassionate and objective about my objections here. Indeed, I would suggest even that if ... I know we have talked about this before and it got me thinking that perhaps what we need is a reference back to this, so that more information is given on the individual members of this panel, that they are suitable, the type of experts that we quote on the website and, therefore, the most suitable people for this job. This is a 5-year post and we cannot continually rubberstamp positions, in this way, in this Assembly.

**The Deputy Bailiff:**

Yes, to clarify, are you proposing a reference back under Standing Order 83?

**Deputy R.J. Ward:**

I would let other people speak. May I do that at a later date, see how the discussion goes?

**The Deputy Bailiff:**

No, I think this is your opportunity to propose a reference back, or not, as the case may be. You may leave someone else to do it.

## **4.2 Social Security Tribunal: appointment of members (P.2/2020) - Reference Back**

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

I would propose a reference back, yes, I will.

**Deputy M. Tadier:**

Will it need to be seconded?

**The Deputy Bailiff:**

Yes. Just to remind you, Deputy Ward, of Standing Order 83, a Member of the States may propose, without notice during the debate on a Proposition, that the Proposition be referred back in order that (a) further information relating to the Proposition can be provided to the States; or (b) any ambiguity, or inconsistency, in information relating to the Proposition which has already been provided to the States can be clarified. What are you saying? Are you saying it is (a), you seek further information in relation to these individuals, or that we need clarification of the material provided?

**Deputy R.J. Ward:**

It is (a) on a specific area for me, which is that the website for the Tribunal suggests that they are experts on the issues involved in appeals. I think we should have information on what makes these individuals experts on information involved in appeals, rather than just be on a vague C.V. (curriculum vitae), which is what we have there and their work experience.

**The Deputy Bailiff:**

Is that seconded? **[Seconded]**

**Deputy K.F. Morel:**

I was wondering if I could speak as the seconder, as well.

**The Deputy Bailiff:**

Yes, you can speak.

**4.2.2 Deputy K.F. Morel:**

It was just to add a tiny bit of information to the request for the reference back, which is to understand how long they have already been appointed and how long they are eligible to be appointed for beyond the 5 years. Because these are reappointments. I assume they have already been here for 5 years, but we do not know. It does not say so in the report whether there is a term limit at all, but certainly it is seconded.

**The Deputy Bailiff:**

So, the Proposition has been seconded by Deputy Morel, is that right? Is that your speech, Deputy Morel?

**Deputy K.F. Morel:**

Yes.

**4.2.3 Deputy L.M.C. Doublet of St. Saviour:**

I was going to mention some of these points in the debate and I welcome this reference back, because we have 3 appointments coming up at the end of business today. I think, in the past, we have rubberstamped these appointments and much has been said about the diversity of some of these bodies, so I tried to look up on the Tribunal Service website some information. First of all, there is not a page stating the current members of any of these tribunals at the moment. I had to dig around and find within their annual reports and there is only an annual report for 2018 that I could find I think for this one that we are discussing now. So, the information is really lacking and I would want to know the information that the previous Deputies have claimed. I also want to know something about the demographics of these tribunals rather, than having to go through and counting and assuming: "Is that person a man or a woman? Is that person of Portuguese origin? What does that person bring to the table?" I think we need to have, as standard, information on the qualifications and the experience and the demographics of these people who we are appointing to these really important roles, making big decisions that will affect people's lives. That should become as standard. So, that is what I would like to see on this appointment and the other 2 that we have coming up and as standard going forward, really, to allow us to make these decisions in an informed way. Just one small point, which I think might be contributing to the lack of diversity on some of these tribunals. On the website for the Tribunal Service, it states: "All tribunals have a legally qualified Chairman to help apply the law to your appeal." So, I think there is a lot more to be done in terms of diversity. I am not seeing that this is happening and I would like more information specifically on the diversity and the experience of the people who are applying for these roles.

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

I may possibly have missed it, but I cannot see any reference to the date when the present terms of office expire. I wonder if this is ... because I would be concerned if we will enter a period when there were no actual members of the Tribunal.

