

STATES OF JERSEY

OFFICIAL REPORT

Wednesday, 18 NOVEMBER 2020

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[9:31]

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

PUBLIC BUSINESS - resumption

1. Draft Financial Services (Disclosure and Provision of Information) (Jersey) Regulations 202- (P.125/2020)

The Bailiff:

We now resume public business and the first matter of public business is P.125, the Draft Financial Services (Disclosure and Provision of Information) (Jersey) Regulations, lodged by the Minister for External Relations. The main responder will be the Chair of the Economic and International Affairs Scrutiny Panel, Deputy Morel, and I ask the Greffier to read the citation.

Senator I.J. Gorst:

Just before we read the citation, could I beg the indulgence of the Assembly, should the Assembly approve this legislation this morning there is P.133 an Appointed Day Act and that Appointed Day Act itself is amended. I wonder if the Assembly would oblige myself and the Assistant Minister who will be acting as *rapporteur*, to take the Appointed Day Act, should this be approved, directly after it.

The Bailiff:

Thanks you very much for that indication. Obviously the Assembly will need to agree but I wonder if the proposition could be made immediately after the next one, simply that allows practically the Greffier to cover both in the chat. For practical purposes that would be helpful. Greffier, if you would read the citation.

The Greffier of the States:

Draft Financial Services (Disclosure and Provision of Information) (Jersey) Regulations 202-. The States make these Regulations under Articles 7(1)(b), 8(2)(c) and 20 of the Financial Services (Disclosure and Provision of Information) (Jersey) Law 202-.

Senator I.J. Gorst (The Minister for External Relations):

I ask my Assistant Minister, the Constable of St. Ouen, to act as *rapporteur*.

1.1 Connétable R.A. Buchanan of St. Ouen (Assistant Minister for External Relations) - *rapporteur*:

The Draft Financial Services (Disclosure and Provision of Information) (Jersey) 202-, which I shall refer to as “the Law”, was approved by the States Assembly in July 2020 and sanctioned by the Privy Council in October 2020. The Law sets out a framework on which further regulations and orders may be made to provide a complex matrix of legislation. Members may recall that the Law sets out how information is to be provided to the Jersey Financial Services Commission and the frequency with which is it updated. The Law, together with regulations and orders will be the basis on which we demonstrate, as a jurisdiction, our compliance with the provisions of the F.A.T.F. (Financial Action Task Force) recommendations in readiness for the forthcoming MONEYVAL assessment. The draft regulations, together with the Law, play an important role in achieving another successful review by Jersey and allowing Jersey to comply with recommendation 24 of the F.A.T.F. recommendations. Jersey achieved an impressive 2015 MONEYVAL assessment, however the assessment team’s report did indicate that further changes could be made to ensure that Jersey continues to maintain its position as a leading international finance centre in line with developing standards. The Government has consulted extensively with industry in preparation of the draft regulations to ensure they are in compliance with the recommendation in a way that is workable and

proportionate. Consultation with the Jersey Office of the Information Commissioner has also taken place and we have received confirmation that he has no concern about the draft regulations. The Draft Financial Services (Disclosure and Provision of Information) (Jersey) Regulations 202- further supplement the Law by introducing the following key provisions. Firstly, it specifies that information collected by the provision shall or shall not be made publicly available. Secondly, setting out an application process to permit persons to apply to make information unavailable from public inspection. Thirdly, an appeals process to challenge decisions of the Commission. Finally, providing an additional fee to be paid by the Treasurer. These draft regulations will allow Jersey to modernise its company register and comply with international standards which, as I have previously indicated, is extremely important for the forthcoming MONEYVAL assessment and I proposed the principles.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Deputy Ward, you seek a point of clarification?

Deputy R.J. Ward of St. Helier:

Yes, Sir. It may just be the sound and I apologise, during the speech did the Constable say regulations on - I cannot even remember the words now I have asked the question - who will not be listed or there is not access or there is access to the register? It was just the sound was not great.

The Bailiff:

Connétable, can you indicate what the position is with regard to regulations and access?

The Connétable of St. Ouen:

Indeed I can. I apologise for the quality of sound, I am having to work from today because I am isolating. Certain of the regulations permit people's details to be excluded under certain conditions.

The Bailiff:

Thank you very much indeed. Very well, does any Member wish to speak on the principles?

1.1.1 Deputy R.J. Ward:

Thank you. This may be about regulations but it is a general principle. There seems to be a key point in this legislation which is, if you like, a significant persons status that is set out as the company. It says there are exceptions including those who are not holding a share in the company. I just want to know is there a significant person trigger point as to where they become that significant person that will be held on the register with particular information or whether, for example, you could hold a 99 per cent share? I may be wrong in thinking this but it a genuine question about the regulations themselves so it would be useful if that was answered.

1.1.2 Deputy K.F. Morel of St. Lawrence:

I would like to thank the department for providing the Economic and International Affairs Scrutiny Panel with briefings and also responding to our queries because we did have a number of them. We appreciate the importance of these regulations. I have already heard of some business that did not come to Jersey because they are not keen on the disclosure element of this from a public perspective. That is a political choice that Jersey makes and I think the reason for that are sound and understood in order to maintain our reputation at the top of the international regulatory pile, so to speak. I would like to direct Members to the comments paper that the panel has written which support this and say from the panel's perspective we were satisfied with all the responses we received and are happy for the regulation to be passed. Thank you.

[9:45]

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

Obviously very supportive of the whole principle of bringing our legislation right up to the current level of requirement and the MONEYVAL. Absolutely behind that. But I could not help noticing, and this may be a detail that we could deal with in the Articles, unless I misunderstood this this seems to suggest that the current arrangement for companies registered in Jersey to pay a fee to the J.F.S.C. (Jersey Financial Services Commission) with a paper annual return will be replaced by a more expensive arrangement. While I fear that is the case, that there is no problem about where you have got active entities, I feel myself over the years where one sees where companies do not have any transactions and they are held for, if you like, nominal reasons and no other by local people that these fees have gone up and up and up. So I would like the *rapporteur* to give me a little bit of an explanation of what is said in the explanatory note on page 4, because it was not entirely clear to me what the new fee arrangement would be. If the *rapporteur* could clear that up, but I am very supportive of the principle of keeping our legislation fully up to these disclosures; all these disclosure requirements are very important.

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

Interestingly, I have exactly the same question as Deputy Young. The document says that a much larger part of the fee will go to the Treasurer but I do not see that the Commission will not be able to recoup the money by just raising the actual fee of £225 by another £115 to make up for the lost money, which will raise the total fee by another 60 per cent.

1.1.5 Senator I.J. Gorst:

I just want to address the fee issue, which a couple of speakers have now referred to, and they will be aware that for limited partnerships the Assistant Minister has another piece of legislation this morning which amends the fee process. Historically part of the registry fee has either been maintained by the J.F.S.C. or returned to Government and there is also in place been a gentleman's agreement, if I may use that term, or an agreement - let us just say that - whereby the J.F.S.C. could retain some of the fee, which would be rightly repayable to Government to do improvement work to the register. With the modernisation of the legislation and changes in personnel at the J.F.S.C., looking at that agreement again, it has become necessary to make changes in legislation because there were concerns that such agreement between the previous Minister and the J.F.S.C. perhaps was not the best way to deal with such transfer of moneys and therefore this is not a change per se to the current division of fees, it is simply a legal basis to ensure there is no difficulty in the future. The registry have invested lots of money in improving their processes and improving their technology, and that is correct. They will and do consult with industry around fees but the proposed split here is not, and it would not be, and it is not appropriate in my view, nor the view of the Assistant Minister or team in Government, that there is any necessity for the Commission to simply increase its fees by the amount that is being refunded rightly to Government. This is just a legal basis for what, in effect, had been historically agreed; as I said. It is important that the J.F.S.C. have sufficient funding to run the functions that they are required to do on behalf of the Island, acting as the independent regulator and the registry function. It is just as important that they manage their costs appropriately and do not increase their costs disproportionately to what is necessary, continue to offer a cost-effective service to the Island and can show value for money to the users, as it were, or the entities that they are responsible for regulating. It is fair to say, in response to Deputy Young, that even if one is the shareholder of a passive company or that there are still requirements under A.M.L. (anti-money laundering) and compliance requirements, which have a cost to them. Therefore we are no longer in the world of thinking that a 2-tier approach would be appropriate in this regard, the ownership or shareholding in the company does place obligations on the Island in regard to international compliance and they come at a cost, notwithstanding the things that I have said about ensuring that those costs are proportionate.

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

Despite what the Minister has just said, Members should be absolutely clear, part of the fee is a form of taxation. For many years the Commission has paid money to the States, so yes, part of the fee is covering the costs of the Commission but the rest of it is taxation; simply that.

The Bailiff:

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

1.1.7 The Connétable of St. Ouen:

My Minister has responded to most of the fee points. If I could address Deputy Ward's point about significant persons. That is normally how a director of a company is referred to and no other entity related to that company. Deputy Higgins is right, the portion of the fee charged to companies, which is a total of £235, £114 of that is returned to the States as a form of taxation to support the infrastructure of the run companies in the Island and it is effectively taxation but it is tax paid to the jurisdiction to maintain the infrastructure to run a regulator and to run a register, and also for the benefit of using the Island as a base for that company. I think I have covered all the points. I move the principles and ask for the *appel*, please.

The Bailiff:

I therefore ask the Greffier to place a link into the chat. Deputy Higgins seeks a point of clarification. Are you prepared to give way for a point of clarification, Connétable?

The Connétable of St. Ouen:

I will do my very best to answer it.

Deputy M.R. Higgins:

Can the Assistant Minister tell us whether the fees going to the Commission cover the costs of the Commission? The part that is going to the States is taxation. Can he just confirm what extra infrastructure are they providing because it is straight taxation?

The Bailiff:

I am not sure that is a point of clarification of the speech. That was a point that you made in your speech but I am not sure it is a point of clarification of the Connétable's speech.

Deputy M.R. Higgins:

Can the Connétable tell us ...

The Bailiff:

No, I am sorry. Is this a point of clarification, in other words, something that the Connétable has said, is it unclear to you?

Deputy M.R. Higgins:

Yes, it is, Sir.

The Bailiff:

How would you like him to address it?

Deputy M.R. Higgins:

The Connétable mentioned that, yes, it was partly tax but he also said it was to pay for infrastructure. If the other part of the fee is covering the cost of the Commission would he please explain what those infrastructure costs are that is coming out of the portion that is going to the Government?

The Bailiff:

Can you clarify what portion of the fee applies to infrastructure, Connétable, and what that infrastructure may or may not be?

The Connétable of St. Ouen:

Yes, I can very briefly. The Government obviously has a group of civil servants in Financial Services whose duty it is to manage and run the Island's financial services business for the Island and obviously that contribution goes towards that infrastructure.

The Bailiff:

The voting link is in the chat, I therefore open the voting and ask Members to vote in the normal way on the principles. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted: 40 votes *pour*, no votes *contre*, no abstentions in the link. A further 2 votes *pour* registered in the chat.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
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. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				

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

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

Deputy K.F. Morel (Chair, Economic and International Affairs Scrutiny Panel):

No, thank you.

The Bailiff:

Assistant Minister, how do you wish to deal with the matter in Second Reading.

1.2 The Connétable of St. Ouen:

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

The Bailiff:

Did you wish to speak in general to them or simply propose them *en bloc* now?

The Connétable of St. Ouen:

I would like to propose them *en bloc* but I am aware that one Member has asked a question, which I could use this opportunity to respond to that question.

The Bailiff:

Indeed you can. You can propose them in whichever way you would like to do so. If you wish to address a question in advance there is no difficulty with that.

The Connétable of St. Ouen:

The Member asked the question whether the regulation which permits share transfer of property holding companies to have their information kept private, and I think the thrust of her question was whether this provided a loophole through the housing regulations; the answer is it does not. You still have to own a share transfer property company, which is a structure that is used where a block of flats is built normally and it divides those flats and one share represents one flat. But the regulations are not a way around the housing regulations. To buy that share and to occupy that flat you still have to have housing consent to do so if it is a Jersey property. I would like to propose the regulations *en bloc*.

The Bailiff:

Are the regulations seconded? **[Seconded]**

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

I just wanted to thank the Connétable for answering my question. I am disappointed he did not let me ask it to start with. I was quite pleased to have come up with a question for such - I am sure he will not be offended - dry legislation. But that does clarify matters for me. Just for the understanding of other Members, the reason I posed the question is because this regulation pertains particularly to exemptions made. I think it is important that any exemptions where information is not made publicly available needs to be publicly explained as to why that is the case. I thank the Connétable for answering the question.

1.2.2 Deputy J.H. Young:

I am sorry, I think I got very confused with that exchange.

[10:00]

Is it being said that shareholdings in a company in which somebody holds a parcel of property would be exempt from these disclosure requirements? Is that what is being said? If so, I am very concerned about that.

The Bailiff:

That is obviously something the Assistant Minister will respond to when he sums up.

1.2.3 Deputy R.J. Ward:

I just want to ask a little more detail on the regulation I mentioned before. The Constable did reply. It is Regulation 2(2)(c) about the information does not apply to a person who is a significant person by virtue only of holding a share in a company ownership, *et cetera*. He made the point that a significant person is a named director but I just want to know whether you can be exempt owning a 99 per cent share in a company or even 100 per cent share in a company if you simply name somebody as your director. Therefore there could be a real cover for ownership. I may be barking up the wrong tree, as they say, but I just want to understand that particular regulation and what it means.

The Bailiff:

Does any other Member wish to speak on the regulations or any of them? If no other Member wishes to speak then I close the debate and call upon the Assistant Minister to respond.

1.2.4 The Connétable of St. Ouen:

First, my thanks to Deputy Perchard. It was an interesting question, which I received fairly early in the morning, which woke my brain cells up quite quickly. It is an important point that it is quite clear in the regulations that members of the company who own a property would not wish to see their details published on the share register simply because the information is confidential to them. That would also include their housing qualifications. Turning to Deputy Ward's question, the exemption. The principal person of a company is a director. Shareholders would normally just be listed but they can apply to have their information hidden, as can directors, if there are privacy reasons why they need to do so. But I can assure the Deputy that in terms of shareholders and principal persons of company they are subject to due diligence by the J.F.S.C. and, as such, it is not a backdoor route into Jersey. It is simply a mechanism where they may wish to have their information shielded from the public view at the moment. With that, I propose the regulations and call for the *appel*.

The Bailiff:

Deputy Young, as he is entitled to, has asked for a separate vote on Regulation 2. So shall we take Regulation 1 first?

1.3 The Connétable of St. Ouen:

Yes, I propose Regulation 1 and ask for the *appel*.

Deputy R.J. Ward:

Are we taking the regulations separately now because they were proposed *en bloc*?

The Bailiff:

I think what will happen, Deputy Ward, as Deputy Young is entitled to has asked for a separate vote on Regulation 2. We will take Regulation 1, then 2 and then the remainder of the regulations.

Deputy R.J. Ward:

Thank you, Sir.

The Connétable of St. Ouen:

If I propose Regulation 1 first, Sir, and ask for the *appel* on that.

The Bailiff:

Yes, the link is in the chat and I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Regulation 1 has been adopted: 40 votes *pour*, no votes *contre*, no abstention in the link. A further 2 votes *pour* counted in the chat.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
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Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Deputy J.A. Martin (H)				
Deputy of Grouville				
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 S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

You have a point of order, Deputy Perchard?

Deputy J.H. Perchard:

Yes, Sir. I am not too sure if this is possible but I thought I might like to ask whether it is possible to take parts of the regulation separately. Just that Regulation 2, and particularly paragraph (2)(a), for example, may be a part that Members wish to retain while also rejecting part (c), which I think Deputy Young might be interested in.

The Bailiff:

Thank you for the question, Deputy. No, it is possible to breakdown, at the request of Members, regulation by regulation but it is not possible to break down subparagraphs within specific regulations. What a Member is entitled to is have a provision voted on separately and a regulation is a provision but a part of it is not a provision. We come now to the vote on Regulation 2 and I ask the Greffier to put the link into the chat. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Regulation 2 has been adopted: 35 votes *pour*, 5 votes *contre* in the link, and a further one vote *pour* and one vote *contre* counted in the chat.

POUR: 36		CONTRE: 6		ABSTAIN: 0
Senator I.J. Gorst		Deputy G.P. Southern (H)		
Senator L.J. Farnham		Deputy M. Tadier (B)		
Senator S.C. Ferguson		Deputy J.H. Young (B)		
Senator J.A.N. Le Fondré		Deputy of St. John		
Senator S.Y. Mézec		Deputy R.J. Ward (H)		
Connétable of St. Helier		Deputy C.S. Alves (H)		
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. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (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 M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Do you propose the remainder of the regulations *en bloc*, Assistant Minister?

The Connétable of St. Ouen:

Yes, Sir, if I can propose the balance *en bloc*.

The Bailiff:

I ask the Greffier to post a link into the chat and the vote is on the remainder of the regulations. The link is posted. I open the voting and ask Members to record their vote in the normal way. We are not voting in Third Reading, we are voting for the remainder of the regulations; Regulation 3 onward. We are still to come on to Third Reading. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The remainder of the regulations have been adopted: 41 votes *pour*, no votes *contre*, no abstention in the link and one further vote *pour* in the chat.

POUR: 42	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator S.W. Pallett		
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		
Deputy J.A. Martin (H)		
Deputy of Grouville		
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 S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		

Deputy K.G. Pamplin (S)				
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Do you propose the regulations in Third Reading?

1.4 The Connétable of St. Ouen:

I do, and if I could just comment briefly before I do so. Not least to thank Deputy Morel and his Scrutiny Panel for the assistance and help that they have given us in getting this regulation to the Assembly. It was a good engagement, as always.

The Bailiff:

Are the regulations seconded in Third Reading? [**Seconded**]

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

I have been listening to the conversation around this particular piece of legislation and I am reaching a suspicion that somewhere in this documentation is a means by which one can disguise the beneficial ownership of a company. What I want and I seek from the *rappporteur* is that this legislation does not do that categorically, and there is no way under any of these subparagraphs or paragraphs that you can hide the beneficial owner of a particular company. Only with that assurance would I be advising people to vote for this piece of legislation.

1.4.2 Deputy J.H. Young:

I just wanted to clarify. Obviously I voted against Regulation 2, it was because of this single issue about the share ownership and transfer of properties. I wanted to clarify that because only a matter of weeks ago we voted for a public register and we have major issues involved with our affordable housing and yet we still have a situation in where properties can be acquired and owned by persons who do not have residential qualifications and buying them as investment. I will be voting for this in Third Reading but I really want, please, this provision here not to water down that commitment that we previously gave to both Deputy Higgins and Deputy Huelin, that we are going to have a public register of property. I think that is really, really important. In voting for this please I want those reservations to be made, that is why I am speaking - but I shall be supporting the Third Reading - because of the overriding issue that Deputy Southern has just pointed out is absolutely right. Public disclosure is absolutely vital.