**4.2.5 The Connétable of St. Lawrence:**

I think if the reference back is upheld there will not be a problem for the Minister to deal with it because, on page 4, she states: "The Minister is confident that the individuals proposed have the skills necessary to uphold the fairness and integrity of the tribunal system." So, the Minister is confident. She clearly knows what their skills are. She just needs to come back to us and tell us what those skills are. I was going to speak to this very briefly myself because, having sat through numerous

occasions when we have, indeed, just rubberstamped these appointments, we have always asked ... we have rubberstamped after saying we need a little bit more information. I have never known a reference back be made on one of these appointments, but I think it is absolutely the right thing to do, in this instance. Because we do not want to be accused - we cannot put ourselves in the position of being accused - of rubberstamping the choice of the Minister, without us knowing why the Minister has chosen those people. What we do know is that, where appropriate, panel members are appointed to other tribunals ... no, I am reading the wrong part. The members will be appointed by us, the States, on the recommendation of the Minister, after consultation with the Jersey Appointments Commission. Now, if they have some input into this, then they should be saying what input they have had. Have they interviewed these people? Has a notice, has an advert been placed in the *J.E.P. (Jersey Evening Post)*? How have these 3 proposed members of the Tribunal been identified? There are more questions than answers here and generally, in the past, we have had to stand up and say to the Minister: "How have you identified these people?" and I am getting a little bit tired of having to do that. Because there should be a norm for these appointments and there should be ... all of these things are known. I am sure they are known by the Department and maybe even the Assistant Minister, when he speaks, will be able to satisfy us on them and the reference back may not need to be upheld. But the point is Departments - and it is generally Social Security who appoint these Tribunal members, or come to us for the appointment - should know by now that we need the details. We need the information, because we are the decision makers, not the Appointments Commission, or the Minister, but this Assembly.

[11:45]

I think this comes back almost to what we were hearing just now from Deputy Perchard. The Assembly made a decision on the Proposition that she brought some time ago and she brought all the right information for us to make that decision. It then was not implemented by the Government. We need the information here to make the decision and I support the reference back.

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

What I want to do is support my colleague on my left to question the qualities that these candidates have, in order to understand what it is to bring an appeal against a body which controls the amount of income that you have to exist on. So, to make a challenge is a very difficult process. At the first stage, you ask for a second opinion and it goes to a different officer and the officer says: "Have we obeyed the law? Have we ticked the boxes, yes or no?" If yes, then the decision stands. That takes some time, sometimes 2 or 3 weeks. At the second stage, you can then decide to go to appeal to this body and, to be frank, when I have dealt with these cases I say to people: "Do not go to this body, because this body is very legalistic and what you are likely to get is a repeat of the second opinion, which is a check on whether the law has been correctly applied, or not, full stop." What is not there is any consideration of what grounds you are appealing on. If you want to get the grounds, there are 5 grounds you can appeal on in the complaints procedures against Ministers in general and that is what I always say to people: "Go there, because at least you know what criterion you are trying to prove." Is this against natural justice? Is it discriminatory in some way? It is 5 bullet points that you can try to prove and with a chance of winning. But the Social Security board itself, appeals board, does not do that. One has to reckon with the difficulty, the intense trauma, that appealing against your decision made by the Social Security Department over your living, at a time when, if you have had your income support appeal made, you are dependent on that. If there has been a cut, you are living off a cut benefit, while you go through what is often a lengthy process to get your appeal heard. That is a very difficult position to put yourself in, because each week that goes by and you have not heard from the appeal, your borrowings have gone up, you are living on less and less. Very difficult process and the qualities that are required in order for somebody to understand fully what is involved, I think, are remarkably not referred to in this Proposition and should be referred to. We have to have a view on the difficulty of making an appeal *per se*.