1.4.3 Deputy R.J. Ward:

I really want to reiterate the things that the previous 2 speakers have mentioned. I share the concern regards share transfer, which is something I was not ... I came from a slightly different angle but I absolutely accept that and pick that up. I think that is something that needs to be addressed. I would like to reiterate as well, my real concerns over ... the naming of company directors are those who are kept in the public register but behind those could be major shareholders, major company financial interests, which we do not see. I think that is where transparency comes from and needs to be seen. We need much more reassurance on that, and that is the reason I voted against 2 and it was part 2(2)(c) really; it is a shame we could not take that separately. I wonder whether the Minister can look back at perhaps bringing a slight amendment to that, to bring more clarity as to what that means in real terms and what that looks like in practice day to day and week to week and year to year. That is the issue that I have regards this piece of legislation. Plus, I will add, this is a very complex piece of legislation that came to the Assembly. I am very pleased that Members have taken the time to pick these details out, as well as the Scrutiny Panel doing the same.

1.4.4 Deputy K.F. Morel:

This legislation has been available and published for many, many months and our scrutiny work was completed some time ago, back in September. So it strikes me as strange that a Minister should be asking such questions of a fellow Minister right now on the day of debate when he has had many months to ask these questions. It also strikes me that people are confusing 2 very different matters

and that is the public register of properties, which has been voted for, and is entirely separate from these mandatory disclosure rules through the J.F.S.C.

[10:15]

It is the case that many thousands of ordinary Islanders own share transfer properties and are directors therefore of companies, which hold those share transfer properties within them. It is, I believe, for that reason that the exemption has been made in this way. Because it would be many thousands of Islanders who would therefore be published and that is not appropriate. I feel that these questions are of such significance; there was plenty of time, many months, in which these questions could have been raised.

The Bailiff:

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

1.4.5 The Connétable of St. Ouen:

Firstly to Deputy Southern. I can confirm that there is no exemption in the law to provide beneficial information to the registry or indeed the J.F.S.C. It is simply a question of whether or not this is published publicly and that, as the Deputy will know, is the subject of an ongoing debate and Jersey has given a commitment in line with the rest of ... when the E.U. (European Union) Third Anti-Money Laundering Directive comes into play it is likely we will be publishing that information. In response to Deputy Young and Deputy Ward, and I thank Deputy Morel for his helpful intervention, the share transfer information is held only for residential property but they are still required to provide this information. It is available to the Minister, the Commission and law enforcement. As we know there is going to be a public register of property, we will consider how to interact this with property share transfer companies to make sure that this information is available. There is no attempt of subterfuge, it is simply the way it is written in the law to protect residential property owners having that information on public display on the register. With that, I ask for the *appel* in the Third Reading.

The Bailiff:

Thank you very much, Assistant Minister. I ask the Greffier to post a link in the chat please and I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted in Third Reading: 41 votes *pour*, no votes *contre*, no abstention in the link, 2 votes *pour* in the chat and one vote *contre*.

POUR: 43		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Deputy G.P. Southern (H)		
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				

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

Senator I.J. Gorst:

I wonder if we could make the proposition that we take next P.133, which is the Appointed Day Act, with an amendment, so take it as amended.

The Bailiff:

Is that seconded that we take the matter now? **[Seconded]** As Members have heard, the Minister is content to take the matter as amended, so that is the proposition before the Assembly. It is seconded. Does any Member wish to speak? If no Member wishes to speak then I will ask the Greffier to put a voting link in the chat. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I close the voting. The proposition to take the matter next is adopted: 39 votes *pour*, no votes *contre*, no abstentions in the link, and one further vote *pour* in the chat.

POUR: 40		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				

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

Is this to be dealt with also by the Assistant Minister?

Senator I.J. Gorst:

Indeed, Sir, thank you.

2. Draft Financial Services (Disclosure and Provision of Information) (Jersey) Law 202- (Appointed Day) Act 202- (P.133/2020) - as amended (P.133/2020 Amd.)

The Bailiff:

We now, with the agreement of the Assembly, come on to the Draft Financial Services (Disclosure and Provision of Information) (Jersey) Law 202- (Appointed Day) Act 202-, P.133. The main respondent is again the Chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Financial Services (Disclosure and Provision of Information) (Jersey) Law 202- (Appointed Day) Act 202-. The States make this Act under Article 28 of the Financial Services (Disclosure and Provision of Information) (Jersey) Law 202-.

The Bailiff:

As indicated, the Appointed Day Act is to be taken as amended, so I call upon the Assistant Minister.

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

Members will recall that the Financial Services (Disclosure and Provision of Information) (Jersey) Law 2020 was adopted by the States on 14th January 2020, sanctioned by Order of Her Majesty in Council on 14th October 2020 and was registered by the Royal Court on 23rd October 2020. This Appointed Day Act is to bring the law into force. The law sets out how information about entities in Jersey are to be provided to the Jersey Financial Services Commission and the frequency which that information is to be updated. The law sets out the basis on which the jurisdiction seeks to demonstrate compliance with the provisions of the Financial Action Task Force recommendation in advance of the Island's next MONEYVAL assessment. The effect of the Appointed Day Act is to bring into force all the provisions of the law on 6th January 2021. Although it was originally anticipated the law would be brought into force on 2nd December 2020, it is considered prudent to delay it slightly. As such an amendment, which has been accepted, has been lodged and I consider it to be prudent to delay for 2 reasons. Firstly to provide contingency for thorough testing of the integrity of the new registry systems and, secondly, to ensure that the industry has sufficient time to consider the guidance and law to be issued by the Commission. I propose the principles.

The Bailiff:

This is not a matter where the principles are dealt with, Connétable. This is an Act so it is a simple adoption or not of the proposition. There is only one vote, so you propose the proposition?

The Connétable of St. Ouen:

I do, Sir. My apologies.

The Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? No Member wishes to speak on the proposition. Then I close the debate and ask the Greffier to post a vote into the chat. The link is there and I open the voting. Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The Act as amended has been adopted: 44 votes *pour*, no votes *contre*, no abstentions, no recorded votes in the chat.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				

Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy 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)				

3. Draft Limited Partnerships (Annual Additional Charge) (Amendment) (Jersey) Regulations 202- (P.126/2020)

The Bailiff:

The next item of business is the Draft Limited Partnerships (Annual Additional Charge) (Amendment) (Jersey) Regulations 202- lodged by the Minister for External Relations. The main responder will also be the Chair of the Economic and International Affairs Scrutiny Panel, Deputy Morel. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Limited Partnerships (Annual Additional Charge) (Amendment) (Jersey) Regulations 202-. The States make these regulations under Article 30A of the Limited Partnerships (Jersey) Law 1994.

Senator I.J. Gorst (The Minister for External Relations):

I ask the Assistant Minister to be *rapporteur* for this item as well please.

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

The Draft Limited Partnerships (Annual Additional Charge) (Amendment) (Jersey) Regulations 202- which I refer to as “the amendment”, increases the additional charge payable by Jersey registered limited partnerships from £115 to £145. The annual additional charge is part of the total annual fee collected by the Jersey Financial Services Commission. Of the total fee collected £115 is currently collected on behalf of the Treasurer. This increase to the amount payable to the Treasurer reflects the same increase made in Regulation 7 of the Financial Services (Disclosure and Provision of Information) (Jersey) Regulations. Limited partnerships are not within the scope of those regulations and for consistency across all entities it was felt appropriate to increase the amount through the amendment. This amendment does not result in an increase in the overall amount payable by an entity but an increase in the portion payable by the Commission to the Treasurer, and this will result in an increased receipt from the Treasury of £30 per entity each year. The amendment follows discussions with the Commission and builds on an understanding between Government and the Commission at the time of the last fee increase for industry. I propose these principles.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? No Member wishes to speak on the principles. Then I close the debate and ask the Greffier to place a vote in the link. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The principles have been adopted: 41 votes *pour* and no votes *contre*, no abstention, no votes recorded in the chat.

POUR: 41		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator S.W. Pallett				
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. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

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

Deputy K.F. Morel (Chair, Economic and International Affairs Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

How do you wish to propose the matter in Second Reading, Assistant Minister?

3.2 The Connétable of St. Ouen:

There are only 2 very short regulations and I propose them *en bloc*.

The Bailiff:

Are they seconded? [**Seconded**] Does any Member wish to speak on either of the regulations? If no Member wishes to speak on either of the regulations then I close the debate and ask the Greffier to put a link in the chat.

[10:30]

I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted in Second Reading: 40 votes *pour*, no votes *contre*, one abstention in the link and 2 recorded votes as *pour* in the chat.

Deputy M.R. Higgins:

Could we have the abstention, please?

The Greffier of the States:

The abstention was Deputy Truscott.

POUR: 40		CONTRE: 0		ABSTAIN: 1
Senator I.J. Gorst				Deputy G.J. Truscott (B)
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				

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

The Bailiff:

Very well. Do you wish to deal with the matter in Third Reading?

3.3 The Connétable of St. Ouen:

Yes, please, Sir. Before I make the proposition, I would like to thank Deputy Morel and the Scrutiny Panel for their assistance with all of this legislation. I proposition the regulations in Third Reading.

The Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading then I close the debate and ask the Greffier to post a link for a vote. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted in Third Reading: 41 votes *pour*, no votes *contre*, no abstentions.

POUR: 41	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.W. Pallett		
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. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		

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

4. Draft Intellectual Property (Unregistered Rights) (Marrakesh Treaty) (Jersey) Regulations (P.127/2020)

The Bailiff:

Very well. The next item of Public Business is the Draft Intellectual Property (Unregistered Rights) (Marrakesh Treaty) (Jersey) Regulations [P.127/2020] lodged by the Minister for External Relations. Again, Deputy Morel will be the main responder. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Intellectual Property (Unregistered Rights) (Marrakesh Treaty) (Jersey) Regulations 2000, the States make these regulations under Article 401 of the Intellectual Property (Unregistered Rights) (Jersey) Law 2011.

4.1 Senator I.J. Gorst (The Minister for External Relations):

I am bringing these draft regulations to the States as a result of an opportunity to join the Marrakesh Treaty. Its full name, of course, is Marrakesh Treaty to Facilitate Access to Published Works for Persons Who are Blind, Visually Impaired or Otherwise Print Disabled. This opportunity arose at very short notice and was connected to the end of the Brexit transitional period on 31st December 2020. In 2016, a report undertaken by National Geographic said that approximately one in every 200 people around the globe, that is 39 million of us, cannot see and another 246 million of us have severely reduced vision. These visually impaired persons or persons with a print disability, as they are sometimes referred to, can only access an estimated 5 per cent of all written information and literary works that sighted people can read. The Treaty's main goal is to create a set of mandatory limitations and expectations to copyright for the benefit of the blind, visually impaired and otherwise print disabled. Improving access to copyright works for visually impaired persons, of course, is aligned with the Government of Jersey's other priorities. The U.K. (United Kingdom) signed the Marrakesh Treaty in 2012, but its participation has been on the basis of the E.U.'s ratification of the Treaty in October 2018. However, as I have said, in light of the United Kingdom's withdrawal from the E.U., the U.K. is now taking the necessary steps to ratify the Marrakesh Treaty as a separate participating state. It is in this context that the opportunity has arisen to have the U.K.'s membership extended to Jersey. We already largely comply with the Marrakesh Treaty through the copyright exemptions in Articles 49 and 54 of the Intellectual Property (Unregistered Rights) (Jersey) Law 2011. A small number of amendments is, however, necessary to fully align the exceptions for visually impaired person in that 2011 law, with the Marrakesh Treaty obligations. Parties become bound by the Treaty obligations 3 months from the date of which the instrument of ratification is deposited at the World Intellectual Property Office. That depositing at the World Intellectual

Property office has already been undertaken. That was undertaken on 30th September 2020 when the United Kingdom confirmed to them that we wish to have this Treaty extended to us. Therefore, these small changes will ensure that we are compliant with Treaty obligations before the end of the transition period. It is also important to note that the Marrakesh Treaty often features as one of the required conventions in free trade agreements. Our approach is, wherever possible, to extend the territorial scope so that we can be compliant before we make decisions about entering into future free trade agreements, which of course will become much more of a feature of how we engage with the rest of the world post the United Kingdom leaving the European Union and so removing barriers to the extension of intellectual property rights in future F.T.A.s (free trade agreement). On balance, we think that is a desirable approach to take. Therefore, I propose the principles.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? No Member wishes to speak on the principles. Deputy Morel.

4.1.1 Deputy K.F. Morel:

Again, it is a very interesting regulation to be involved in. In a sense we did not need them previously. I commend the department for bringing them to the Assembly in time for the end of the transition period. The panel was briefed. We also raised a number of questions about them. We are entirely satisfied it is the right thing to do. If any Members have not yet read the regulations I suggest they do so, because it is interesting to know that exemptions to copyright laws do exist for disabilities, such as visual impairment. It is entirely right that Jersey does sign up in this way. Thank you.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the principles? No other Member wishes to speak on the principles. Deputy Lewis.

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

Very briefly, this does have my full support. I should declare that I am one of the governors of the Jersey Blind Society or EYECAN, with no pecuniary interest. This is a sound piece of housekeeping and I urge Members to support it. Thank you.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the principles? No other Member wishes to speak on the principles. Then I close the debate and ask the Minister to respond.

4.1.3 Senator I.J. Gorst:

I am very grateful, as my Assistant Minister said, to the Economic and International Affairs Scrutiny Panel, who not only look at these matters, but also make up a majority of the Brexit Panel. It is fair to say that they have had their work cut out during the course of this year and last year and that will continue probably right until the end of this year. They have worked co-operatively and they have challenged appropriately. I am, as the Assistant Minister said, extremely grateful for the way in which they have, without a doubt, helped the Island prepare for the end of the transition period, with all the pieces of legislation and changes that we have required. This is one that has, as I say, occurred most recently. They have had to work at speed to consider these matters. This is, I suppose, the basic changes that are required. They are worth Members' support. I have asked officials, because in the United Kingdom they are going further than simply dealing with visually impaired access to copyright material, to undertake that further piece of work to see this broadened to more disabled members of our community in future. That is not something they could undertake in the time available, but I do think it is extremely worthwhile. As the Chair of the Scrutiny Panel said, it is eye-opening to look at the exemptions available which facilitate access to materials that those of us, in

this case who are not severely visually impaired, just simply take for granted. Therefore, I commend the principles to the Assembly.

The Bailiff:

Thank you very much. I ask the Greffier to put a voting link into the chat. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted: 44 votes *pour*, no votes *contre* and no abstentions.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hagarat (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)				

Deputy Morel, may I take it from what you said that you do not wish to call this matter in?

Deputy K.F. Morel (Chair, Economic and International Affairs Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

How do you wish to deal with the matter in Second Reading?

[10:45]

4.2 Senator I.J. Gorst:

Yes, I will take them *en bloc*. Members will see Regulation 2 deals with making single accessible copy for personal use by visually impaired persons. Regulation 3 deals with multiple copies for visually impaired persons. Regulation 4, intermediate copies and records created during production of accessible copies. Regulation 5 deals with definitions and other supplementary provisions. Thank you.

The Bailiff:

Are the regulations seconded for the Second Reading? **[Seconded]** Does any Member wish to speak on the regulations or any of them? No Member wishes to speak. I ask the Greffier to post a voting link in the chat. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The regulations have been adopted in Second Reading: 45 votes *pour*, no votes *contre* and no abstentions.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				

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

Do you propose the regulations in Third Reading?

4.3 Senator I.J. Gorst:

I do and commend them to the Assembly.

The Bailiff:

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak on the regulations in Third Reading? No Member wishes to speak in Third Reading. I close the debate and ask the Greffier to post the vote in the normal way. I open the voting. I close the voting. The regulations have been adopted in Third Reading: 43 votes *pour*, no votes *contre* and no abstentions.

POUR: 43	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator J.A.N. Le Fondré		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		

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

5. Establishment and funding of the Fiscal Stimulus Fund (P.128/2020)

The Bailiff:

Very well. The next item of Public Business is the Establishment and funding of the Fiscal Stimulus Fund P.128 lodged by the Minister for Treasury and Resources. The main responder will be the Chair of the Corporate Services Scrutiny Panel, Senator Moore. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion (a) to establish a States Fund to be known as the Fiscal Stimulus Fund, in accordance with Article 6 of the Public Finances (Jersey) Law 2019, with terms of reference as set out in the Appendix to the Report; (b) to agree that the Minister for Treasury and Resources should obtain finance of £50 million to establish the Fiscal Stimulus Fund in accordance with Article 6(3) of the Public Finances (Jersey) Law 2019 using the Revolving Credit Facility entered into by the Minister for Treasury and Resources under Ministerial Decision MD-TR-2020-0051.

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

I recommend to this Assembly that it agrees to establish the Fiscal Stimulus Fund and to obtain financing of £50 million to do so. The proposition to establish the fund has been subject to an amendment from Deputy Morel, which I have commented upon and have agreed. The amendment is concerned with considering diversity issues as part of the evaluation as well as ensuring that enough information is available to measure outcomes. I have also received comments from the Corporate Services Scrutiny Panel and I would like to thank them for their review of the proposition, which has their full support. I will be addressing the points that the panel have made within this speech and through any questions that arise during the debate. The Fiscal Stimulus Fund is being established because the Jersey economy has experienced a sharp downturn as a result of the COVID-19 pandemic. The Government is following the advice of the Fiscal Policy Panel in implementing a range of fiscal stimulus measures. We have already agreed direct payments of £1.3 million to support low income Islanders and our Spend Local cards have been widely used across a range of local businesses. I can confirm that more than £10 million of the £11 million available was spent. Just over 2,000 businesses benefitted from the Spend Local scheme and more than 103,000 cards were activated and used at least once. In addition, from October employees' Social Security payments were reduced by 2 per cent from 6 per cent to 4 per cent. This will continue until June 2021. The

measure increases the take home pay for around 55,000 workers and self-employed Islanders. This provides £26 million to boost demand in the economy and supports employment. The fund will be established to provide further stimulus by backing projects that progress in a timely basis and that support local employment and local businesses. These projects are temporary, because they are not designed to replace permanent economic initiatives and the normal operation of the economy. The fund will be established with the initial funding level of £50 million and will be available in 2 tranches, with the first £25 million for projects from November 2020 and the second tranche available for projects from February 2021. We are expecting there to be a large demand on these funds and we will need to ensure that the process is fair and uses the monies in the best way for the economy. We do not have any plans to go beyond the initial funding of £50 million, but will continue to monitor the economy, considering the on-going impact of the pandemic. The fund will be open to Government departments, arms'-length organisations and not-for-profit organisations. All projects will need to have a sponsoring States body, because we want to be able to manage them within the current governance framework, supported by operating terms of reference for the group managing the project prioritisation process. One of the concerns from the Scrutiny Panel was how to monitor accepted projects, such that awarded funds are used for the purpose intended. Projects might be delivered directly by the department or they may sponsor a request to grant funding for an external organisation. In both cases, the Public Finances Law and Public Finances Manual sets out the governance framework for the use of Government money. This will be exactly the same for the Fiscal Stimulus Fund. Furthermore, the Fiscal Stimulus Oversight Group will be monitoring projects on a monthly basis and may undertake post-investment appraisal work and may also use internal audit to provide assurance where appropriate. Ultimately, each project will have an accountable officer, who will have responsibility for the project funding and will act in accordance with the financial governance framework. We will not be awarding any funds in the form of loans, because the aim of the Fiscal Stimulus Fund is to put money into the economy to create opportunities for organisations to manage in the short to medium-term. It is my view that loan financing would create a burden to the organisation concerned and would remove money from the economy in the medium term. We cannot be sure what types of projects will be submitted, but we are expecting those that are designed to stimulate the economy through initiatives such as employment support, business support, skills training, more construction projects and technology being used in a way to improve productivity. The Corporate Services Scrutiny Panel made specific reference to agriculture and hospitality schemes. I would welcome any project that addresses excess capacity in any sector, especially those that provide local employment opportunities. The Fiscal Stimulus Fund is being established to enable the economy to recover more quickly than if we did nothing, other than provide our normal and on-going levels of support. The intent is to ensure that there is support for projects that assist the economy in the best possible way. These projects must be able to demonstrate that they are timely, temporary and targeted. The projects will need to show that they are aimed at reducing the falls in output and unemployment and reduce the damage to the economy in the medium to long-term. Jersey is a place of ideas and energy. I feel confident that we will receive a range of projects that can benefit our Island in a quick recovery. We have supported the economy through the initial support phase, for example with the Co-funded Payroll Scheme and support under that scheme will continue until March 2021. The fund will provide a way for Government to continue to support economic recovery by stimulating demand and creating productive employment opportunities. This is important, because this initiative is designed to minimise the level of structural damage to the economy without disrupting the normal business cycle. This means that projects will need careful evaluation to ensure that they are aligned with our Common Strategic Priorities and are within sectors that have spare capacity. Projects will be monitored so that we can report on the achievement of stated outcomes in relation to our Common Strategic Priorities. We will need to manage this process carefully to ensure that all the objectives of Government are met and that the normal operation of the economy is not undermined through this initiative. I am confident that the governance framework we intend to put in place will limit the risks associated with the Fiscal Stimulus Fund. One of the

concerns of the Corporate Services Scrutiny Panel was how to match major infrastructural project applications. The overriding objective of the fund is to provide fiscal stimulus. While it is anticipated that major infrastructural project applications will not meet the timely, temporary and targeted criteria, we cannot say this with certainty before receiving the project documentation. The proposition states the projects are expected to be less than £5 million and will need to have a realistic and credible plan to be completed by the end of 2021. The criteria for evaluation will be drafted by the Fiscal Stimulus Oversight Group and finally approved by myself. These criteria, which will be published, should ensure that projects are awarded funding because they are best suited to providing economic stimulus. We are not aiming to replicate stimulus to the large scale construction sector. I anticipate that most funding will go to smaller scale, more agile projects. There are risks associated with establishing this fund, which relate to leakage and dead-weight loss in the economy, because these are inherent in this sort of initiative. We can mitigate this through careful consideration of the impact of the projects and their effect on the economy. Every project will be considered with a full business case and will have an economic impact assessment. We need to manage this process carefully and we need to make sure that there are adequate resources to support such an important initiative. To that end, we will be recruiting a programme manager and a programme administrator to support the Fiscal Stimulus Oversight Group. It might be that the group also need external advice and some internal audit support. To that end, we have estimated costs to a maximum of £250,000, which will be paid from the fund. This funding will allow us to perform post-investment evaluation where appropriate and to manage all documentation in a transparent and open way. The accountable officer will be responsibility for providing benefits realisation evaluation. Our normal monitoring process will ensure that we are able to establish that project funding has achieved stated outcomes. The Corporate Services Scrutiny Panel have asked that we share the F.S.O.G. (Fiscal Stimulus Oversight Group) minutes and provide the quarterly update reports to the States Assembly when they are produced also.

[11:00]

This will not be an issue and I am content we will be able to manage this. They have also asked for a full list of applications at the earliest possible opportunity, which I would see as being after the closing date of expressions of interest. I will be providing regular updates on the progress of applications and will undertake to provide that list as part of the regular monitoring. The Fiscal Policy Panel has recommended projects considered for funding from the fund should be assessed against their ability to have a permanent positive impact on the productivity of the economy overall. I can confirm that this recommendation will be accepted. In this way, we have an opportunity to gain double dividend projects, supporting demand and mitigating the recessionary pressures, while also working towards a vibrant economy of the future with permanent economic activity improvements. Finally, we plan to finance the fund by borrowing £50 million, using the revolving credit facility that we already have in place. We estimate this borrowing will cost approximately £390,000 a year. I know some States Members are concerned about increasing borrowing levels through this fund to deal in the short-term with the impact that COVID-19 has had on our economy. I can assure Members that the plan to establish this fund has been well researched and a range of fiscal stimulus measures are part of our way to support Islanders, our economy and Jersey. I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Thank you very much. Does any Member wish to speak on the proposition? Beg your pardon, there is an amendment from Deputy Morel. I ask the Greffier to read the amendment.

5.2 Establishment and funding of the Fiscal Stimulus Fund (P.128/2020): amendment (P.128/2020 Amd.)

The Greffier of the States:

Page 2, after paragraph (b), insert the following new paragraphs: (c) to agree that the expressions of interest must include a summary of the economic benefits that each project will deliver to the Island, including detail as to which business sectors will derive most value, and the age and gender of the people most likely to benefit economically from the project; and that this summary should be provided at State 2 (the development of the full business case) and be provided to the Fiscal Stimulus Oversight Group and the Corporate Services Scrutiny Panel for their consideration; and (d) to agree that following agreement of the prioritisation of the projects by the Minister for Treasury and Resources, the detailed economic benefit report should be published so that Islanders can understand how each project will bring benefits to the economy.

5.2.1 Deputy K.F. Morel:

I would like to thank the Minister for bringing forward this legislation for the Fiscal Stimulus Fund. I am particularly pleased to see that the Corporate Services Scrutiny Panel is an integral part of the main proposition before us. It shows, quite rightly, that the Minister is wanting the Fiscal Stimulus Fund to operate with maximum transparency and that is only right. I have throughout the journey of the Fiscal Stimulus Fund, whenever I have been in a briefing to Scrutiny in which this has been talked about, I have consistently raised one concern. That concern is borne by the fact, in many ways, that the timely, temporary and targeted nature of the Fiscal Stimulus Fund naturally means that there is likely to be an arc, let us say, towards construction and technology capital projects, which in many ways, on the face of it, is fine. However, the very nature of asking for something to be temporary does mean that the Fiscal Stimulus Fund will move towards those types of capital projects. The concern I have is the technology and construction industries, which are quite clearly heavily male-dominated sectors. It is an unfortunate truth about our economy today that men and women do not have similar places within the economy. If you look at the technology and construction sectors, they are very heavily male dominated. If you look at the care sector, the retail sector, the hospitality sector and others, you will tend to find more women working there than men. If those sectors where women perhaps are found more often are not targeted within the Fiscal Stimulus Fund then it is a case that the fund itself will create an imbalance between genders in the funds that it delivers and the benefits will be felt, quite possibly, mostly by men rather than women. This is particularly important, given that we can see from the Actively Seeking Work statistics that women have been more greatly affected in terms of losing their jobs than men have. At one point it was certainly about 30 per cent more women had been affected, had lost their jobs, than men. I brought this simple amendment to the proposition to ensure that any organisations applying for fiscal stimulus funding do so with a view in mind to being open and transparent about the benefits of the fiscal stimulus funding that will be felt by different genders. The need for this is backed up, as you can see from the report to my proposition, by both the O.E.C.D. (Organisation for Economic Co-operation and Development), which quite clearly states with regard to fiscal stimulus funding that gender budgeting can help ensure a gender perspective is applied to measures including the fiscal stimulus package and allow governments to understand the collective impact of the package on gender equality objectives. It also goes on to say that ensuring that all policy and structural adjustments to support sustainable recovery go through robust gender and intersectional analysis. In order for the Island to ensure that it complies with O.E.C.D. best practice with regard to fiscal stimulus funding in the wake of COVID-19, I am bringing this amendment to try and ensure that that is the case. Iceland has been cited as an example where gender balance in fiscal stimulus planning is the norm. Again, in my report, the O.E.C.D. has cited Iceland and in designing the fiscal stimulus response to the current crisis the Icelandic government is asking Ministries to describe how potential investments might men and women differently. This amendment is an attempt to try and get that thinking into the fiscal stimulus funding to ensure that the benefits of this fiscal stimulus are felt more equally by men and women. I am grateful to the Minister for the comments that she has provided and I do understand her concern about proportionality. Some of the organisations likely to apply for fiscal stimulus funding are smaller organisations and to increase the bureaucratic burden, I appreciate, is a concern. We have

spoken and I am happy that the Minister is quite right to take a proportional approach. At the same time, it will be important to see an understanding of the benefits for different genders are taken into account by the Fiscal Stimulus Oversight Group. That takes me back to the Corporate Services Scrutiny Panel, because should this amendment be accepted by the Assembly, I believe the Corporate Services Scrutiny Panel will be keen to ensure that gender does form a part of the application process and understanding the benefits that the different genders will reap from the fiscal stimulus funding will be looked at by the Corporate Services Scrutiny Panel. I shall not say much more, but I would like to thank the Minister for saying that she is content with the amendment. I do ask that the Assembly adopts it. I am looking forward when we have similar situations such as this, it is important that the Department for Treasury and Resources and the Government as a whole makes a conscious effort to ensure that economic benefits from whatever programmes or projects are undertaken are felt more equally by all genders. Thank you and I thank the Assembly and I do hope they will adopt this amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]** Minister for Treasury and Resources.

5.2.2 Deputy S.J. Pinel:

I thank Deputy Morel for his amendment. We have discussed this. In the comments, in case people have not had time to read them, it does say that the Government fully supports the intent of Deputy Morel's amendment in ensuring gender diversity of projects, but would go further and say that all diversity matters should be considered in the evaluation process. It also says that we are happy to support Deputy Morel's amendment and take into consideration everything that he has stated. Thank you.

The Bailiff:

Thank you very much. Does any other Member wish to speak on the amendment? Deputy Young.

5.2.3 Deputy J.H. Young:

Deputy Morel is to be congratulated by helping us get it into the criteria and what we want to achieve in this exciting proposal for fiscal stimulus. There are so many opportunities potentially here and it is right that the debate is focused on what we want to achieve, the criteria and our hopes of where the money may go and the benefits. Deputy Morel made an excellent case for gender diversity. I would not want to in any way challenge that. I am obviously pleased that the Minister for Treasury and Resources has taken that on board. However, Deputy Morel did not mention the inclusion in his proposition of the age of the people most likely to benefit. I would like him in summing up on his proposition to explain a little bit more. Obviously for age, what is the intention there? People, when they get older, generally become less active in employment, in fact, they then retire. Of course, the question arises for me: are we talking about the benefit directly or indirectly? I would like to know more about that, because Deputy Morel did not mention the issue of age. While I have the opportunity, I think there is absolutely no question and I am very, very pleased to see the comments that have been made about the fears of becoming just a source of money for capital construction projects. That is clearly not what the Minister intends. Deputy Morel has highlighted that in his amendment and his explanations of his reasons. I am very keen on that. I am going to be speaking in the main debate, because I am very much excited, as Minister for the Environment, into which the agricultural and fish sector particularly fall under me, and I should probably be one of the early submitters into such a scheme, because there are lots of changes that we need to make for the benefit of our community and our economy as well that also tick the boxes indicated in the proposition. So, age, please. Please can Deputy Morel give me a little bit of further information of what he intends by that. I would hope, of course, that this is not meant to be ageist in any way. What is he seeking to do there? Thank you.

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

This is not a Minister talking about something that the rest of the Council and I have not asked questions on. This is exactly why I am speaking to Deputy Morel. When the Deputy's amendment came to Council and I looked at it, I absolutely understood what the Deputy is trying to do. I am supporting this. I have spoken separately to the Minister for Treasury and Resources, who assured me that she had spoken to the Deputy. It is just about the wording. The first words: "There must include ...". I listened to the Deputy, and I am very glad he put "proportionality" in his speech, but this is an amendment to the States Assembly and a lot of people will hold us to that "must". It is not about me being held. I am envisioning the companies, the gender divide and now Deputy Young has just brought in the age. Absolutely these are all the people we want to keep in work, we want them to expand, and we want them to try new projects. I am going to support, but I feel the word "must" needs to change. If this comes back to not do exactly what the Deputy wanted and I had not made these comments, I would feel I am letting down local businesses. I understand where he is coming from. I am glad he used the word "proportionality". Other than the comments I made, absolutely fully supportive. I look forward to the summing up about holding this Government back to account with an amendment if smaller companies cannot reach those really good, good intentions, but they are really struggling already. Thank you, Sir.

5.2.5 Deputy M. Tadier of St. Brelade:

Again, I am pleased with the general direction that this amendment goes in. It introduces an element of quality control, if you like, in terms of the on-going commitment that we should all have, whether as an Assembly or in Government, in promoting greater diversity in our community.

[11:15]

One thing I would ask, and this is not "whataboutism", because people can always come up with something that is not in the amendment, which is something I will do, but it is not as a criticism. It is just to hopefully compliment. Even though we are talking specifically about age and gender here as key factors to consider in the fiscal stimulus programme, I would like to think that there would be a more general ethos that goes out, which also includes race and ethnicity, for example. We know that there are various traits in our community which still put people at a disadvantage unfairly. One of those could be gender, one of those could be age, because gender and age discrimination very much exist. Also we know that race discrimination exists in many ways. I spoke only a few weeks ago about how, depending where you are from, the simple colour of your skin or the way you look or the way you speak might command less of a wage or a salary for you for doing exactly the same job, with exactly the same qualifications, in whatever industry in the Island. I would like to think that all of those considerations would be taken into account. One concern I do have, just being realistic rather than idealistic, is the question, again, about how this is worded. We are asking that there needs to be a summary about which business sectors will derive the most value and the age and gender of the people most likely to benefit economically from the project. That has to be really difficult, has it not, depending on what the project is? How can you measure who is going to benefit from the project demographically for something really abstract? Let us say you are talking about bringing forward some road resurfacing in one particular part of the Island. This is hypothetical, so excuse me if it is ludicrous, but I do not think it is. Let us say we are talking about resurfacing a stretch of road or putting in drains in St. Mary and the person applying for that stimulus has to say: well, you know, this particular road is mostly white, affluent, middle-class area and it has a mix of men and women and it is mostly going to be over 55s who benefit. That may be quite easy to do. However, it seems to me that the purpose of the Fiscal Stimulus Fund is to stimulate the economy, so the benefit to the wider economy is not necessarily even going to be traceable, is it? Apart from having the road resurfaced and people around that area benefitting, we do not know who is going to be driving along that road, we do not know if they are men or women. We do not know who the ultimate beneficiaries are of that fiscal stimulus and whether that fiscal stimulus will necessarily

remain in the Island. I presume that will be one of the considerations. Who are the shareholders of the company? How is the profit distributed in that company? I would say that the fairness of a company's distribution ... if one company is doing the work and they have a particular model which means that they are all shareholders and the workers down the paygrade are getting more than someone in a comparable company, that is going to be better for everyone, including the women who might tend to traditionally be paid less than their male counterparts for the same work. It is a great aspiration and keeps us thinking about the benefits, but I can understand how one criticism might be that this is being shoehorned into a proposition which is ultimately about something completely different. It is going to be really difficult to measure in any meaningful way as to who the true beneficiaries are of this, because the economy is amorphous, is it not? I say that to be helpful. I am not trying to find criticism deliberately of what Deputy Morel is doing, because I think it is the right thing to do and it is always a good reminder for Government that we should be putting these things centrally in what we are looking at. Again, to add, do not simply focus on age and gender, we need to look at the whole area of discrimination, which are currently taking place, and if we can fit that into this all the better.

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

Very briefly, with my Social Security hat on, that is about to go, with regards to the Back to Work team, Deputy Tadier did pick up on a point, while numbers have been falling, we are around 1,330 who are actively seeking work, about one third of that are the over 50s. Deputy Tadier was right to raise that, as a consideration for anything that is to be designed. We know that around 15 per cent are under 25s at the moment. It is worthwhile including age into that. The only other thing is to talk about apprenticeships, as part of the overall fiscal stimulus package, I appreciate we are on the amendment, and just to say that apprenticeships are not just for young people, they can be for anyone. Thank you.

The Bailiff:

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

5.2.7 Deputy K.F. Morel:

I would like to thank everybody who spoke. That is very useful and very helpful indeed. This amendment is about understanding. It is not about directing. I have been very careful to make sure that, if adopted, the amendment neither changes the process that the Treasury Department wish to undertake. They have their staged process and this is designed to just ask for a little bit more information in one of those stages, it is not designed in any way to disrupt those stages. Through understand, through the transparency that I believe this amendment will bring, we are then able to better understand how our fiscal stimulus funding has been used and how it is benefiting different people within the economy. Deputy Tadier is quite right, you can constantly ask in many ways for more information. You could ask for information about nationality. You could ask for information about race. You could ask for information about all sorts of things. I have chosen here to focus on gender and age as well, because I believe they are the 2 most pressing issues or inequalities which people do not ordinarily look to seek to understand. It is important that the Government, in my view, starts looking more widely at how the money distributes around the Island affects Islanders and which Islanders it affects more or which Islanders it affects less. When we see the Government of Iceland is quite happy taking this sort of approach and asking its ministries to design their fiscal responses to crises, in a way which allows the Government to take into its decision-making process the collective impact of the overall package on gender equality objectives. The Icelandic Government does not just want the information. The Icelandic Government goes a lot further and says: you must design your processes for gender equality. I am not asking for that. I am just asking for some of the information

to be provided. It must be provided, because if it is not provided then we will gain no greater understanding. What I agree with the Minister for Treasury and Resources about is that the level of information that is provided can be adjusted to ensure that smaller organisations are not disadvantaged through the process. It is quite correct that there are both direct and indirect consequences or effects of the funding being provided, the building of a care home, for instance. If that was a project which was to gain fiscal stimulus funding, the construction sector would obviously be the direct recipients of money, because it would be the construction sector in large part that is the contractor and receives the money directly from the Government. The indirect benefits would perhaps largely be felt by women more than men, because it tends to be the case that you find more women working in care homes than men. That information can easily be provided by the organisations that are applying for the fiscal stimulus funding. They will know roughly how many people work in the care home. They will know quite easily what proportion are likely to be women, what proportion are likely to be men. They will also know the same for the construction outfit that is undertaking the work itself. The Government in this proposition does not tell the Minister for Treasury and Resources how to use that information. That is really important. It is still entirely up to the Minister for Treasury and Resources and the Fiscal Stimulus Oversight Group, then scrutinised by the Corporate Services Scrutiny Panel to make their own judgments on the information that comes in about who is benefiting from this money in terms of their gender. It is important that while Deputy Martin pointed to the “must” in the proposition, that “must” is just about providing information. I have designed this purposefully not to direct anybody beyond the provision of information. It is entirely still in the Minister for Treasury and Resources or the Fiscal Stimulus Oversight Group’s gift to decide where the money goes. Judgments can be made after that, because then we will have the information. It is interesting, Deputy Young bought up age. I often find it interesting when people suggest a targeting. Deputy Young said: “I hope this is not being ageist.” No, the proposition is just asking for age to be part of the information that is provided. It is very important, because we need to understand not only how people have been harmed by the economic crisis in terms of their age groups, and we do know certain age groups are harmed more than others, but how we have responded to that and where the money that we are handing out, as a Government, is being spread. Take my age group, the 40 - 50 year-old age group - it pains me to say that - we perhaps have been hurt less economically than other age groups. So if we were to find that most of the money being paid out in the fiscal stimulus funding was to go to the 40 - 50 year-old age group, you would then have a right to say: “Mm, perhaps that was not the best use of that funding.” I personally am very concerned about the prospects of young people, who now have faced 2 massive economic crises in one decade. The cumulative effect of that on their future earning potential is enormous. It is something that I personally have not had to feel. My job prospects were not hurt in that way. We had the 1992 crisis, I was still at school then, and the recovery was much stronger and the crisis was not as deep as the 2008 crisis or this year’s economic crisis either. I am particularly personally interested in economic effects on younger generations, but it is absolutely right that other people may be particularly interested in the economic effects on older generations. That is absolutely fine. This amendment only asks that the information be given. Again, it does not direct the Minister to give funding to younger generations or give it to older generations. It just asks that we have the information so that we can see how the fiscal stimulus funding was distributed. I ramble. I do apologise. I hope that those who spoke and asked me to respond feel that I have responded to them. Of course, as far as other aspects like nationality and race, anyone could have bought an amendment to this proposition that had those aspects in there. I certainly would not have fought against that had they done so. My particular concerns that I feel should be the States Assembly’s most important concerns were gender and age, but other people could have felt otherwise and bought the amendments themselves. With that, I do ask the Assembly to support this amendment. It does not change the process. It is not overly difficult for organisations to meet the requirements of this. Indeed it will be in the Minister for Treasury and Resources’ gift to decide how much information is asked for. With that, I totally accept the proportionality aspect of it. Thank you. I ask for the *appel*.