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

I do not know any of the individuals proposed or have ever met them, but it does concern me there is a bit of an innuendo which reflects on them, which is unfortunate. Looking at the report, it seems to me that if Members have concerns over the process and the structure of the board, it is the 1974 Social Security Law that they should be looking at and maybe those who have spoken will do that. Paragraph 3 of the report refers to the terms of appointment and reappointment. In answer to my colleague, the Connétable of St. Lawrence, the Jersey Appointments Commission are involved. The whole process has gone through that. I do not think we can argue against that process. That is the process that has been accepted. I do not know what is to be gained by referring this back at this stage. There may be something to be gained, as I said earlier on, by looking at the law, but that is a different process. I have difficulty in supporting the proposal for a reference back.

#### **4.2.8 Deputy I. Gardiner:**

When the Connétable of St. Lawrence gave a speech and said that the Minister is confident, I tried to find on page 4 and it took me to P.3. We have Social Security Tribunal: appointment of members and we have Income Support Medical Tribunal, which is the next one. Again, I do not know individuals. I do not comment on individuals. I found this, for me, a warning that we have 2 individuals on both of the Tribunals, when we have medical and social security. It is 2 different things, from my perspective. I would support reference back just to really understand what skills and experience these 2 individuals would have in medical appeal and in social security appeal. I know that we are reference back for P.2. So, I am supporting the reference back of P.2., but the question was raised that they just compared between these 2 and I would like to see more details.

#### **4.2.9 Deputy J.M. Maçon:**

Can I thank the Constable of St. Brelade for coming to my rescue there? What I would remind Members for this particular one is we are looking to appoint lay members, independent of the Department, which is different perhaps from the Chairman, which would require specific skills. This again is different to the medical tribunal, which again requires qualified individuals. These are different bodies. However, if I may propose an alternative route? Members have asked questions. They are very understandable. The Department will have that information. I wonder, perhaps, if Members will allow me to move these Propositions to the next sitting. That will give time for the Department to issue comments, which we will take from the questions that Members raise, or any others that they want to send to us, so that they will have all the relevant information at the next sitting. Is that an acceptable way forward for Members? **[Approbation]**

#### **The Deputy Bailiff:**

We are in the reference back now. If Deputy Ward is content to withdraw the reference back, on the footing that this and the next 2 Propositions will be withdrawn, then we can proceed. Otherwise, we will need a vote on reference back.

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

I would maintain the reference back, because I think we have the same thing here. What we have kindly is a deadline for when the reference back will come back. I would maintain the reference back on this occasion.

#### **The Deputy Bailiff:**

Does anyone wish to speak on the reference back before I ask Deputy Ward to reply?

#### **4.2.10 Senator S.Y. Mézec:**

Deputy Ward maintaining the reference back is absolutely fair enough. It achieves the same thing, so there is no reason not to support the reference back, now that the Assistant Minister has indicated

that he is happy to achieve the same end, anyway. It is just very briefly to make the point that most people will not encounter the Tribunal through the course of their life. The only time that I have encountered it has been when I have been assisting constituents. Let me tell you, it is a daunting experience, as somebody representing constituents, because you know that the decision that Tribunal makes is fundamental to these people's lives. It can be make, or break, over whether these people have a decent life. I have been in situations where I have accompanied a constituent through a Social Security Tribunal, where if the decision had gone against them, they would be saddled with debts until the day they died. I have been lucky in having had some experiences with the Tribunal where we have had a preliminary hearing to determine when the full hearing would be. At that stage, the Department has then caved in, realised that they are probably going to lose and has offered to fix the situation with that constituents. One of the difficulties with that is that you do not get a ruling which is publicly accessible, precedent potentially being set as well, serving as an example to other people that it is worth challenging decisions and that sometimes you can have a victory. You do not have to settle for sometimes innocent mistakes being made in the Department, which can have a really negative impact on the lives of some of the most vulnerable people in our community. Given how fundamental it is to the well-being of these often vulnerable people, asking us to support the appointments of 3 people, who may well be perfectly capable and the best candidates, but on the basis of 3 sentences for 2 of them and 4 sentences for the third is simply not adequate. Let us reference it back and bring it back in the future, so we can be absolutely confident that our vulnerable constituents, who may end up having to use this Tribunal, will get the best results out of that.