[11:30]

The Bailiff:

As called for, I ask the Greffier to post a link into the chat. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The amendment has been adopted: 42 votes *pour*, one vote *contre* in the link and a further vote *pour* noted in the chat.

Deputy K.F. Morel:

Sir, may we have the *contre*? I would like to thank Members for their support.

The Greffier of the States:

The vote *contre* is Deputy Guida.

POUR: 43		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Deputy G.C.U. Guida (L)		
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				

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

5.3 Establishment and funding of the Fiscal Stimulus Fund (P.128/2020): as amended.

The Bailiff:

Very well. We, therefore, return to the debate on the main proposition. Does any Member wish to speak on the main proposition? Deputy Ward.

5.3.1 Deputy R.J. Ward:

I thought I would speak early because there is so much to say. I think the idea of a Fiscal Stimulus Fund is probably appropriate. I think there are some things that we need to be very wary of. First of all, the Fiscal Stimulus Oversight Group needs to be very clear and transparent in its membership and the drives behind that membership as well in terms of their political drives. There is an independent member, I cannot see who that independent member is and, as we agreed, a significant amount of money; it would be interesting to find out who that independent Member is and have real clarity on who is in charge of the actual spending. Because I believe P.1 would give the money to the principal accounting officer and, as we know, that situation is in a slight state of flux at the moment. The principle is the idea of stimulating the economy and I think here is where we have a very interesting debate to be had and I would like some more information from the Minister about how this is an opportunity to stimulate the type of economy that we want long term. I understand that the impact of this fund is short term and targeted, *et cetera, et cetera* and those 3 principles that seem to become a communication mantra. But there should be some sort of long-term impact and that is sustaining an economy and supporting it, so it can build later. I would like to have seen a comment in here that any stimulus would be required to be accompanied by a living wage, so that those people who are being paid in those industries have the opportunity not only to have dignity in the wage that they are being paid but they may be able to survive on it; that can only be good for our economy. The sectors themselves, there are sectors that do offer skills and are very inclusive sectors. Some areas in our economy and I will mention one area and I know it is a slightly different company but I know it could do with some support, is Beresford Street Kitchen, which provides skills for members of our community in a way that is just quite incredible and it is a wonderful place to visit and it is a wonderful place to see the work that they are doing. It is those sort of sectors of the economy and I think we have an opportunity to support and build on as we go through this process. Then we get to the question of how small these businesses will be and I have had a question ... and I was not going to say this but I will say it. But I will say it because it was a question that was to me. I am not trying to be deliberately provocative, when obviously I can be. But what we do not want is this to be a slush fund for large companies that have friends in Government and that was said to me by somebody. I want to be able to reassure them that that is not going to be the case for this large amount of money. When businesses are small and they need a stimulus through this time, how small are they going to be before they get this stimulus? What sort of sectors? We have sectors in our community, for example, that educate and do so on a shoestring. The music sectors, for example, will they get access? Will it be a clear process for them to get to? We also obviously have a real opportunity here for the green economy. We have a Climate Change Fund, we have a commitment to carbon neutrality and this is an opportunity, therefore, to stimulate that type of genuinely sustainable economy. I note that the report that goes with this does put out comments on strategic priorities again: "We will protect and value our environment" is one of the Common Strategic Priorities. I would like some reassurance from the Minister that real stimulus will be given to those sectors of our economy which are greener, those that are looking to be sustainable, those that have the least impact. I would like an assurance that money will not be given to carbon-rich economic

businesses in parts of our economy because that is not the way forward. What we have got here is an opportunity, when we look at this going forward, this is a small opportunity, even though it is a large amount of money, so either develop an economy that is a living wage, highly skilled, sustainable and, effectively, a new deal for our Island or are we going to simply prop up a low wage, insecure employment, unsustainable economy for a short term and going back to where we are and the insecurity that COVID has created? This fund needs to be used creatively, it needs to be used intelligently but it needs to be used with real strong principles behind it. As yet, we have principles in Common Strategic Priorities; reducing income inequality and improving the standard of living but with that must come living wage, sustainable jobs, jobs that are secure so that people can plan a life with decent income and decent work to go with it. It must come with a skills-based economy that we support. I would like to see this Fiscal Stimulus Fund to be directed in those areas, so, yes, it can be short, yes, it can sustain the economy that we have now but it also gives a firm foundation for the type of economy and a vision of economy that serves our people for the future and not just a pot of money for those who want to sustain something that is in the long term unsustainable now. I would like the Minister to reassure those priorities are genuine priorities that will be applied to this fund.

5.3.2 Senator K.L. Moore:

I am pleased to follow the previous speaker, who made a number of very thoughtful and thought-provoking comments and I hope that the Minister will pay attention to those. I wanted just to run Members through some of the points raised by the Corporate Services Scrutiny Panel in their comments to this proposition because, unfortunately, the comments did not appear on the Order Paper. I want, firstly, to point Members to them and I hope that they will be helpful. Firstly, and as Deputy Ward just mentioned, one of the purposes of fiscal stimulus it to be timely, targeted and temporary. We are, of course, in November already, the revolving credit facility was taken up some months ago and so the Treasury Department do need to get a bit of a march on in terms of responding to the pandemic with this fiscal stimulus, which the Corporate Services do support. However, we do acknowledge a few matters that we hope the Treasury team will be mindful of. It is a good thing that the Assembly has supported Deputy Morel today and in doing so we are grateful for the acknowledgement that Corporate Services have a role to play in this. However, one concern we do have is the timing of the sharing of information and notes and so we hope that following the adoption of Deputy Morel's amendment that the process will be swifter and quicker in order to share notes. Another of our key concerns is that this measure is only adapted to States bodies or arm's length organisations. That obviously restricts some of the economic benefits that could be found from using these funds in this way. We also identified that some of the administration is excessive. The cost of that administration is excessive, in our view. Of course, we are very mindful that perhaps that revolving credit facility, although currently a short-term facility, which had brought with it significant cost, is likely to be turned into a medium-term facility, which will incur further cost to the public purse. As Deputy Ward said, we also acknowledge a need to align the objectives of the fiscal stimulus to those of the Common Strategic Priorities of this Government and I would particularly endorse Deputy Ward's comments about a living wage and moving to a sustainable and greener Island economy. The timing I have raised as an issue and so in supporting this proposition we do, at Corporate Services, wish to ensure that we will have an ongoing and timely communication with the department in order to assist them in some of the decision-making that lies ahead. Because it can be a pivotal moment for the Island, one which sees the opportunity that can be found from the very many difficulties that the Island and Islanders have experienced through the coronavirus pandemic so far.

5.3.3 Deputy M. Tadier:

Whenever we talk about fiscal stimulus and I am not sure why, I always think back to this episode of Porridge, which I now realise is one of the Christmas specials from 1975. During the show they are digging these holes, I think they are trying to get out, it is an escape tunnel. At the end of the episode Fletcher finds himself in the prison infirmary and Mackay is still niggled by the fact he cannot figure

out where the earth has gone from the tunnel and he bribes Fletcher by saying: “If you tell me where the earth went from the tunnel I will give you a bottle of whiskey.” Fletcher says: “Yes, we just dug another tunnel and put the earth in there.” Then he gets his bottle of whiskey and then it takes a few moments for the penny to drop. The reason I say that is because obviously part of fiscal stimulus could just be seen as giving people some work to do, so that they remain in work and that they get paid so that they are not unemployed. But, as Deputy Ward quite rightly says, there has to be some kind of merit and long-term point to the work that is going on, otherwise you might as well have just got people to dig holes and then dig other holes to put the soil into that and it is just a continuum. I do not think that is what the Minister for Treasury and Resources is proposing incidentally but I thought I would just get that image out of my head. The real point I wanted to talk about here and it is a personal example, a specific example, is about Elizabeth Castle and the reason I use this debate to talk about that is because I think it is a case in point about what I think the Fiscal Stimulus Fund is not for or how it cannot be a panacea to everything. I just wanted to obviously agree with the principle, as long as the right checks and balances are there in place. It is interesting that this is part of a wider package, so that we have given away £10 million, I think it was, to people in the local economy to spend. The Minister can correct me if I got those figures wrong. I think that was just one part of the fiscal stimulus package, this one is clearly much more targeted to that and I hope probably it will be much more effective if it is done correctly. The point is I am concerned that in some ways we are giving with one hand and taking with the other, so the old adage, which is not particularly gender-balanced, is robbing Peter to pay Paul, although it could be robbing Peter to pay Pauline of course; that might keep Deputy Morel slightly happier today.

[11:45]

What has happened, for example, with the Elizabeth Castle project, which I do not expect all Members to be immediately familiar with, is that 40 years ago there was a States decision saying that the old hospital site and the barracks at Elizabeth Castle should be restored, they should be maintained. This needs to be done anyway, purely from a historical maintenance point of view so that our cultural assets are not falling into disrepair and that they can be restored to their former glory. But there is also a fiscal stimulus point in that, insofar as when they are done we will be able to rent those out for a tourist offering, which will be really beneficial to the Island as we come out of COVID and we try and get our tourism industry, in particular, back on its feet. There was a package of £6 million that was earmarked for Jersey Heritage and that has been taken away, so certainly for next year the £1.5 million, the first tranche that was allocated to Elizabeth Castle, was unilaterally removed by Government as a *fait accompli* and they are no longer getting that money and that is something which I am particularly concerned to get reinstated. I think it is a vital project that needs to be done anyway but I think it ticks all of the boxes. My concern from early conversations I have had with the Minister for Treasury and Resources and other Ministers is that they will want to steer Jersey Heritage down the route of applying for fiscal stimulus money for work that was already included in a previous iteration of the Government Plan. This seems to me completely ludicrous, first of all because there is no certainty that the scheme, the project they are proposing, will meet all of the criteria. It may not be timely, for example, it is unlikely that that project would be able to be finished within the requisite time period of the fiscal stimulus criteria. Therefore, it is a pointless exercise to even point them down that road. The second point would be that even if they were able to qualify for that money, they are still competing with numerous other projects, which may or may not take precedence. I guess the upshot of that is that there is no opportunity for political direction in that, so it is simply left to a board who decide on their own criteria as to whether or not this gets done. But the issue of Elizabeth Castle, just by way of example, is a very political one. It is a decision that was taken 40 years ago. It was a political decision by somebody to remove that funding, that was not supported by me and I did not even have any say in that being removed. As I said, it was presented as a *fait accompli*. Now it is being suggested, leave this to chance, put an application in. It is an example of how not to do proper Government. It wastes everybody’s time when obviously

the money had been applied for. This is a project which is ready to go ahead with planning and when it gets that planning permission the money needs to be there. But this is a Government project which should be going ahead and it should not be left to the vagaries of a scheme of fiscal stimulus, which is only a minor consideration about what the project is about. Because the project itself is about restoring and maintaining our cultural heritage assets in the Island and a very positive by-product of that is that it will stimulate the economy but not in the short term necessarily, although it would do that but in the longer term maintaining and enhancing our tourism infrastructure. I wanted to give that by way of example because I do not think that is ... you could even say it is slightly disingenuous to say but do not worry about the funding having been removed because now you can apply to the Fiscal Stimulus Fund. If that is happening in the example of Elizabeth Castle, how many other examples might there be throughout the Government project where things have been cut, things have been saved, if you like, depending on which way you want to look at it, only for people to be having to jump through hoops in order to apply for funding which the Government should be giving anyway? I think there is definitely a risk of an element of smoke and mirrors in this fiscal stimulus and, again, the devil will be in the detail. The concern for me is, as I have said, projects which should have been going ahead anyway have been cut and then people are being made to fight over the smaller piece of salami, which is being left to be sliced even more thinly. I will be listening to any reassurances that the Minister for Treasury and Resources might give but certainly for my part I would have thought that when it comes to these kind of projects it is up to the States to fund them properly if they want to give that political support and not expect these kind of projects to be pushed down the fiscal stimulus route, which are uncertain at best and certainly politically more unaccountable.

5.3.4 Deputy G.P. Southern:

I must admit I did not expect to be called so early but, nonetheless, let us take a look at what I think are the questions that need to be asked around this particular proposal. The first question is, have the lessons from the past been learned? By that I mean, for example, our experience with the Innovation Fund some time back had serious flaws in its governance and ended up in a very chaotic state with money, apparently, going here and there with no accountability, no transparency whatsoever on a wing and a prayer and that was certainly a very bad experience. We hope that does not repeat itself in this particular case. What was noted with the last fiscal stimulus, as the previous speaker pointed out, I think there are one or two private companies that got a scheme through and got some funding but by and large they were taken up by departments and it looked for all the world like cuts which were being delivered in one particular area were then made up in another by the same department saying, we will apply for this money here and we will get round what the overall plans are in terms of delivering an economy. I make no argument about whether that economy contains cuts or otherwise or extra spending. The fact is that what happened last time was that it was departments and Ministers getting round what the intention was in terms of setting this thing up. What I must do while I am speaking is reinforce the direction given to this particular iteration, which was by Deputy Ward, who says: "Now is the time to start building, even though it is a temporary scheme, building for the longer term and looking at when assessing the validity and the benefit to be gained from these particular projects, that they do contain living wage, that they are not based on zero-hours contracts and that instability which this Government is proposing to deal with in the next few years." So, full-time posts, not zero-hours contracts and living wage and not minimum-wage jobs where there is employment being created is the way forward, which might transfer from the short term into long term.

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

Firstly, I think I would like to just acknowledge the work that Deputy Morel did. He has put an important part into this package, which is an audit function so we can really understand the benefits of what we have been trying to achieve and learn from them in case we need to do it at another time in the future, so I really want to acknowledge the work and the amendment that Deputy Morel put in.

I have read through the report, as many have and I do want to say that there seems to be some confusion about what this fund is about. The fund is designed for States bodies, arm's length organisations and not-for-profit organisations. On page 4 of the report it also mentions: "The considerations will be the social and environmental benefits that arise from the projects. It will be essential that the projects demonstrate that the employment that arises is resourced in a responsible way which is likely to mean at living wage level. The projects will need to demonstrate that they are aligned to the pledges made by the Government and States Assembly in the Common Strategic Priorities: we will put children first, we will improve Islanders' well-being and mental health and physical health, we will create a sustainable, vibrant economy and skilled local workforce for the future, we will reduce income inequality and improve the standard of living and we will protect and value the environment." A lot of the speeches that I have heard before were saying that they think it should be about that and it is. It is clearly written out in the report on page 4 about how this will be targeted. But there is a level of the living wage that has to be taken into consideration because of the not-for-profit and we could be talking about charities, charities might be putting forward for some of this money under a project that would create fiscal stimulus. Some of the people that work at the charities do it at a token level, rather than a full employment level and they should not be penalised because we are saying must in the manner that it happens. We also have to remember that the fiscal stimulus and what we are doing here is in the ground level about people, is about helping people keep jobs, helping people keep wages so they can afford to pay their rent, they can buy food. We cannot be saying we are not going to give you money for your projects because you are not carbon neutral enough for us or the likes and, I am sorry, your staff are going to have to go on to income support because we do not want to support your business. All we have been doing and everything we have been doing through this pandemic is looking to make sure that we are looking after the people of Jersey and that they are comfortable, that they can buy food and that we can help them in the most way. We have done that through many, many schemes, the £100 voucher, the co-payments, everything we have done is to make sure that people still have jobs, that we are supporting in a way that we do not have lots of unemployment and we have lots of people that are put in difficult situations that will increase their health problems, their mental health problems. It will put a burden on the Social Security and it does not put people in the place they need to be. I commend the work that has happened already. I commend this fiscal stimulus package that I think is going to be just another really good place that is going to support our people of Jersey and make sure that people are in the best possible place where we can. I commend the Minister for Treasury and Resources for bringing it forward and I ask people to please support the proposition.

5.3.6 Deputy I. Gardiner of St. Helier:

First of all, I am pleased to follow the previous speaker because at the beginning of his speech he raised a theme about confusion and I do feel confusion. I have read the report several times, I have read the report and I have read the appendix and it is important for me to say in general terms I do think that the fiscal stimulus plan is important to stimulate the economy. My speech is several questions that I would like to address to the Minister. When I read the report it is: "The fund will stimulate States bodies, arm's length organisations and non-profit organisations." Does it mean that, for example, social enterprise that it is a business but it is social-minded business can apply or cannot apply for this grant? How wide or how narrow the application and for which industries, from which types of businesses or types of entities can it be? Should it always be connected to the States body and through the States body or it can be standalone social enterprise, which would deliver desired outcome and stimulate the economy? Second, priorities, I am still not clear on the priorities and I am sure that it is work that will be done, priorities around the size of the business, industries. It will have more applications than the £50 million that was allocated.

[12:00]

Which industries will be prioritised? What size of businesses or the size of entities will be prioritised? What will be the matrix to calculate? Before it would go ahead, would it be presented to the Scrutiny, probably Corporate Services, and how does the Minister plan to work with the Corporate Services? Another confusion and this is following Deputy Tadier's speech, for me Elizabeth Castle is something that should go through the Government. I mean it should be included in the Government Plan, such as other capital projects that were deferred, including, for example, Rouge Bouillon School, so improvement to Rouge Bouillon School should go through this fiscal stimulus because it will be something that will improve the school and we can always put them, some other outcomes. What needs to go through the proper Government streams and what will go through the fiscal stimulus plan? Another point and it is, again, a question I would like the Minister to address, about the risk management and I am not going to ... Deputy Southern is interested enough because when I read the report for the risk management it is a pretty small paragraph and I do remember Innovation Fund. Personally, by the way, I do not have any problem with risk, I think it is important to have Innovation Fund and it is important to have Fiscal Stimulus Fund but how the risk management will be taken into account in this particular fund. It is all about the governance and be sure that we are minimising our risks. The last point and it is more through the Scrutiny comments when they said: "What about the loans? Would it be grants or would it be loans?" My point, even taking it further, for example, we have applications from the arm's length organisations and they are asking for £5 million, would we require a matching fund? They are bringing their money, £5 million and it will be a matching 50/50, so we have some sort of bringing this together and not just open in the project to run on States money only.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the proposition? If no other Member wishes to speak ... Senator Mézec.