**4.2.11 Senator L.J. Farnham:**

I am going to slightly disagree with the previous speaker. We are disagreeing a lot these last couple of days. Hopefully we will make up for it at future sittings. The Assistant Minister has made a very reasonable suggestion, to listen to the Assembly, to take this back and come back at the next sitting with all the information asked for. We have to remember that this process is an approved process. It is being overseen, quite properly, by the Appointments Commission. It is not really appropriate, in my opinion, to pick this up on the hoof, open a Proposition, do not like what you see on the day and refer it back. It is completely inappropriate. We should allow ... I know more information has been asked for and the Assistant Minister has agreed to come back with all the information requested. If the Assistant Minister had said no, then it would be a different matter. Rather than have a reference back, let us allow the Assistant Minister to come back with all the answers Members have requested.

**Deputy J.M. Maçon:**

On a point of processing clarification, if there is a reference back, at what point can the Department bring back the Proposition? If it at the next sitting, we might be arguing over nothing.

**The Deputy Bailiff:**

Next sitting, yes. The Proposition has been maintained.

**Senator I.J. Gorst:**

Sir, I wonder if you could just rule on the question of the Assistant Minister before I start my speech. Thank you.

**The Deputy Bailiff:**

The next sitting.

**Deputy J.M. Maçon:**

Sir, I will accept the reference back then.

**The Deputy Bailiff:**

We still need to conclude the debate. Does any other Member wish to speak in relation to the reference back?

**4.2.12 Deputy M. Tadier:**

I do ... I will wait until the murmurs have finished. The Constable of St. John said some of us have got work to do, but we have still got another 45 minutes until the lunch break. The Constable probably has all afternoon ... I will not say any more than that. I will not say what I was about to say; got to keep it professional. Just what is interesting here is, it is absolutely valid what Deputy Ward and Deputy Morel have asked for. We are appointing people to deal with very vulnerable individuals. I have only attended one Tribunal to help represent a person. I call her a constituent, although she lived in St. Clement. We were successful in arguing a point of policy where she had been underpaid, because the Department had effectively double-accounted for her condition, which was both physical and had a mental aspect to it and they had only awarded one. They were proven to be wrong by the commissioner. I was quite lucky, because that individual was quite a strong individual and she did most of the preparation, but just did not have quite the confidence to be able to present to the Tribunal. So having a Tribunal composition with the requisite soft skills, as well as hard skills, is really important. This is not a criticism of the individuals. This is a lesson to be learned by the Minister, so in the future she does not get put in this position, the Assistant Minister does not get put in this position. Criticise me by all means, but there have been a lot of moderate Members who have stood up and said: "We do not have the information we need to make this decision." The one point I wanted to make is that the information we are being given, the first line for these is that individual 2 is a director of a leading trust company. At the end, the little line, which says: "But is one of the founders of the Jersey Marathon, where he continues to serve as a trustee." Why is that not at the top? The other one is: "Works in financial services industry. Has worked for over 30 years, holding a senior board position for the majority of that time. Executive director positions for X and Y."

[12:00]

At the end: "Has been involved in the Jersey Employment Trust, recognising the importance of providing services that will assist people with a disability to find employment." Why is that not the first thing? Why is that not right at the top? It begs the question: how did he get appointed onto the Jersey Employment Tribunal? Is it because he is a director of a financial services company, which allowed him then to get the experience in helping people with disability? It shows the mentality is that right through the system they are trying to pitch it. They could have been pitching this to the 1887 Assembly, saying: "This is a person, a fine figure, he is a wealthy businessman and he is used to dealing with multimillion pound budgets." Whereas, in reality, what this Government is trying to do, it has agreed to reduce income inequality, it has agreed to look after the most vulnerable in our society ...