5.3.7 Senator S.Y. Mézec:

The principle of a Fiscal Stimulus Fund is one that I am absolutely happy to support. I think that it fits in with the concept of a new deal that we have been speaking about recently and providing that direct support to kick start economic activity and, crucially, job creation is the right thing to aspire to for where we find ourselves with this pandemic and the economic crisis that comes along with it. Getting people who are either unemployed or underemployed into meaningful employment, keeping them active, keeping them productive, earning money, spending that money and paying tax is absolutely the right thing to do and focusing on methods that will support that is the right thing to be doing. This example, which is Government being prepared to step in when there is an economic crisis and the free market is not fixing it by itself is, I would say, refreshingly economically literate and I hope that it is an acknowledgement that economic crises are fixed by targeted Government intervention propping up economic sectors or the economy as a whole when it is necessary. When governments step out of the way and expect some sort of magic to find a natural equilibrium in the economy, that never works and every historic example of this that we can observe demonstrates that basic truth to be the case. Me stating that might upset some Members whose economic understanding has not evolved since the 1920s but it is government intervention that will save a society when it is facing an economic crisis. This intervention by providing that fiscal stimulus is, on principle, the right thing to do. But if it is to be most effective, then it has to be combined with 3 things. I want to go through those 3 things in turn. The first, I think, Deputy Ward spoke about very clearly, which is that the focus of this fiscal stimulus has got to be on those things that we know as a society and as an economy we are going to need in the future and that means making sure we support the best type of jobs possible in terms of their pay, in terms of their conditions, in terms of the development of skills that will come alongside it and, of course, their wider impacts on our social needs and our aspirations on carbon neutrality. If there can be a focus in this on making sure that when we are creating jobs, that they are not poverty-pay jobs, that they are not zero-hours contracts jobs and not doing what I

am afraid to say the Government did after the last financial crisis, which is to settle for insecure work and poverty-pay, presuming that that is good enough when it was not good enough and that we need to aspire for something better, is what I want some of the focus in this to be about. If we can focus on providing some sort of economic stimulus to those industry areas that we know have a decent future in Jersey, whether that is the digital sector, whether that is the green economy and promoting those sorts of jobs, then that is what we also need to do and also looking at those areas where there could be a multiplier effect as well. One thing I am particularly interested in is seeing people get those skills on green jobs, installing things that will help with renewable energy generation or insulating homes properly, those sorts of things that end up creating a better cost-effective situation for households with their bills but also provides good-skilled jobs for those people who end up in there. The second thing that has got to come with this is good governance, making sure that the money is spent effectively and I think there are 2 causes for concern in this that I would like to hear the Minister for Treasury and Resources address in her summing up. The first is, what lessons have been learned since the Innovation Fund fiasco? The idea of an Innovation Fund is not a bad idea. There are versions of funds like that existing in other jurisdictions that have been very successful. I know the Estonian one in particular is lauded as having been successful, whereas ours was less so and eventually was shut down in the way it was. That was largely put down to bad governance and I remember reading all sorts of ridiculous things at the time that were going on with people being involved, people not recusing themselves from meetings where there were businesses that they had an interest in, for example, and I think Deputy Ward made a reference to that sort of thing as well. That clearly cannot be right and that has clearly got to be avoided. I would like the Minister for Treasury and Resources to answer, what lessons have been learned since then? Also, the fact that this appears to be largely concentrated around the Treasury Department and if we are going to provide more than just good numbers on a spreadsheet and understand the social impacts that some of these things may have, understand our wider aspirations for skills development and carbon neutrality, then we are going to have to get people who are not accountants involved in this as well and that means having more of a cross-departmental approach to this and bringing in those with expertise who can advise and be clear on that, not just have this as a tick-box exercise because the words Fiscal Stimulus Fund sound good and sound noble; there has got to be more substance there. The third part is that for this to be as effective as possible it must not be combined with austerity in the public sector. That will feel counterintuitive to the more conservative Members who think that there is something automatically wrong with the Government being in debt and think that Government spending on things that are not absolutely 100 per cent necessary is inherently bad and wrong, when in actual fact the evidence over many economic crises that the world or individual countries have faced over the years shows that when you cut spending during a recession you create more unemployment or you cut the wages of people in the public sector, it does nothing but exacerbate the economic crisis, reduce the spending power of thousands of people who are in secure employment because it is the Government that employs them, reduces the tax intake from those people because even though their wages are paid by public money they put money back into the public purse through their taxes and those people spend their money in the local economy and can generally be considered more reliable to do that because of the security they have in their jobs. If we are going to be cutting that, while at the same time trying to stimulate the economy with a fund like this, we are not going to get the optimum impact out of it and that can only come by even enhancing what the public sector can offer. Where there are jobs that need to be done and there is no private option to do that, then we should not be afraid of doing it publicly and creating those jobs ourselves, saying it is better to have people in a public sector job doing work that needs to be done than it is for them to be on unemployment benefits, not doing anything, costing us money anyway but us not getting anything productive out of it. Those 3 things, focusing on our future needs as an economy, good governance and no austerity in the public sector, I think are what will enhance what this proposition is trying to do. It fits in with that wider new deal outlook which history shows to be an effective way of getting yourself out of an economic crisis. I and my party colleagues will support this proposition and over the coming months

hold Ministers feet to the fire to make sure that we get the best value possible out of this and not be afraid to speak out if they are not doing a good enough job or losing sight of those extra things that we need to make sure this is as successful as possible.

5.3.8 Senator S.C. Ferguson:

As far as the Innovation Fund is concerned, the real reason was that it was set up incorrectly. It had an incorrect corporate structure. But the situation with the previous fiscal fund was pretty good. It was controlled according to the 3 Ts principles and it was a reasonable control. The actual controls were investigated by a senior consultant from the Public Finance Institute and, by the way, it happened to support the building industry as a method of getting money back into the economy quickly and it did a support of Durrell or what is it? The Zoo now they call it. The Corporate Services Panel did a pretty thorough review on this and I have no doubt that the Treasury has revisited just to make sure. As far as I am concerned, I am reasonably certain that the governance side of it will have been looked after very much more carefully than the Innovation Fund, which was run by ... I cannot quite recall but it was not the same part of Treasury perhaps. I am quite sort of happy with the proposals that are being made.

[12:15]

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

What is not to like about this? However, I was drawn to the report that suggested investment in productivity improvements, for example, through technology. Again, that is something that everybody knows is something I am very keen on, especially when significant improvements in productivity will not only have fiscal benefits for the Island but also will help with our ongoing population challenges. However, I looked at the parameters that I think the investment is up to £5 million, which is quite a lot of money and a completion date of one year. I would just like to draw attention to the Minister for Treasury and Resources that I do not wish these parameters to in any way reduce the ambition of such projects and hold them back from delivering what could be some significant benefits in productivity and also the adoption of technology with its inherent learning skills and development skills for our Island. That is all I would like to point out but best feet forward with this one. Do not hold back on it and really make this as an opportunity for some serious productivity gains within our Island sector.

The Bailiff:

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

5.3.10 Senator I.J. Gorst:

I am drawn to speak to the comments of other Members but particularly Senator Ferguson who rightly reminds the Assembly about the previous fiscal stimulus pot after the last economic downturn recession and the work that the then Scrutiny Panel did. They did it in conjunction with the then Minister for Treasury and Resources and post the event I seem to recall they also published a very worthwhile report on lessons to be learned. Treasury are extremely mindful, as the Minister for Treasury and Resources no doubt will confirm as well in her summing up of the lessons learned from that successful delivery of money into the economy, which was delivered via some departmental capital projects, all of which were necessary and important and were brought forward in a timely manner, in line with the Fiscal Policy Panel's proposal. But there were also, as other Members have reminded us, some quite exciting and innovative projects with the third and the charitable sector. I would very much expect that to be the same in the use and spending of the fiscal stimulus pot. One Member has already reminded us of an excellent charity that supports those with learning disabilities and I would expect other charities to come forward with projects which can be targeted, timely and temporary in nature. I think it is exciting that we are, hopefully, going to approve this today. There are some other comments, of course, which I would disagree with entirely and of course it is not

surprising to hear our colleagues in Reform Jersey make the comments that they make about our economy. But we must remind ourselves that small state economies like Jersey do not necessarily function in the same way that large countries' economies do and we have to, therefore, respond accordingly. It might be acceptable for large states' economies to grow borrowing in an out of control way when borrowing appears to be cheap, but there is always a need to rebalance economies, to repay that borrowing, unless we are going to change for all time the way that our economy functions. I think that that is a very dangerous step to take, bearing in mind the way that our economy functions and the sectors that it is made up of. It is always appropriate for Government to support the entrepreneurs and those who create jobs in our economy, of course we can agree or disagree. Some believe that Government should create those jobs and they have no problem with increasing the number of jobs in Government as a general good to give Islanders jobs. I would take a contrary view and believe that Government should create the jobs necessary to carry out the functions that we need Government to do but it is far better and more sustainable to support entrepreneurs and businesses to create jobs for Islanders, jobs which are good jobs, jobs which are well-paid, jobs which are secure and jobs that can respond to market growth opportunities, and not jobs which are static and bureaucratic, which drain growth from the economy, rather than increase economic growth opportunities. We need to be extremely mindful before we go down one way or the other. But this money, as the Minister reminded us, will be the first substantial drawdown of the revolving credit facility, which was a facility which was taken out for 2 years in duration. Members will be very mindful also that there is a proposal in the Government Plan to, during the course of next year, draw down substantial amounts of that revolving credit facility. I believe that we make this decision today, if we do, with our absolutely clear understanding that we will be borrowing, and that is the right thing to do, for this fiscal stimulus pot. I think we will have a discussion later in the year about the quantum of borrowing that we need during 2021 and 2022. We have an amount of the R.C.F. (revolving credit facility) that we ought to be utilising in this short period of time to cover the challenges of COVID-19 and the added strain that that has placed upon Government income and Government spending. But we absolutely must come forward with reasonable thought-out proposals to pay back that borrowing in the medium term, not in the short term because all of our thoughts should be focused on protecting jobs, growing jobs in the economy and supporting Islanders through the recession that we face. But we also, in the medium term, absolutely must come forward with credible repayment proposals in order to ensure that we hand on an economy where there are appropriate plans in place, not to saddle our children and beyond with the debts and the difficulties that we should be making decisions about now. This fiscal stimulus pot has my wholehearted support. There is much that we have and can learn from how we delivered fiscal stimulus in the past and that is why, for me, supporting Deputy Morel's amendment is also going to improve the learning for the future, an economy that works for all Islanders is important as we move forward, an economy that deals with the challenges of delivering carbon neutral policies into the future, an economy that helps Islanders deal with those challenges as well is important. This is a tried and tested method. We have already put other stimuli into the economy. We have already supported businesses and allowed them to support Islanders' jobs. This is just another step. Of course if Ministers have to take further mitigation measures to deal with COVID-19 and I think all of us hope that that is not necessary, we hope that we all play our individual part, as difficult as it might be, as bored as some of us are with COVID-19. In the word of the Acting Medical Officer for Health: "COVID-19 has not got bored of us, it has not changed the way it is operating and attacking us, even if we have got bored of it." There will be a discussion to be had about the timing of this stimulus if those further measures are taken. The £100 card, despite what some have said in this debate, has put £10 million into the economy. That, whatever we think about the card, can only be a good thing. This measure, when it is acted upon, when those projects are agreed and the money is spent in the economy, it will deliver improvements to the infrastructure of the economy - and they are things that the Deputy of St. Peter has just spoken about, about the use of technology to improve productivity - that are critically important, together with training to improve productivity, another critically important factor. But it

will also be capital improvements, as well as money in Islanders' pockets. It is really important that those capital projects are managed in a way that does leave money in Islanders' pockets and do not allow for leakage into the pockets of others who are not here in Jersey. This has my full support and I hope that Members will give the Minister their support today in approving this proposal as well.

The Bailiff:

Thank you, Senator. Does any other Member wish to speak on the proposition? Senator Farnham

5.3.11 Senator L.J. Farnham:

Of course I am always pleased, generally speaking, to follow Senator Gorst because we do agree strongly most of the time and he and other speakers have raised some very good points. I have been monitoring, as Members would expect, the economic indicators that are published regularly and they contain some really interesting facts, not least they help us understand the impact on jobs and particularly the figures around those actively seeking work. Although we have seen those figures drop significantly since the start of the pandemic and that is, I think, largely because of the broad range of support measures we have put in place to protect jobs but also because we have managed to keep our economy going throughout most of this. But of course we have a long COVID winter ahead and we have just heard from recent announcements at the beginning of this week how further measures will impact. Of course now we are getting into the detail around the guidelines of that we can understand more just what impact and what challenge that is going to have on business and jobs. It goes without saying I am fully supportive of this. In particular, there are some really interesting applications that I know about being lined up which not only will I think provide a really good return for the economy on that investment but will also have some really good long-term benefits. Once we have spent the money we should keep getting benefit from that spend into the years ahead. Of course, it is very short term, so the economic framework, which is a key piece of the work that my department is doing in collaboration with other departments of course, will focus on the medium and longer-term plans. But the fiscal stimulus, I cannot emphasise enough, is an important support package to help our economy bounce back in 2021 and has my full support.

The Bailiff:

Thank you very much, Senator. Does any other Member wish to speak on the proposition? No other Member wishes to speak, then I close the debate and call upon the Minister for Treasury and Resources to respond.

[12:30]

5.3.12 Deputy S.J. Pinel:

I will respond to everybody as much as I can but I am aware it is a short time before lunch, which is a forgotten illusion of mine. I thank all Members for their speeches and questions and will do as best I can to answer them. Just as a general answer, it is mainly towards the amendment, it is not possible to ascertain really diversity of the projects, as mentioned by a few people in the amendment. Before the expressions of interest were submitted ... but it was mentioned in the comments about the diversity, also we do not want to heap an inordinate amount of bureaucracy on submissions basically for the smaller project requests, which may not have the wherewithal to produce complicated business cases. But the Fiscal Stimulus Oversight Group will help with all applications to make sure that everybody has the same chance. I think in Deputy Morel's summing up he mentioned the building of a care home, but if that can be done for only £5 million I would be surprised. In the main proposition Deputy Ward mentioned what cost would be for the administration, where I mentioned in my opening remarks it would be about £250,000 as an estimate. For the independent member there is no cost; it is an honorary appointment. Living wage, also mentioned in the proposition; wherever possible that will be paid. The green economy various Members have mentioned; it is not stopping anybody from applying. The information which again other Members have mentioned,

feedback will be supplied - as I have said in my opening remarks - on a monthly basis as far as possible to the Corporate Services Scrutiny Panel, but also after the first tranche has been applied for ... it comes in 2 tranches of £25 million each and we will have far more information as to where the applications are forthcoming after the first tranche. The fund is not propping up employment; the payroll co-funded scheme already takes that into consideration. Senator Moore - and I am sorry, the comments were not on the order paper, I have them - I thank her and her panel very much for the comments. The revolving credit facility was approved in May and it is there available to use. We had not used it yet; this will be the first demand upon it. The cost of administration I think the Senator said was quite high, but equally other Members have said that they were concerned about the administration so hence we have put in a reasonable estimate of cost. Deputy Tadier mentioned long term sustainability. This is absolutely in the order of priorities which we will be assessing the expressions of interest first of all with, so immediate impact on the economy of cash up front and, as somebody else mentioned, it is not a loan, it is a grant. It would be far too complicated to administer loans and the idea is to be - to use that phrase again - timely, targeted and temporary. It is supposed to be administered quickly to help people with priorities. At this point I will just mention too - again which I think a number of Members have mentioned - the last Fiscal Stimulus Fund, one part of it was directed to Durrell to massively increase the size of their restaurant, which was an immediate injection of cash but has long term sustainability. Also the improvements of the inside space at Hospice which of course across the board has a positive effect on people. So there are no parameters on who can or cannot apply to this. Deputy Southern mentioned the Innovation Fund, as did Senator Ferguson, and, yes, lessons have been learnt from that. But it must be expressed that only one major failure - I know it is one too many - but one major failure in that Innovation Fund is one in 4 to receive financing from that have paid back the money and are succeeding in their businesses. Deputy Wickenden, I do not think there is much confusion over the fund other than to say who is in the Fiscal Stimulus Oversight Group, and we are still waiting obviously on the result of this debate as to whether it is approved or not and it also mentions the wage in the proposition. This is not an overlap of departmental expenditure; it is a stimulus for the economy. I thank him for his support. Deputy Gardiner, social enterprise I think was mentioned, and not for profit organisations, so charities can also apply. The expressions of interest will stand alone, so when we get these expressions of interest they will be analysed ...

The Bailiff:

Minister, if I could just interrupt you for a second. You are fading in and out when you speak. It could be that you are turning away from the microphone and then towards it but sometimes it is clear, sometimes it is quite muffled and difficult to follow.

Deputy S.J. Pinel:

I apologise, Sir. I will try and concentrate on the microphone. Back to Deputy Gardiner, she also mentioned the priorities, well of course we will see what the applications for the first tranche of the £25 million are, which will give us an indication of the next might be. Risk management is again why we have estimated £250,000 for the administration of this and, as I have said before, it is not loans, it is grants. Deputy Mézec, I would like to thank him for his positive comments, and it will hopefully support jobs and skillsets; and also lessons from the Innovation Fund which I have already mentioned. I will certainly expect him to be holding my feet to the fire. I keep pointing out it is tight Jersey guardians holding the purse strings. Senator Ferguson I have already mentioned, and good governance over this is absolutely essential. Deputy of St. Peter, the completion date is 2021, so small term projects, not long term ones, and I quite agree that the technology side is very, very, important, but that is in the Government Plan as well. Thank you to Senator Gorst for the lessons that have been learnt; and to the revolving credit facility drawdown, this will be the first drawdown on that. To Senator Farnham, finally, I think there are many applications already lined up for this

fund as soon as this Assembly hopefully agree it. I see that Deputy Gardiner wanted to something. I do not know whether that is before I conclude?

The Bailiff:

As you pause to do that, Deputy, I can ask Deputy Gardiner what her point of clarification is now.

Deputy I. Gardiner:

Apologies, Minister, if I am a bit confused; I did not ask about the loans, my question was if consideration was given to a possible co-matching fund. Maybe it is a different expression when the business is bringing half and we are giving half, matching the grant to fund the project.

The Bailiff:

Are you able to clarify the question, Minister, on co-contribution I think to the investment is what is being asked of you?

Deputy S.J. Pinel:

Yes, it will be a grant to the projects, not co-ordinated loan.

The Bailiff:

Very well. Did you wish to continue with your speech, Minister?

Deputy S.J. Pinel:

Just to set out the need to establish a fiscal stimulus fund and the need to borrow the £50 million to do so, and I am confident that by following the advice of the Fiscal Policy Panel in implementing a range of fiscal stimulus measures we will assist the recovery of the economy. The direct payments to support low income Islanders were a success, and our Spend Local cards have been widely seen as a success. I have no doubt this part of our fiscal stimulus package will enjoy similar success. The fund will back projects that progress on a timely basis and that is for local employment and local businesses. As I have stated, we cannot be sure what types of projects will be submitted but they will have in common the central objective of helping our economy to recover. Just to repeat what I said in my opening remarks, Jersey is a place of ideas and energy and I feel confident that we will receive a range of projects that can benefit the Island in a quick recovery. I think I have outlined the ways in which we manage this process to ensure that the broader objectives of government are met and that the normal operation of the economy is not undermined through this initiative. I am confident that the governance framework we intend to put in place will limit the risks associated with the Fiscal Stimulus Fund. We have plans in place to support the process with additional resource and with expert advice as required. Timescales are tight as I am confident we can meet them. Can I finish by saying that this is a good thing for Jersey, for local people, local businesses and our economy. I know that our Island will be grateful to us for putting this important initiative in place at a time of great uncertainty. These projects will make an impact across a wide range of industry sectors and can afford an ability to ensure that local jobs are created. May I finish by saying that I thank the Corporate Services Scrutiny Panel for their future help in all of the assessments of these projects. I make the proposition and I call for the *appel*.