**The Deputy Bailiff:**

Deputy Tadier, you must confine your debate to the merits of the reference back.

**Deputy M. Tadier:**

It is doing that, Sir. This is why we need to refer it back, because this Assembly and the current setup is still acting as if we were in an old system, whereby the new Government strategic priorities have not been recognised. That needs to permeate right through our tribunal processes and the appointments processes, so that we get people, not just with the hard skills ... because, remember there is an efficiencies programme, which is the context of all this. Departments will be trying to save money. We need to make sure that vulnerable people are not being hit with those efficiency savings, unnecessarily. One of the ways we do that is to make sure we have got the right people on these tribunals. Therefore, support the reference back.

#### 4.2.13 Deputy S.J. Pinel of St. Clement:

May I just very briefly say that this extended and critical debate is why people will not come forward in the future to put themselves into these boards.

#### The Deputy Bailiff:

I call upon Deputy Ward to reply.

#### 4.2.14 Deputy R.J. Ward:

I will just briefly, because are a couple of things I think I do need to address regards this reference back. First of all, this is not a personal comment on any of the individuals. I could not possibly make a personal comment from the very lack of information that is presented to us, thus the reference back to have more information, so that we can make a judgment. In terms of Deputy Pinel, I do understand to some extent, but that is not the case. There needs to be some clarity and there needs to be some accountability in everything that we are doing. That is such an important word. To know where people are is important for these appointments. In terms of innuendo, there is no innuendo here. There cannot be. We only know a certain amount of information. If we had more information perhaps we could. It is not the size of the C.V. (*curriculum vitae*), it is the quality of it that is important. In terms of the law, that is a bit of a red herring. What we are talking about here is the appointment of individuals. I refer again ... and this is really important. I say to the Assistant Minister and I want you to really understand why I have raised this, this is not anything personal, I do not deal in personality politics. This is about, from the website, where it says: "Experts on issues involved in your appeal." Therefore, in this information, we should have some information as to why these individuals are experts in that form of appeal. What we have is why they are experts in financial services. That is a different thing. We need to have the right information for the right appointment. I hope you are listening to my feedback here. That is the reason for this reference back. In terms of time, if this can be done within 2 weeks, I ask the question: why was this not done originally. Respect this Assembly for the decisions it is making and recognise that we will not rubberstamp appointments without the relevant information.

#### The Deputy Bailiff:

The *appel* has been called for. Members are invited to return to their seats. You are voting *pour* in favour of a proposal for a reference back of this Proposition, so that further information can be provided to the States. I ask the Greffier to open the voting.

<b>POUR: 23</b>		<b>CONTRE: 14</b>		<b>ABSTAIN: 1</b>
Senator T.A. Vallois		Senator I.J. Gorst		Deputy J.M. Maçon (S)
Senator K.L. Moore		Senator L.J. Farnham		
Senator S.Y. Mézec		Connétable of St. Brelade		
Connétable of St. Clement		Connétable of Grouville		
Connétable of St. Lawrence		Connétable of St. John		
Connétable of St. Peter		Connétable of Trinity		
Connétable of St. Ouen		Connétable of St. Mary		
Connétable of St. Martin		Deputy K.C. Lewis (S)		
Deputy G.P. Southern (H)		Deputy S.J. Pinel (C)		
Deputy M. Tadier (B)		Deputy of St. Martin		
Deputy L.M.C. Doublet (S)		Deputy of St. Mary		
Deputy R. Labey (H)		Deputy L.B.E. Ash (C)		
Deputy G.J. Truscott (B)		Deputy G.C.U. Guida (L)		
Deputy J.H. Young (B)		Deputy of Trinity		
Deputy K.F. Morel (L)				
Deputy of St. Peter				
Deputy of St. John				

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

**The Deputy Bailiff:**

Deputy Maçon, the next 2 items on the order paper ... **[Laughter]**

**Deputy J.M. Maçon:**

With the leave of the Assembly, I would like to move them to the next sitting, please, Sir.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**The Deputy Bailiff:**

Yes. Could I invite the Chairman of P.P.C. (Privileges and Procedures Committee) to propose the arrangement of public business for future meetings?