The Bailiff:

Thank you very much, Minister. If the Greffier will please post a voting link. The link is in the chat. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The proposition is adopted, 44 votes *pour*, no votes, no abstention in the link. I note a further 3 votes *pour* in the chat.

POUR: 47		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				

Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy 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)				

Is the adjournment proposed?

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

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

LUNCHEON ADJOURNMENT

[14:16]

The Bailiff:

Yesterday morning Deputy Gardiner asked me to review the answer to written question 430 which asked the Minister for Health and Social Services for detailed information concerning the independent oversight board for the Jersey Care Model. The question as posed sought information in 8 different categories. The answer was 4 lines long and, although short, it made it clear that the answer to the 8 categories of questions were not available at that time. The test that I apply in considering whether or not an answer is in accordance with Standing Orders is as for written answers contained in Standing Order 12.2(a), in other words is the answer directly relevant to the question. In my judgment the answer, although short, was directly relevant to the question and does not offend Standing Orders.

6. Draft Amendment (No. 48) of the Standing Orders of the States of Jersey (P.131/2020)

The Bailiff:

We now continue with the next item of Public Business which is the Draft Amendment (No. 48) of the Standing Orders of the States of Jersey, P.131, lodged by the Privileges and Procedures Committee. I ask the Greffier to read the proposition.

The Greffier of the States:

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

6.1 Deputy R. Labey of St. Helier (Chair, Privileges and Procedures Committee):

The first thing to make clear to Members is that these proposed changes to Standing Orders are for fully remote or partially remote sittings of the Assembly - like today's - and not for normal physical meetings of the Assembly when we get back to that. Those normal sittings will not be affected by these changes. Members will remember that in March of this year P.P.C. (Privileges and Procedures Committee) and the Greffe moved quickly with P.20/2020 to enable Standing Orders to allow remote participation, participating online. Today's proposal is a refinement and a replacement of Standing Order 55(a) given how far we have come from those days when we were in Fort Regent and it was all very new. Moving to fully remote sittings and now this hybrid sitting, the Bailiff has used Standing Order 167, Decisions on Matters Not Provided For, to cover any procedural gaps. What we are trying to do today is to close those gaps so that you do not routinely have to use Standing Order 167. I will just briefly run through the impact of the Standing Order in practice. Firstly, we will delete the special role call procedures that we put in, in March, because the normal roll call works absolutely fine when we are working remotely or partially remotely. We are going to delete the provision that permits anyone present online at the start of the day to count towards the quorum all day. In practice it is possible for us to see how many Members are participating in Teams, so before we get to a circumstance where we might take a vote and realise we are inquorate we can keep an eye on the number of Members who have left the meeting and maybe avoid that occurrence happening on a vote. We can call for a roll call and perhaps Members will come back if we are not quorate in the same way as we do with physical meetings. The current rule also means that someone joining the meeting after the roll call does not count towards the quorum unless a roll call is called, and so we will change that too. Thirdly, we will now under Standing Orders have permissible the standing vote. At the moment it is *appel* city in the Assembly but for things like even a vote on adjournment, often, Sir, we have heard you say if Members would like to indicate in the chat then we can get an understanding of the feeling. That is sort of as similar as we have got to a standing vote when we are all physically present and this will just mean that that tool will be available to you and we do not always necessarily have to have the *appel*, although any Member at any time can call

for the *appel*. We have to allow under Standing Orders for these partially remote or totally remote sittings the conversion of secret ballot to open ballot because we are not absolutely certain that we can do a secret ballot when we are working remotely. Now, this is a funny one because the technology is there for us to do a secret ballot, an anonymous vote with Members, but we regularly have the situation where a Member cannot vote in the vote and wants to vote in the chat, and in that case it would not be anonymous. So we cannot do it until we are absolutely certain that every Member can vote anonymously, secretly. For instance when I come to propose a new member of P.P.C. ... if there is another candidate proposed from the floor the elections of members of P.P.C. are secret ballots. If we are working remotely we are just going to have to say we are going to convert that to an open ballot because it is the fairest way, unless we are absolutely on top of the technology in which case we could still do it. Finally, some minor changes to ensure that recorded votes and declarations of interest can be done verbally or via chat. So what we are doing is allowing Standing Orders to recognise the chat or a verbal vote or a declaration of interest, so that there is sufficient flexibility for the smooth management of meetings. That is what it is all about. We have done extremely well up to now with this, we are ahead of the game as compared with an awful lot of legislatures or parliaments, and this will help us to stay that way. So with that I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition?
Deputy of St. Martin.

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

Can I thank the Chairman for bringing these changes. I think they are important and I am pleased to hear him say that we are still ahead of the game. I would like to think we are going to continue to stay ahead of the game and lead the world in how legislatures can cope with this technical world. Can I just ask him though if he could see if there is a way that we could work better to make sure that all Members can use the vote? It seems to me that every time we have a vote a number of people use the chat, some more than others, but I think it would be a very useful step forward if a way could be found to make sure those Members that cannot get on are helped to do that.

6.3 Deputy M. Tadier:

I think it is probably appropriate at this point that we acknowledge and thank the Chairman of P.P.C. but also the Greffe staff and you, Sir, and the wider technological assistance that has been made available to the States, because this really has revolutionised the way we do States sittings. I think we are going to go back to normal, some people have probably missed that, and I think we have been ground breaking in many ways in terms of parliaments and democracies around the world. Not least to thank our very own Deputy Alves who I know is normally very modest, and she has probably saved many a Member some embarrassment on occasions by turning off microphones *et cetera*. I am sure she is not the only one to have done that but she is a member of the Assembly but she has stepped into the breach to help and put her expertise to good use, so I just want to put that on record. I do have 2 queries or questions. One follows on from the Deputy of St. Martin who said about voting in the chat. I am quite uneasy about people voting in the chat, and I know why they do that because of the technical issues, but one of the reasons when we are normally sitting in the Assembly we have electronic voting is that is simultaneous. I know that is one of the reasons why electronic voting was brought in is so that Members can vote all at the same time and there would be no undue or improper influence so that you do not know how other people are voting. I am not saying that is the most precious thing that we have and that is an absolute that we must not know how anyone else is voting, but I think that there is a discrepancy with some voting in the chat and some voting in the link and it would seem to me preferable that we resolve those issues so that everybody could vote in the link. But I know there are technical issues about how you access that. The other one is more I suppose technical to do with the secret vote. Again it might be very hypothetical in the sense that we

may never have a scenario which requires a secret vote while we are still sitting remotely or partially remotely. I put it on record that I am against secret voting. I can see the arguments for secret voting when it comes to ministerial positions but the overwhelming argument is against that because the transparency issue remains there. But I am just concerned though that the process by which we might be getting rid of the secret vote is by stealth rather than by design, so it is just to ask the P.P.C. Chair, does what he is proposing today get rid of secret voting *per se* or does it, as I think is the case, just mean that at the moment we will not be having secret votes where we would otherwise have them. Because it seems to me that it should not be beyond the wit of man or woman to design a system whereby we can effectively have secret votes, and one way to do that presumably - and it might take a bit longer - would be to email our votes to the Greffe. It would not be entirely secret in the sense that nobody would know who we voted for, but at least it would only be the Greffe staff who would know and it would be kept secret. But, as I said, I am quite happy to get rid of secret voting altogether because it seems strange that we might want to appoint the P.P.C. Chair secretly but not appoint other positions openly. But I think we need to have that debate separately if we are going to get rid of secret voting, and I would be certainly one who has always valued transparency to do that properly but not by stealth. It is just a couple of observations.

The Bailiff:

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

6.4 Deputy R. Labey:

Thank you to the Deputy of St. Martin. Yes, as I was speaking on that issue on the vote and the fact that some people are still finding it difficult getting in there, I was thinking to myself exactly the point that the Deputy of St. Martin came up with, that we must renew our efforts to try and get that sorted out.

[14:30]

Leave that one with me and I will talk to the Greffier and our wonderful technical support staff and see if we cannot try to get everybody voting in the vote, even if we can make some appointments with some I.T. (information technology) people for those Members who alas are routinely finding it difficult to open the voting box. So we will try to see if we can make some appointments if Members would not mind coming in to try and get that problem sorted out, which bleeds into Deputy Tadier's points as well. I thank him for his thanks and agree completely, and I have routinely thanked the same people for all their hard work in this regard. Yes, Deputy Alves is my Vice Chair on P.P.C. and is absolutely invaluable, and I have publicly thanked her before for all the I.T. support she has given as a troubleshooter during these meetings. She is absolutely wonderful and my regard for her knows no bounds. What we are not doing today as regards the secret ballots is changing them in perpetuity. We have not gone there, I say to Deputy Tadier. There are some instances where we do still have secret ballots. What we are having to do if we come across one while we are working remotely, because we simply cannot be absolutely certain that we could do it - although the technology is there - what we are saying is: "Look, we are going to convert them to open ballots just because of the force of circumstance, because of how we are working." It was interesting because I was listening to the election of presidents just recently on the radio in the new States of Guernsey. Exactly this issue came up where a couple of members were unable to be there because they had come into contact with COVID-19 and were forced to be self-isolating. It was asked of the Bailiff in Guernsey a couple of times if those members could vote by sending in an email as it was not their fault that they were not there during the secret ballot. The idea was dropped very quickly because they said: "No, because whoever is counting can see who sent the email so it is not a secret ballot" and they were not allowed to do it. But that is a separate issue, Deputy Tadier, and perhaps we should look at that. Of course you are speaking to somebody who brought a proposition a few years back

to bring back the secret ballot because I have always felt people vote more honestly in a secret ballot, or differently than they do in an open ballot. But I have dropped that issue since I was soundly and roundly beaten, but we can look at that again if necessary. But these measures are just for our sittings as we are doing them at the moment. I maintain the proposition and ask for the *appel*.

The Bailiff:

Thank you very much, Chair. Could we please put a link into the chat? The link is in the chat. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The proposition has been adopted: 41 votes *pour*, no votes *contre*, no abstentions in the link, and I count another 2 votes *pour* in the chat.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.W. Pallett				
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. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Deputy I. Gardiner (H)				
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7. Carbon Neutral Strategy and Sustainable Transport Policy: Additional Considerations for Implementation (P.132/2020) - as amended

The Bailiff:

Very well, the next item of Public Business is the Carbon Neutral Strategy and Sustainable Transport Policy: Additional Considerations for Implementation, P.132/2020, lodged by Deputy Perchard. Before I ask the Greffier to read the proposition, Deputy, there is an amendment from the Minister for Infrastructure; are you accepting that amendment?

Deputy J.H. Perchard:

Yes, Sir.

The Bailiff:

Are you content to take your proposition, if Members agree, as amended?

Deputy J.H. Perchard:

Yes, Sir.

The Bailiff:

If any Member objects to take it as amended could they please indicate in the chat? Very well, as no one is objecting I ask the Greffier to read the proposition as amended.

The Greffier of the States:

The States are asked to decide whether they are of opinion (a) that, as part of the input phase of the Carbon Neutral Strategy (C.N.S.) that is currently underway, Islanders must be asked for their views on how the number of non-essential and non-commercial vehicles on the road can be reduced and how households can be discouraged from owning several non-essential and non-commercial vehicles; (b) that the policy scenarios approved by Ministers to be presented to the Citizens' Assembly must include measures to disincentivise non-commercial and non-essential car travel, disincentivise the ownership of several cars within a single household, incentivise the use of public transport and non-motorised travel, incentivise one-car/no-car ownership per household; and that these measures should maintain the fifth principle of the C.N.S. that the overall impact of carbon neutrality will not impact income inequality; (c) that, as part of its work to provide recommendations regarding the development of revenue raising measures to support the just transition to carbon neutrality, the Minister for Treasury and Resources is requested to ensure that the Revenue Policy Development Board considers options put forward in policy development that are designed to disincentivise non-commercial and non-essential car travel, disincentivise the ownership of several cars within a single household, incentivise the use of public transport and non-motorised travel, incentivise one-car/no-car ownership per household and that this will be undertaken while maintaining the fifth principle of the C.N.S. that the overall impact of carbon neutrality will not impact income inequality; (d) that as part of the required undertaking of the Sustainable Transport Policy (S.T.P.), any output of the study into the economics of parking will reflect the principle - established in the Carbon Neutral Strategy - that the overall impact of any change in charges will not worsen income inequality and as such will include any necessary mitigating policies; and (e) to request the Council of Ministers to take the necessary steps to implement paragraphs (a) to (d).

7.1 Deputy J.H. Perchard:

The purpose of this proposition is to ensure that specific consideration is given to the ways in which we could incentivise greener transport choices and ways in which we could disincentivise

environmentally harmful behaviours. As part of the processes of developing this proposition I had many conversations with officers who I would like to thank for their input. Their contributions resulted in a draft that was much better than the first draft I produced. I would also like to emphasise to Members that this proposition does not in any way propose a particular policy or impose or tie the hands of any Ministers involved in the implementation of this Carbon Neutral Strategy or Sustainable Transport Policy, but rather it points to certain phases of a process that is already underway and specifies the need to have a particular conversation around incentives and disincentives. I will just run through the proposition for Members' benefit. As Members will have seen in the report accompanying my proposition, I have laid out each part into 2 sections. The first section I have called context and the second impact. The context section reflects phases or stages in processes of policies that have already either started or that will ensue as part of previous States decisions. So nothing in the context section of the report is anything that I am proposing that is new; it is a description of things that are already happening. So part (a) is related to the first phase of the implementation of the Carbon Neutral Strategy, which I believe was launched this month. It has been labelled by the department as the input phase which is a 3 to 6 month period of ideas gathering across the Island through different platforms of engagement. So part (a) of this proposition simply asks that we ask Islanders the question about how they think we could reduce the number of non-essential and non-commercial vehicles on the road, and how we could discourage households from owning several of these kinds of vehicles. If part (a) is adopted today it will simply be added to a list of questions that are already being asked of Islanders as part of this engagement process. Part (b) if it were to be adopted would occur in the second phase of the implementation of the C.N.S. and is related to the work of the Citizens' Panel. As part of the second phase I am advised that policy officers under the instruction of Ministers will develop various policy scenarios and these will be used as a platform for discussion of the Citizens' Panel, and there is a timeframe of about a 2 to 3 month period. Again, the incentives and disincentives that I have outlined will be added as points of discussion within these policy scenarios. I have to point out on behalf of officers that it will be completely up to the Citizens' Panel whether or not they even wish to have the conversation, but they will be presented with the idea of incentivising reduced car usage and disincentivising excessive car usage as an option for discussion as a result of part (b). Part (c) refers to the work of the Government's Revenue Policy Development Board. The Revenue Policy Development Board is going to be tasked with providing recommendations regarding the development of revenue raising measures to support the transition to carbon neutrality. So part (c) of my proposition asks as part of that work that the board consider fiscal levers specifically designed to target environmentally harmful vehicular behaviour and to incentivise greener travel options. Again, as I say in the report and as I have said already, this does not tie the hands of the board and it does not insist upon any particular policy outcome, but it ensures that the conversation around car usage and car ownership is discussed in the context of the fiscal levers that will be discussed anyway as part of the board's work in this process. Part (d) is in relation to the Sustainable Transport Policy and this is the part of my proposition that has been amended by the Minister for Infrastructure. The Sustainable Transport Policy includes the implementation of 4 plans which are called the active travel plan, the bus service development plan, the mobility as service framework plan and the parking plan. Within the latter of those there is to be a study carried out into the economics of parking and that is the plan to which this part of my proposition pertains. As part of the study into the economics of parking, part (d) will require officers and ultimately the Council of Ministers to ensure that any policy proposals regarding parking charges will maintain the principle that the overall impact of any change will not worsen income inequality. The amendment has changed the language from "maintain" to "reflect" and has added the clause "as such will include any necessary mitigating policies". Now, I had a bit of back and forth with officers on this point because the point I made to them was I do not really care what the measures are, if they worsen income inequality they should not be implemented.

[14:45]

But they were able to convince me that in the context of developing these policies and strategies there may well be initiatives implemented that have the undesired effect of worsening income inequality, and would I be happy with a pledge to mitigate against such impacts. I thought that was reasonable, so my understanding of how the amended version reads is that the fifth principle will be maintained in this context and that if at any point any policy is proposed that could have a negative impact on income inequality - such as a blanket increase in parking charges - that mitigating policies would be put in place to negate any negative impact on income inequality. I am satisfied from my conversations with the officers that that is the intent of the amendment and that is what will happen as a result of the amendment if this part of my amended proposition is adopted today. Part (e) is as read. With that I maintain the proposition.

The Bailiff:

Thank you very much, Deputy. Is the proposition seconded? **[Seconded]**

7.2 Connétable A.S. Crowcroft of St. Helier:

I think at the outset I should probably apologise to Deputy Perchard that I did not amend her proposition rather than speaking now. I am not speaking against it but I want to raise a couple of points about it. I suppose if I am honest I have been amending propositions on transport and in fact bringing them myself to the States for so long and seeing so little progress that I have become a little disenchanted with the purpose of such propositions. Maybe that does not reflect well on me. Certainly Members who were listening to my speech yesterday on the potential failure of introducing sustainable transport measures, meaningful, practical measures to reduce the demand for road widening and other measures for the new hospital, may be surprised at what I am going to say. First of all I want to make a distinction between ownership of cars and the use of cars, and I feel that the proposition before us when it speaks of disincentivising the ownership of several cars within a household is missing the point that some people simply collect cars. It is an important hobby and indeed as a parish St. Helier has done a lot to support the car owning community, particularly with regard to vintage cars, rallies and so forth. There is inherently in my view nothing particularly unsustainable about owning cars if you have the space to store them on your own property; it is really how much you use them that has the impact. Now, people can argue that the production of motor vehicles in itself has a cost in terms of carbon, but I am really thinking of the fact that a lot of people do enjoy multiple vehicle ownership, they have an old banger that they use possibly to go fishing in or to go down to their boat or to transport stuff down to the reclamation site and they have a car that they keep in better condition which they use perhaps to go and visit elderly relatives and so on. Quite a lot of people to my knowledge do not use their cars that often; it may seem to some people as an expensive hobby but it is a hobby and it is something that we are allowed to do. I feel at the moment that the language of the proposition when it concentrates on car ownership is not making that distinction. We should encourage people to use their cars as little as possible for the kind of journeys and indeed for the kind of people who do not need to use their cars all the time, for example for the commute and the school run. The more we can do to lessen the number of cars on the road at peak times the easier it will be for people who have no choice but to use their cars and their other vehicles to do so. The second point relates to the concern Deputy Perchard finished with when she was talking about the impact on income inequality of any changes in parking strategy. This certainly is an area that I feel I did not need to amend this proposition because when the parking strategy finally appears from the Minister for Infrastructure that will presumably provide an opportunity to amend it. I think for me of course it is important that we think about income inequality but the other aspect of parking policy making which always strikes me is that there is a fundamental unfairness when the Planning Department in particular passes sustainable guidance policies which penalise car ownership in town. Obviously it is easier to keep a car out of town in the rural parishes, but I certainly do not want to see any changes to parking standards with regard to the construction of new buildings if they only apply to buildings in town. That seems to be fundamentally unfair. It is something which is currently

happening because, as Members will know, if you are a developer you do not have to provide parking necessarily if you are building in the town centre, and you could argue that you are disadvantaging people who may live in those new homes who wish to have the freedom and independence that comes from car ownership. Again I distinguish between car ownership and car use. I hope those points are not seen as academic. I think they are basically about the freedom that we enjoy in the west to do things and I think these are important distinctions to be drawn when it comes to talking about cars, however much that may surprise people who think of me as only having a green interest in such matters.

7.3 Deputy K.C. Lewis:

I would like to thank Members and Deputy Perchard for accepting the minor amendment at this late stage. As Members are aware, one of the promised outputs of the S.T.P. is a parking plan and this amendment will ensure that a full range of policies can be considered as part of its development. Where it is possible for an individual policy to avoid impacting the Island's income inequality, mitigating policies will be put in place. I was listening very carefully to the Constable of St. Helier's speech there and I do not think he really needs to worry as much as he has because we are definitely on the case. Obviously one bike on the road is equivalent to one car off the road, so we are all heading in the same direction. I will be supporting the main proposition which is aligned to the principles of the S.T.P. which this Assembly agreed earlier in the year. In particular the proposition reflects principle 6 of the S.T.P. which is to recognise and price fairly the social and environmental costs of private vehicle use. Unfortunately COVID-19 impaired our ability to deliver the sustainable transport strong start delivery plan, however, we are now picking up the pace. Projects are being rolled out and these were more outlined in our 2020 active travel update published last week. I am also pleased to say that we have just launched a consultation to inform the development of the S.T.P. which will be progressed through to next year. We have the flexibility to ensure that the Island's income inequality is not worsened and those on low incomes are not made poorer by future policies overall, including those around parking charges, with the use of mitigating policies. I support the proposition.

7.4 Deputy M. Tadier:

Again I welcome this proposition. I am in a similar camp to the Constable of St. Helier in the sense that I hope I am known for my green credentials, although those tend to be the things that I champion I am just as guilty as anyone else of being reliant on the motor car in many ways when I should not use it. It is quite clear also that during lockdown - and I know this probably not new to anyone - we have been able to reconsider how we work, not just in terms of distance working but sometimes if we have got more time you realise that distances in Jersey are not very far. When we think that we need to jump in the car for some reason, either because it is raining or it is a little bit too far or we are a little bit tired you realise that there are people who build their lives around cycling in all conditions and that they do not find the same excuses that I might. So I think we can all point the finger at ourselves initially. Members will also know that a particular bugbear I have at the moment - and I am not sure why this is - but I have really noticed how there is an inequality depending on the parishes where you live. I am lucky enough in a sense not to live in St. Helier when it comes to parking issues because we know that there are severe parking issues in St. Helier, but if you live in other parts of the Island parking is often, if not always, free. I think there needs to perhaps be consideration being given to uniformity in parking. It should not really matter, you could argue, whether you are using a carpark in St. Brelade's Bay or as I did the other day at the Gunsite, which I was slightly surprised to find out does not have any free parking. I was thinking to myself: "But it is winter, and if I was in St. Brelade's Bay I would not have to pay for parking during the winter, but I have to pay for it here and St. Brelade's Bay is at least as good as that little strip that goes along St. Peter where the Gunsite is." Of course if you go to town you might have to pay full price for parking at most times. So I think the whole thing is a mess and I really do not understand why cars are allowed to park on main roads. There are lots of instances I could show, and I still need to do this

with my own Constable where I live at the moment, about cars that are parked in dangerous positions but it is perfectly legal. I would put that to the Minister for Transport as well. Whereas in other areas parking which is allowed on the roads in St. Helier might be subject to residents' parking which is still a lot cheaper than paying per hour, but of course there is a long waiting list and it is still expensive compared to free. I think it all gets back to the point that we have built the Island around the motor car and we bend over backwards for the motor car. So of course as somebody on the left and somebody who speaks up routinely for those on lower incomes, as do my colleagues in Reform but also other Members perhaps in the Assembly, I think it is a valid consideration to say let us make sure that any issues that we have that might arise inadvertently from a green initiative do not disproportionately impact those on lower incomes. But I would still caveat that with a couple of points - and I think this has been picked up in the amendment thankfully - is that that cannot simply be a reason not to pursue these green initiatives because it could easily be a get out of jail free card of course but it would not be free because the damage which is ensuing to the whole planet, including the local part that we live on, is not helped by that. The planet, the climate and the carbon that is being emitted; the planet does not care whether that carbon comes from poor people or rich people, and of course we know that the super-rich have a disproportionate effect in terms of their usage on the planet if they are using private jets *et cetera*, and their lifestyle is much more consumer based. But similarly, it does not matter whether a tonne of carbon is coming from somebody who is poor or getting income support or whether it is coming from a middle class person; it all contributes to the carbon that we get into the atmosphere that is ultimately killing us if not killing the planet. I do think that this is a timely proposition because there is urgent need so people will be applauding the U.K. initiative to try and ban the sale of cars from 2030, but already - and quite rightly - I have seen local commentators saying that this is not soon enough, that the sale of petrol cars needs to stop much sooner than that.

[15:00]

There will be thorny and knotty issues that the Minister needs to get to grips with, because of course we know that the shift to electric is not necessarily all that it is cracked up to be. It is about changing the mind-set that we all have. It is not as simple as saying: "Stop using your petrol or diesel car, there you go, go and buy an electric car." We need to think more creatively about those solutions to transport. First of all: "Do I need to own a car at all given the costs that are involved with it, let alone 2 cars? Should I just pay for that bus pass which I can use twice a day? Should I invest in an electric bike? Should there be incentives to help people do that or can I afford to do that myself? Should I perhaps walk more or should I just work from home as much as possible and reduce my need to consume as much and go out as much?" These are all valid questions which cannot simply be answered by government or by politicians, but certainly government needs to take the lead and be a facilitator for making these things happen much sooner rather than later. So I did want to put those points on record, not least the parking issues on roads which I think I am going to have to speak to the Minister and perhaps some of the Constables about.

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

I had better declare an interest to start with. I am a classic car enthusiast and I own 2 classic cars. The point was made earlier by the Constable of St. Helier that people have additional cars for various reasons. One very good reason comes to mind with an advert that was on television a few years ago where a man walking his dog across the fells and bogs of some county in the U.K. called a taxi when he had finished walking and put the dog in the taxi. Then got in his own car to drive home because he did not want the dirty dog in his car. What I am basically saying is that you do have cars for different reasons. The Constable pointed out you may be a fisherman or a boat owner and you would not want the smelly fish in the car that you drive every day. I enjoy driving a classic car and I do not believe it right that enjoyment should be taken away from me and my hobby should be stopped. However, there is a separate issue and something I would more strongly support and that is that any

vehicle owner, and I include commercial here, should have a parking space for their vehicle. There are businesses that have no parking spaces yet they provide their staff with vehicles. They say to their staff: "It is up to you to park it but at least you have a van to work in." That approach is wrong. I regularly get it, well not so regularly, but I do have occasions as a Constable where somebody has come to me and said: "I need to park this additional vehicle and I cannot park it in the village." So that is an issue and that should be tackled rather than reducing ownership per household. Finally, I would like to also make the point that I have parishioners who need to walk 40 minutes or more to the nearest bus stop. They are elderly and to them their car is vital. If we start restricting car ownership then the elderly and others living in remote areas will feel isolated and this will result in mental health problems. While I accept what the proposer is trying to achieve, I do not believe that this is the right way of going about it. I do not believe restricting car ownership is the right way. The responsible way is to ensure you have a carparking space to keep your car. As long as you can do that then I do not see there is an issue. Because, at the end of the day, you can only drive one car at a time. Reducing car usage is a separate issue to - the proposition, as I see it - ownership, as the Constable of St. Helier pointed out. We need to be very careful that we are not being Big Brother here and dictating to people what they can and cannot own. Sadly, with that, I will be opposing this proposition.

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

Firstly, I would like to praise Deputy Perchard for talking to officers. I attended one of those meetings and she and I learnt quite a lot about what could be done on the crowded roads issue. I support the view to an extent that we do need to tackle it. From a Treasury angle, I very much support it because, as we move away from petrol vehicles ... which we will have to. We have seen that the U.K. have banned the sale of new petrol vehicles from 2030. The facts remain, and it is fairly indisputable, that car manufacturers will not produce them anymore. When they do not, we will not get any tax from petrol, of which we get a substantial amount. That will leave a £25 million hole in our finances. So we will have to look at a way of taxing the electric motorist but I do not think it is the time to do that. At the moment we should be incentivising people into electric vehicles. Then we will have to revisit it. But there is a big issue around this so, as I say, I support her for bringing this. I find her proposition slightly flawed in the fact that she comes up with various solutions and then says: "As long as it does not affect income inequality." Unfortunately, many of these things would affect income inequality. If you are a wealthy family with 2 children at an English boarding school, you are really not going to find it too difficult if you were taxed per car as has been suggested by some. They would come back from boarding schools, 2 cars taxed, wife's car taxed, your car taxed. It is not going to be a problem. However, for people really struggling who need a second vehicle it would be a major imposition to pay that tax. If you are a wealthy household and we suddenly said: "Right, from 2025 petrol cars are banned", if you are a wealthy household it is not going to be the end of the world to go and buy yourself an electric car. It will be a nuisance but it will not be the end of the world. If however you are someone suffering from income inequality, the ability to buy that petrol car for £500 to transport yourself and your family around the Island would be a hammer blow. So it is things like this that we really have to analyse when we come up with these things. Even if you look at it for a wealthy family where maybe one of the parents is not working, it is not a problem to share a car. If, however, both parents are working, a working mother or father who needs to move swiftly between work and schools needs that second car and may need a cheap petrol car for mum. Who are we at the moment to say they should not have one? Again, that is where inequality comes in. But, as I say, I still can see where Deputy Perchard is coming from. I would also like to say, because someone has to say this, most are too afraid to say it, and I am not someone generally who is frightened to say what I feel, we are in danger of being run by an eco-mafia where any scheme is pushed through. We saw this the other day when Deputy Ahier asked a very decent question on cyclists. It is a danger now and I raised the point that it is a danger. We have had people like Deputy Ward say: "Well cyclists are allowed to do this and you are just anti-cyclists." We are not. But you cannot push

everything through on this eco-agenda. It is something we should be very wary of, especially when it comes to income inequality. Because a lot of an eco-agenda is going to hit those at the more income-challenged sectors of society. So it is something that everyone needs to bear in mind. In closing though, I will support this because it merely provides a guideline as to what the Government should consider, should look at and certainly take into consideration with any policy going forward. So I will be voting for this.

7.7 Deputy D. Johnson of St. Mary:

While, like the previous speaker, I appreciate and understand the motivation behind the proposition, I do have 2 reservations. The first has already been well recorded by the Constable of St. Helier. It has to be the use of vehicles that needs to be penalised, if that is the right expression, rather than the mere ownership. Many people do have more than one vehicle for whatever reason and I see no reason why they should be restricted from doing so. Perhaps more relevantly, I am concerned about the reference to one vehicle per household and how that term is to be defined. I have in my time had a household consisting of 6 adults, all of whom need cars at different times. It would be a strange result if they felt that to be able to own a car they would have to go and find a different property to live in, thus making the housing situation worse. I do therefore think that term “household” needs to be addressed quite specifically in any future discussion. Because, as I say, a household of 6 adults, or however many adults, may determine an equivalent number of cars necessary for their duties of work and everything else. That said, I do appreciate again the direction in which this proposition is leading us and, on the basis that the idea is for various proposals to be considered, I shall probably support it but with the reservations I have made.

7.8 Deputy J.H. Young:

I too like old cars but I want to explain to the Assembly why I am supporting Deputy Perchard and the amended proposition. Because there is absolutely no question that we have to tackle transport emissions as part of our carbon-neutral work. We know 50 per cent of our carbon emissions are from domestic vehicles and we do not have the means of adequately regulating their use fiscally, as Deputy Ash has said. That ability to do that, with what we have already from tax from fuel, is running out effectively. So, in looking at the proposition, we first have to remind ourselves that what the Deputy is seeking to do here is to put forward an agenda of items, which the Deputy considers should be considered by the Citizens’ Assembly. So it may be, and it probably is, that we are all going to see some items there that we would not necessarily favour in that list. But it is really important that Assembly has the full range of options available to it and it has the information on those in order to shape the recommendations that it gives to this Assembly, which will then come back before us to decide upon. So effectively for me we cannot have or set out what you might call no-go policy areas. This Carbon Neutral Strategy is a very, very long-term task. We are setting dates for 2030 but we know beyond that we do not have a choice but to look at these things. Throughout all of the journey on our Energy Policy before and now Carbon Neutral, we have had this difficulty of who pays. Who is going to pay in society for the measures we have to do? Therefore I do think it is absolutely right that the focus of this proposition from Deputy Perchard is about income inequality. What it seeks to do is interpret the principles.

[15:15]

If you remember back when we had the debate on the Carbon Neutral Strategy, quite a long time ago it seems, pre-COVID I think, Deputy Morel brought this proposal forward. The original proposal that we produced did not have an explicit statement about income inequality. Deputy Morel gave us a very good argument. But then in discussion in the Assembly, with Deputy Ward’s help, that was amended to address what is called the overall effect. Because, in our journey towards these measures, we will need to find some ways of if we have to impose charges in place A for disincentives, we have to provide correspondingly compensating changes in place B. We have to find those compensating

and mitigating measures. The best way of looking at that probably is not necessarily in the case of vehicles, but it is easier if you think about, for example, insulating people's homes. Insulating people's homes and installing new boilers, *et cetera*, costs a lot of money. People that are well off have no problem at all about spending that. Then they can get the benefit of reduced fuel consumption and cost. Where people who do not have that ability cannot do it, do not have the cash. So therefore that is an unintended effect. So any policies that you have in that particular area, in the case of energy consumption in people's homes, would need those mitigating measures through tariff structures and so on. The same principles are there in the case of the use of transport. It is an open secret that, and I got hammered for it when I spoke and said things that go down badly in public, I have always favoured myself charging for the use of vehicles rather than vehicles themselves. That is why I was always very attracted to the possibility of road charging and congestion charging, particularly to do things at peak hours and so on. But there is no question, if you had such a scheme, you have to have compensating measures. So we avoid imposing those costs on people that are not able to pay for it. I do not know what those compensating measures are. So this is the task and the challenge of how to come up with policies that achieve carbon neutrality, allow us to make the transition, but do not impose income inequality. We have some words here in the amended proposition that help us in that journey. But it is not a case of saying this is what we are signing up to now. I expect that those ideas will go into the Citizen's Panel and I am expecting that the work that is being done by the Revenue Policy Board, Deputy Ash is on that board, could look at the way in which we recover costs and charges for vehicles. I want to make a confession. I generally use a motorcycle. People know I do not use a car very much. But I do have 3 very old Land Rovers. They are probably at least 2 decades old each and they rarely get an outing. It costs me money to keep them roadworthy and looked after. But I am lucky I have somewhere to put them. I would not have those if I did not. But I do not see this proposition as impinging on that choice. At some point it may happen and I have to give them up, but I hope I can carry on with that for a little while. I still am very firm that we have to be driven by the principle that we are in a crisis of our society's making and our pollution of our planet with carbon. We have to deal with it. We have to play our part. Vehicles are a really important part. It is absolutely right, what we have here is an agenda, which will not be the only agenda of things that go into the Citizen's Panel. We will get a chance, when the Citizen's Panel makes recommendations, to form a view about how well they have made their case and whether the ideas work before we then sign up to them. So we should not be fearful about going with Deputy Perchard. What she has helped us to do is to give us a process. A lot of really important ideas and thoughts in here and a process whereby it will help us make sure that the process we are kicked off on now, and I am delighted we have kicked off, with the preparations for the Citizen's Assembly will be taking place next year. It does look as if COVID will make a lot of that virtual, too early to say. We will have to see. But nonetheless we will need to progress with this. So I want to thank Deputy Perchard for helping us on this journey of particularly focusing on today on the issue of inequality in the use of transport. I take on board the points that the Constable of St. Helier spoke about, planning policies to do with vehicles and so on. Those are the issues, which we are going to have to address in the Island Plan. So I just want to mention that as well. With that, I am going to lend my support, very strong support, to the proposition in its amended form.

The Bailiff:

Deputy Morel has a point of clarification to ask of you.

Deputy K.F. Morel:

If you do not mind it is 2 points of clarification. The first was with regard to the percentage of carbon emissions in Jersey that are created by transport. The Minister, I believe, said 50 per cent are created by domestic transport, I believe were his exact words. I do not believe that is correct. I believe 51 per cent is created by all forms of transport in Jersey. That includes commercial, domestic and I was wondering if he could clarify whether that is the case. The second point was just to clarify what

happened to my amendment, which asked for financial inequality. Because I believe the Minister opposed that amendment. I was wondering if he could refresh my memory as well as other people's as to what happened to that amendment that he opposed?

The Bailiff:

I am not sure that is a point of clarification strictly, Deputy. It is a debating point I think. But can you provide clarification, Deputy Young, on the first point raised?

Deputy J.H. Young:

Yes, I will accept that the Deputy is correct on the first point. The overall emissions from transport are around about 50 per cent. I cannot recall the exact figure. But that does include essential transport, commercial transport, domestic transport and others. I do not know if that clarifies that particular point for the Deputy. But I would like to just respond to his second request for clarification.

The Bailiff:

I am sorry, Deputy, that becomes a second speech. It is not strictly a point of clarification. Yes, the Connétable of St. Brelade.

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

I would take the opportunity to congratulate Deputy Perchard on being proactive in trying to ensure carbon neutral compliance. The devil is however in the detail of this proposition and I feel that if we are to support a proposition such as this we do need to understand fully the implications, which will arise, and the costs which may have to be shouldered, and by which sectors of the community. Adding to the comments of the Connétables of St. Helier and St. John, I make the point that cars are an important part of the economy. Many garages service them, look after them, and earn their living from them. Many are owned by enthusiasts and rarely go out. Some take the dog out. Some are used for shopping. Others for visiting friends and relatives in the U.K. or the Continent. It is often a question of horses for courses, but multiple vehicle ownership does not really mean they are being used at the same time. In common with Deputy Young, I like old cars, but mine are old because I cannot afford new ones, simple as that. I have seen taxation on road fuel, taxation in the past on vehicle length where we all queued at the Chelsea Hotel to pay our annual road tax. There are tools and levers out there if there is a desire to use them. There are enormous varieties of commercial vehicles and some of the small ones will be used for domestic purposes. It is unfortunate in my view that the proposer has not focused a little more on the incentivising of the lower emission and electric vehicles to contribute towards the Carbon Neutral Strategy. This is the area I feel we can make inroads and I would like to concentrate more in that area. The reason we have been slow in moving in that direction is simply led by price and availability. I, at Parish level, need to obtain a replacement truck for my road staff. An investigation has indicated that the electric version will cost double that of a fossil-fuel variety. In these stringent times one cannot justify such an additional expense. I can understand fully the philosophy behind the Deputy's proposition but the proposals will undoubtedly worsen income inequality. So, framed in the way it is, I do not think I can support it at this stage.