**5. Deputy R. Labey (Chairman, Privileges and Procedures Committee):**

Propositions 15, 16 and 17/2020, Social Security, Medical Appeal Tribunal: appointment, or reappointment, of members were all lodged yesterday and are down for debate on the sitting of 24th March. The default position of Propositions that have been referenced back is that they are listed for the next sitting, which would be the 10th March sitting and which, until we hear otherwise from the Minister for Planning and Environment, or the Minister for Social Security, or Assistant Minister for Social Security, that is the case; they will be listed for 10th March. The Minister is looking a bit confused. It is his prerogative to move it to a later date if he wishes, but that is the situation currently. On that subject, the Greffier, on behalf of P.P.C., put an email around yesterday to Members suggesting and asking if it would be agreeable that we hold questions for the next sitting on the Monday afternoon. That is 9th March, on the Monday afternoon. Response from Members to that suggestion was largely very positive and I thank them for it. I think it is safe to assume we have 3 full days of debate, given the subject matter of the Electoral Reform and also the Sustainable Transport Policy. We, in P.P.C., on Monday, thought that this was a good idea. Apologies that there is no greater notice. We do understand that P.A.C. (Public Accounts Committee) are meeting that afternoon, I believe and the P.A.C. have representation from somebody being flown in. That meeting cannot be rescheduled. I am sorry for that clash. The Members will not be marked *en défaut* if they are doing that. It would benefit that very full sitting. If it helps Members, on 9th March, we will already be suited and booted in the morning for the swearing in of the new Attorney General, who I hear is very good. **[Laughter]** They are saying a young hotshot. We look forward to that. Can I make the Proposition first that the Assembly convenes on 9th March at 2.30 p.m. to deal with questions for that sitting?

**The Deputy Bailiff:**

Does any Member wish to speak on that question?

**5.1 Deputy J.M. Maçon:**

Just to clarify, I am grateful that the Chair has explained that Members, who are otherwise booked, will be marked *excusé*, as in the convention. Of course, we know that the health team, for example, have an important public meeting with members of the public, who attend that. So, it may be a

problem if there are any oral questions to the Health Department, as there may not be a representative there. I just put that as a problem.

**Deputy K.F. Morel:**

Do you need a seconder for this Proposition, Sir?

**The Deputy Bailiff:**

The Proposition to sit on 9th March at 2.30 p.m.?

**Deputy K.F. Morel:**

Yes.

**The Deputy Bailiff:**

Yes. Technically, yes. I did not ask for it to be seconded. I ought to have done. Is the Proposition seconded? **[Seconded]** Thank you, Deputy Morel. What else would you wish to help me on?

**5.1.1 Deputy K.F. Morel:**

I also just wanted to say we have an Economic and International Affairs briefing that afternoon, as well. If we were to attend that, that is another 4 Members of the States who would not be able to attend. It does make it more difficult, given there are questions. I shall certainly be lodging questions and I want to be able to be here to answer them.

**Deputy J.H. Young:**

I want to raise the question on P.106, on the date, but I will wait until we have cleared this issue

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

I was just asking the Chairman of the Panel whether he would move that meeting. I would like to establish whether P.A.C. Members would want to be present. It seems to me that they are the group that cannot be present, because they are hosting somebody. For me to make this decision, I want to hear from members of that Panel to see whether they would want us to sit on that day and if they do not mind not being there, if they do not have questions to ask, *et cetera*. Could we hear from them, please?

**4.4 Deputy G.P. Southern:**

I just wondered why it was necessary for 4 Members to be at a meeting for the public. Could we not have one Minister, or Assistant Minister, in this Chamber? Might I ask: what the topic was that is going to occupy all 4 of them?

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

I was one who replied positively that the meeting on the Monday afternoon was quite OK for me, but I do become concerned now when I see that it appears that so many people might not be here. Perhaps I could have some clarification from the Chairman, because I think I swore an oath, as all of us swore an oath, that we would attend the States whenever we were called upon to do so. The only reason we would not be here is if we were ill, or if we were out of the Island on States business. The P.A.C. meeting and the briefing for Health are none of those things. If the States decide to meet on Monday afternoon, 9th March, all of us should be here, unless we are out of the Island on States business, or ill. I have not had time to look at the Standing Orders, but I believe that is the situation. If so many Members are going to be absent and Ministers are going to be called to account at question time and Members are not here, that just makes a mockery of our system. Unless we can have assurance that the P.A.C. members and Health members are going to be here, then perhaps we should go back to the original plan and meet on the Tuesday.

**5.1.4 Senator S.Y. Mézec:**

This point may, or may not, be of consequence, but I had been asked by the Minister for International Development if she could swap her questions without notice with myself for 10th March, on the basis that she would be attending a conference on that day. I do not know if that is still the case for her, on 9th March. So, it might not be clear whether it is her, or myself, doing questions without notice. Either way is fine by me.

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

I wonder whether the Chairman could just clarify, because I was under the impression that P.A.C. have brought their meeting forward to accommodate question time. I am not sure whether the Greffier, or the Chairman, could just clarify that.

#### **5.1.6 Connétable J. Le Bailly of St. Mary:**

It is absolutely essentially that the P.A.C. hold their meeting on Monday afternoon. We have brought it forward, but there is still a 15-minute space where we cannot be present. We cannot cancel that meeting. The Comptroller and Auditor General and her Deputy are flying in from the U.K. That is not something we can rearrange. We have appointments with our C.E.O. (chief executive officer) to be interviewed and others, which cannot be put off. It is absolutely essential that the P.A.C. attend this meeting.

#### **4.1.7 Deputy R. Labey:**

I am grateful to the Constable of St. Mary for that. It would seem sensible, then, if we convened what I am proposing, the questions, on Monday 9th March at 2.45 p.m. and then we would not have the 15-minute overlap. That is very good news. Thanks to the Constable of St. Mary. I would just amend my Proposition to the States will convene at 2.45 p.m. on Monday, 9th March.

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

What are we voting on? Are we dealing with the agenda for 10th March? Can I ask that the Proposition ...

#### **The Deputy Bailiff:**

The Proposition is that the States sits on Monday, 9th March at 2.45 p.m.

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

Point of order, Sir. The Proposition was for 2.30 p.m. on 9th March. I do not understand how you can amend the Proposition mid-debate on that Proposition. I know it seems silly, but it is an important point of order, because it holds for this debate and any debate.

[12:15]

#### **The Deputy Bailiff:**

There needs to be a degree of flexibility when dealing with Propositions in relation to public business. We are not making a law, are we?

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

Those sorts of amendments on the fly do not carry into other debates.

#### **The Deputy Bailiff:**

The point is taken and understood. Does any other Member wish to speak?

#### **5.1.7 Deputy M. Tadier:**

I am with the Constable of St. Clement. I do not personally have a problem and that is why I replied that way, but it would be helpful to know exactly which Members cannot make it, because the oath does say that we should attend the States when we are called to do so. We know that the States takes

precedence over any other meeting. It would be wrong to put any panel members in an invidious position, because this is short notice. If they have people who have given up their free time, who are not States Members, who are busy people, to come to meetings, it is discourteous to either ask them to cancel, or ask States Members not to turn up, to be questioned, or to question, or at least to follow proceedings. If the 2.45 p.m. works for most of us, that is probably OK, but it would be helpful to know which Ministers and potential questioners cannot be here on the Monday. Otherwise, we do have enough time, on the Tuesday, Wednesday and Thursday there are only 2 really significant debates. Even those are still doable within 2 days, so we have a continuation date. I am wondering whether it is necessary to do the Monday at all.

**5.1.8 Deputy H.C. Raymond of Trinity:**

Can I just have clarification? The Health and Community Services Board sits on the Monday afternoon at 2.30 p.m. at St. Paul’s. That includes 4 Ministers, who have different briefs. Bearing in mind what Constable Norman said, I am not sure where we sit on that, with regards to do we go to it, or do we ask Health and Community to say that we stop the debate. The only thing that is slightly concerning me, there are certain decisions that are going to be made next week, which affect the hospital situation in April. Indeed we do have members of the public there, as well.

**The Deputy Bailiff:**

Deputy Ward, have you spoken yet, or not?

**5.1.9 Deputy R.J. Ward:**

No. I was just going to suggest that starting at 2.45 p.m. and the Health Board move their meeting forward in the morning just seems a pragmatic way to do it.

**The Deputy Bailiff:**

Does anyone else wish to speak on the Proposition? I call upon Deputy Labey to reply.

**5.1.10 Deputy R. Labey:**

I understand the difficulties. We have to make the decision. I know people want to know exactly what is going to happen in terms of absenteeism. However, in my experience, when the States does take a decision like this, ways and means are found in the intervening period. There is wiggle room and we end up with more Members attending than we expect and if they cannot, of course, we understand. I maintain the Proposition and ask for the *appel*.

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

Has the Proposition been amended to 2.45 p.m.?

**The Deputy Bailiff:**

Yes, it has. There is provision under Standing Order 89 indeed covering amendments to arrangements public business. It has been amended in the way that has been described. The Proposition is that the States resumes at 2.45 p.m. on Monday, 9th March. The *appel* has been called for. I ask the Greffier to open the voting.

<b>POUR: 25</b>		<b>CONTRE: 14</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator L.J. Farnham		
Senator K.L. Moore		Senator T.A. Vallois		
Senator S.Y. Mézec		Connétable of St. Clement		
Connétable of St. Helier		Connétable of Grouville		
Connétable of St. Lawrence		Connétable of St. John		
Connétable of St. Brelade		Connétable of St. Mary		
Connétable of Trinity		Deputy J.M. Maçon (S)		
Connétable of St. Peter		Deputy of St. Martin		



Connétable of St. Ouen		Deputy G.J. Truscott (B)		
Connétable of St. Martin		Deputy K.F. Morel (L)		
Deputy G.P. Southern (H)		Deputy G.C.U. Guida (L)		
Deputy K.C. Lewis (S)		Deputy of St. Peter		
Deputy M. Tadier (B)		Deputy of Trinity		
Deputy S.J. Pinel (C)		Deputy K.G. Pamplin (S)		
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy I. Gardiner (H)				

## 5.2 Deputy R. Labey:

Can I thank Members for that? It was painful, but I think the pain that we have just suffered today will be lessened in the sittings, especially around the 5.30 p.m. mark on the Tuesday, Wednesday and Thursday. I propose public business as I expressed earlier.

## 5.3 Deputy J.H. Young:

I would like, please, not to put the P.106 items on 10th March, much as I think that it will not take more than 5 minutes to come up with the reference back information, since Deputy Guida already gave us it. I do, however, want time to discuss with my officers and I ask it be moved to 24th March, which I will tell Ministers now, is the very last day under the rules that it can be discussed. I tell you that so you know where we are. I need the time to talk to my officers to see whether there is any substantive change, because I frankly think there is more to the reference back than that and I need time.

## Deputy R. Labey:

That is acceptable to P.P.C. in terms of ...

### 5.3.1 Deputy M. Tadier:

Could we ask that to be put as the first item on the agenda, because we know we have some very busy landlords who will want to know what time the debate is starting, so that they can take time to sit in the Assembly? It is an important piece of legislation.

## The Deputy Bailiff:

On 24th March?

## Deputy J.H. Young:

Yes, Sir.

## The Deputy Bailiff:

Yes. It will automatically come first on the Order Paper, owing to its antiquity. The States stands adjourned until Monday, 9th March at 2.45 p.m.

## ADJOURNMENT

[12:22]