7.10 Connétable J. Le Bailly of St. Mary:

Everyone is aware that we need to reduce our carbon footprint. Something that cannot be done overnight. But this is also something that we are all aware of and are dealing with as we have legislation in place to address this within a timeframe. Quite simply, we need vehicles, not just for personal use, but in order to survive. Because vehicles are necessary to convey goods for building, to stock the shops with food, and of course getting from home to work and back home again. People do not have vehicles lying around that they do not need. It does not matter whether you own one or 10, you can only drive one at a time. If you live out in the sticks, as I do, and are of a certain age, you are not going to get me on a bike. Everything is relevant. So please, all the youngsters out there, get on your bike and allow the oldies more room on the road. Carbon footprint is not just about

vehicles. It is also about manufacturing. It is about not going on holiday to save the fuel also used on those journeys. So there are far-reaching implications with this.

7.11 The Deputy of St. Martin:

I will be brief. I just want to reiterate what other Members have said, but I am going to support this proposition. It is right that we move in this direction. I want to first just reiterate something that a couple of people have said about being able to only drive one car at a time. That is important. Secondly, I want to say that Carbon Neutral Strategy appears right at the top of this proposition and it is important for that reason that I say that I have a number of cars, one of which is an electric vehicle, and I am very proud to have driven electric vehicles for some years now. But I need to point out to the Deputy that if I was only allowed to have one car, it would not be an electric one. My electric vehicle does not allow me to tow trailers and I do not think I would be confident enough to take it away to the Continent or to the U.K. and have enough mileage to get where I would need to go. So, if I am restricted to one vehicle, I probably will not be going for an electric option, which is where carbon neutrality comes in. Finally, I would just point out to the Deputy that, although I am going to support her wholeheartedly, I am concerned about the one car or no car per household. I stress the word "household". I am fortunate, or unfortunate depending which way you look at it, to still have 2 of my children living with me at home. One of them is in their 30s and one of them is in their 20s and I am lucky that we can do that in our household fairly comfortably. But I point out to the Deputy that those people are not youngsters. They are not just of an age where they are still at school or at university and lucky enough to have a vehicle. They are proper adults working and they need their vehicles. Restricting one car per household will be a challenge. I accept that in other parts of the world it has been attempted and in some places it works well. The final point I make is on income and people who struggle to find money to buy vehicles will find electric vehicles a problem. For that same reason that I would not only have a single vehicle as an electric one, I need to do multiple things with it, we also need to be very careful that we do not exclude people from electric vehicles in that way. So I will support the Deputy but there are some challenges here. But in everything, nothing is easy.

[15:30]

7.12 Deputy R.J. Ward:

Where do we start? I would like to congratulate the Deputy on this proposition. I would like to congratulate her on how well written it is. But I would just make one comment, which perhaps it lacks a little bit of differentiation, because clearly Members do not understand what the proposition is saying. The Deputy is not offering policy. She is certainly not offering policy on the hoof like some have been during this speech. She is not suggesting we go back to the pony and trap and drive around the Island like in Sark, for example. That is not what this is about. There are some real concerns that I have in the interpretation of this proposition. First of all, I would like to say that in terms of income inequality ... in fact, no, I will come back to income inequality in a moment. I am very pleased the Constable of St. Helier did not bring any amendments because the amendments he has brought in the past, when it comes to sustainable transport, have in effect destroyed propositions. This is of St. Helier that declared the climate change emergency. The Constable should, as a default position, be supporting propositions such as this wholeheartedly. What we have done is we have gone down the usual rabbit hole that we have in these proposition debates where we have started to go along a line of something that has been invented by those as an interpretation of a proposition. Then they are arguing against their own invention. There is nothing in this proposition that is talking about stopping anyone having a car at all. It is about disincentivising certain travel and incentivising other travel. Then the really important part of this proposition is incentivising the use of public transport. We have not done that. I have brought many propositions about bus transport to try to incentivise. All of them have been rejected by this Assembly. One was very close, it was a tied vote, but it has not happened. We have done nothing to reduce the cost of bus travel. If we are talking

about income inequality, for example, the latest thing to really impact on income inequality was increasing bus fares. Again at a time when that is the last thing that those who perhaps are more likely to use the bus, those on the lowest incomes, for example, who may not be able to afford a car, have no choice. So we need to be very careful before we talk about income inequality and the effects. When we talk about old cars, I have an old car, I have one of those £500 cars that Deputy Ash referred to. It is a diesel car and it is a horrendously-polluting thing. But there is something you can do about it on the Island right now, because for sale is renewable diesel. So I have had to make a distinct choice to spend 50 pence more per litre on my fuel for that car in order to do something about it. You could incentivise that as a Government by taking the duty off of that fuel, but that has not happened because practical policies have not come forward from the Government. In fact we are still talking about action. So I welcome this proposition that says: "Let us discuss and incentivise and put the questions to people." We cannot sustain car use on this Island the way that we have it. There are too many cars on too-small roads. I would like to say to those people who are talking about having more than one car and classic cars and so on; that is the vast minority of the population that are doing that. We need to think really carefully about how we associate a minority interest with something that is a majority action in terms of the day-to-day travel that we undertake and how we do it in a way that is aware of climate change. We have just been through COVID. If you think that is difficult, really, if climate change kicks in it will look like a drop in the ocean compared to what we will face. It is about time that we face that. I must say that this notion of an eco-mafia is just the most ridiculous idea. In fact, what we have here is a white middle-aged man mafia that seems to be in denial about the reality of what is happening in the world and the reality of what is faced by younger generations. It is about time you woke up, did your research, and got some understanding of the real world. So I think that needs to be addressed. I would like to say again, congratulations to the Deputy because yet again it is a Back-Bencher, a Non-Executive Member, and one of the newer Members of the Assembly - one of this band that is so often patronised about being new to the Assembly - that is bringing a proposition with real ideas and real thought and with consultation with officers so that change might be possible. I point to part (e) that says: "To request the Council of Ministers to take the necessary steps to implement paragraphs (a) to (d)." It is asking the Council of Ministers to take action. That is what we need to do. There are things that we can do. There are incentives. We talk so much about bus travel, about safer cycling, about walking paths. I am sure I can trigger a deep anger from Deputy Southern if I mention the hop-a-bus. I think he has been trying for that hop-a-bus for so long that the original hop-a-bus probably ran on steam to be quite frank. That is no reference to your age, Deputy Southern. But the real initiatives that we need to look at are going to be difficult. The reality of income inequality ... and let us come to that to finish. Climate change disproportionately effects the poorest people on our Island and our planet. That is the income inequality that we need to look at in the long term. Income inequality on this Island is real because of low wages, because of the lack of a living wage, because of expensive housing. As we build new housing we are not even building housing to a standard that means it will be insulated with renewables that means the people who live in it will not have the vast majority of their income going on rent and bills. So, before we start to talk about income inequality, let us address those issues. I believe the arguments over income inequality and climate change and the actions that we take are a smokescreen simply from those who want to object to change because either they do not understand it, do not want to see it, or simply are not on the bus. That is what we need to see. So I compliment Deputy Perchard. I wholeheartedly support you. I will be voting for this and I hope that you get the change that you need because I will be behind you 100 per cent of the way. I thank you again.

7.13 Deputy G.P. Southern:

Very briefly to the previous speaker, I will say the first hop-a-bus ran on electric.

7.14 Deputy K.F. Morel:

I guess there is no gold stars and there is plenty of red ink for those people who felt the need to raise their concerns about some aspects of this proposition. I am particularly concerned about references to race and age discrimination in one of the comments that has just gone. That is deeply unnecessary and unpleasant. I feel that the level of debate in this respect needs to be more reasonable, especially on a matter that most people seem to be agreeing is a matter that plenty of people can agree upon. This division needs to end in this way within this Assembly is what I would like to say. While, with regard to the proposition directly before us, I have some concerns about the detail of some of the wording in part (b) for instance. I would say there is an ambiguity in part (b), where it says that: "The policy scenarios approved by Ministers to be presented to the Citizens' Assembly must include measures to ..." I would say that could mean that each policy scenario should include these measures or does it mean that the group of policies in the scenarios must, among other things, include these measures? It is an important point because one provides freedom; the other does not. I, like others, have been concerned about car ownership issues because there are plenty of reasons to own more than one car. Not least having a family where you suddenly realise that you have 3 children and 2 of them need to go here, one of them needs to go to the other side of the Island and you need 2 cars to deal with that situation. Also, cars are not all motorised, cars can be electric. So I am concerned that not focusing on carbon-emitting cars is a mistake within this proposition. But I also appreciate that this proposition is aimed at just developing thinking within the Citizens' Assembly and within the Council of Ministers, so in that sense I do not think it should be opposed. It is important. I thank Deputy Young for highlighting the amendment I brought to ensure that financial inequality was part of our thinking in carbon neutral strategies because it is very easy to create taxation measures, as has been mentioned by Deputy Ash, which ultimately hurt the poor more than they hurt the rich. So that definitely is important. But, more than anything, I think it is time to take issues of race and age and that sort of discrimination out of the level of our debate and to focus on the matters on hand. Last week we saw this Assembly divided. We do not want to see that anymore. That is not how Jersey will move forward. That is why I voted the way I did because we should not have this division. It is sad that we are already seeing that creeping back in on what is a proposition that people can get around and agree upon. So I ask us to be united in our approval of this proposition and not to keep maintaining these petty divisions that will only hurt this Island.

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

I was not intending to speak, however, just to explain, I was proud to second this proposition for many reasons, but for those Members ... I am sure everybody has read the report that accompanied the proposition here, the conclusion: "Following a productive and informative briefing with officers from both Treasury and Environment, I present a much-improved version of this proposition and thank them for their time and input." I think that says it all. This is not policy. This is a Non-Executive Member who wants to help that policy be better and that is all that needs to be said.

7.16 Senator I.J. Gorst:

I was minded to speak after Deputy Morel. I am sure that the proposer of this proposition will say these things in her summing-up. There are issues which Members could find that they disagree with in the way that this proposal is worded. Most Members have raised the issue about is car ownership *per se* polluting? That is a very difficult argument to say that it is. But that is not what this is about. This is asking Ministers to do more thinking on these particular issues when they come forward with a more detailed Carbon Neutral Strategy and asking the Citizens' Panel to consider these issues. Some of us, as Members, have probably already, or we are going to take a lot of persuading around whether we should incentivise households to have no cars for all of the reasons that Members have said, but what this does is ask the department, ask the Ministers, to go away and do that extra research. It is important that, as we make the really difficult decisions that will affect Islanders' pockets, and I for one am far from convinced that there are really good policy options that are going to be able to mitigate the income inequality effects. Ministers will have to think of other measures. We know

already that the main driver of an increase in income inequality is the cost of housing. So those measures, where we can also deal with carbon neutrality and energy efficiency of homes, they are the measures that might offset some of these measures where it is difficult to see that you can do anything other than on an overall non-discriminatory basis. So I am taking the view, I could mention conflicts like other Members have, but this is not about a direct financial conflict. I am taking the view, in supporting the Deputy in this proposition, like Deputy Morel said, this is asking for work to be undertaken so that, in due course, we in this Assembly and the Citizens' Assembly can make informed decisions about what the right policies are in order to give effect to carbon neutrality into the future.

[15:45]

Let us be absolutely clear, we should not be divided on it. But, equally, we should recognise that there really are no easy answers to these questions. If we are divided on what pieces of work we should do to inform our decision-making, it does not bode well. But I think that we can support the Deputy here and we can then make those difficult decisions together. Let us not kid ourselves that they are easy and that they come relatively freely, because they do not. But that does not mean that it is not right, because it is right for us to deal with these issues as a community.

The Bailiff:

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

7.17 Deputy J.H. Perchard:

I would like to thank Members for their contributions. I will address some of the mis-readings of the proposal because I think it is really important Members understand what they are voting for today. I have not put forward any particular policy outcomes and that was deliberate. That was in consultation with Treasury, Environment and Infrastructure. That is because to try to tackle issues around the environment and in this particular case issues around polluting vehicles or emissions or car ownership or car usage, to take a piecemeal approach would be irresponsible and, as a Back-Bencher without the same resource as Government Members, it would be ill-informed. That is absolutely not what I brought to the table today. The Constable of St. John said he disagreed with the way in which I have gone about this. I would like to just outline for him and anyone else who shares that view what I have done in the runup to this debate. The first thing I did was to put together some ideas. I emailed those ideas to Ministers, relevant Ministers, and asked for some feedback. I worked with the research function of the States Greffe to develop my own understanding to the best of my ability when it comes to policies around car ownership and usage. I then met with officers. I met with officers from Treasury, Environment and Infrastructure, and we met several times as a large group online. The difference between the very first draft of this proposition and the final version as amended is quite drastic. If I was to show Members the initial draft, it would be unrecognisable perhaps as the draft to this. That is because of the collaborative way in which officers across departments have worked together and with me to develop something that works within the workstream that they are currently undertaking. Because, for me, something as important as the environment, it is really important that Back-Bencher propositions do not detract or derail from what is, in my view, an already underfunded area of Government. It is really important that the complement the work while also achieving the aims of the particular Back-Bencher. That is exactly where I feel we have got to in this process. Regarding the issues around some of the wording, again I would like to reiterate that I am not proposing any particular policy outcome. I have not defined what nonessential or essential car travel means and again that is deliberate. I have not proposed a one-car per household policy. I have proposed that the policy scenario is approved by Ministers. That is going to happen irrespective of my proposition. That is part of phase 2 of the process of the C.N.S., which we adopted. What I am asking for is the conversation to be put on the table and the Citizens' Panel may in fact just dismiss

it out of hand and say: “We do not want to talk about that. That is not something we wish to consider.” At which point that would fall away as the normal part of that process. It is really important that Members are clear on the fact that this is not proposing a one-car per house policy. It is not proposing any policy. But there is reference to incentives for one-car/no-car ownership per household. Again the whole of this proposition explicitly relates to nonessential vehicles, but that has not been defined. If the Citizens’ Panel, if the Revenue Board, if this Assembly decides, if this Government decides that essential travel includes your day-to-day tasks such as going food shopping and such as doing the school drop-off, then that will be covered. That vehicle would then be deemed not to be a nonessential vehicle because that is how it is defined by the people who are defining it. The reason I have left these things open for definition is because, as I said at the beginning, I am not in a position to put forward a whole plethora of environmental car policies in the position that I am in. What I want is to bring, as Deputy Young said, an agenda for discussion and bringing ideas to the table. I found out where the tables are, I found out which people will be sat at which tables and I found out where these ideas would fit in the discussions that those people around those tables are going to have anyway. So I am really frustrated that the Chair of the relevant Scrutiny Panel saying they cannot support it having had no communication with that Scrutiny Panel, no comments paper, no emails, nothing before the debate today. That is really frustrating because this piece of work is a demonstration of how a Back-Bencher can work collaboratively and productively with Government departments, who can also, between themselves, work across departments to come up with something that achieves the aims of the Back-Bencher while also complementing the work they are already doing. That for me has been the output of this process. So it is disappointing. Just on the other particular comments raised about being a car enthusiast, having a hobby, collecting classic cars, it would have been really productive had those Members brought those things up. I am not someone who owns a classic car or who collects cars, so naturally it is not something that was at the forefront of my mind when writing this. But, again, there is ample room in this proposition for those things to be considered as part of the conversations that this proposition initiates. I would like to thank the Members who have understood what this proposition is doing and the effect of it and who did understand the reasons for certain things being left more ambiguous than others. Again, I would like to thank the officers who gave up time to meet with me on several occasions over the last few weeks. This has been about 6 weeks in development. I am really grateful that we have been able to develop it to this point. With that, I maintain the proposition.

The Bailiff:

Thank you very much, Deputy. I will ask the Greffier to put a link into the chat. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The proposition has been adopted, 36 votes *pour*, 4 votes *contre* in the link, and I have a further 3 votes *pour* in the chat.

POUR: 39		CONTRE: 4		ABSTAIN: 0
Senator I.J. Gorst		Connétable of St. Brelade		
Senator L.J. Farnham		Connétable of St. John		
Senator K.L. Moore		Connétable of St. Mary		
Senator S.W. Pallett		Deputy R. Labey (H)		
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				

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

The Greffier of the States:

The Members who voted *contre* were the Constable of St. Brelade, Deputy Labey, the Constable of St. John and the Constable of St. Mary.

8. Draft Amendment (No. 50) of the Standing Orders of the States of Jersey (P.144/2020)

The Bailiff:

The next item is the Draft Amendment (No. 50) of the Standing Orders of the States of Jersey, P.144, lodged by Senator Farnham. The main responder will be the Chair of P.P.C. (Privileges and Procedures Committee) and I ask the Greffier to read the proposition.

The Greffier of the States:

Draft Amendment (No. 50) of the Standing Orders of the States of Jersey. The States make the following amendment to the Standing Orders of the States of Jersey under Article 48 of the States of Jersey Law 2005.

8.1 Senator L.J. Farnham:

Here we are again. I make no apology for bringing this proposition back to the Assembly given the big decisions we are going to have to make in the not-too-distant future in relation to the makeup of our Assembly. I also make no apology that this is almost a carbon copy of the last proposition, as will be my opening speech, because it is still most relevant. For the avoidance of doubt, this proposition is being tabled to encourage change. It is being tabled to enable reform, to force Members to work together collectively and thoughtfully, to blend their views together with the interests of all Islanders into properly considered sustainable reform of our political system and the constitution of the States of Jersey. In my report, I make reference to the practices of a number of other countries

and jurisdictions in relation to what is required to change their own constitutional arrangements. That terminology should not be confused with our own constitution of the States Assembly as set out in part 2 of the States of Jersey Law. Notwithstanding that many countries, jurisdictions and states, large and small, have supermajorities built into their criteria for approval for democratic reform and amendments to the makeup of their legislatures, many have a threshold consistent with the two-thirds I am proposing today. So what I am asking for is by no means extraordinary or undemocratic and is common practice in many other places. To leave such important changes to be approved by potentially just one vote of a simple majority, 25 to 24 in our case in this Assembly, which directly impacts upon the fundamentals of how Islanders are represented, how their interests are protected or how they can vote, would in my opinion completely undermine the importance of the whole subject. To be absolutely clear, this amendment to Standing Orders of the States of Jersey changes the number of votes that are required: “Under Standing Order 89A for a proposition to be adopted that: alters in any way the membership of the States; lengthens or shortens the term of office of any class of elected member; or alters, adds or extinguishes the constituencies of any class of elected Member, so that any such proposition shall not be adopted unless at least 32 members of the States vote in favour of it.” Once again, we will soon be called upon to deliberate over important issues that will impact upon the makeup and constitution of the States Assembly and our electoral system. I know that some Members will think that this proposition is an attempt to prevent reform, when in fact it is just the opposite. Having endured over 50 attempts since the publication of Clothier on such matters, with the only notable outcome being that we have managed to reduce the number of Members elected by Island-wide mandate, arguably the most democratically elected office in this Assembly, from 12 to 8, that is all we have managed to do.

[16:00]

This is pretty much what we have achieved with the requirement of only a simple majority. It is probably worth reminding Members that the removal of those 4 Senators was done without the knowledge or the permission of the electorate and was, if my memory serves me correctly, largely to facilitate the move to a single election day. So we removed 4 Senators because we felt that our electorate was not capable of electing 12 people on a single ballot paper. Guernsey might now of course disagree. They have just elected all of their 38 Members on an Island-wide vote on a single ballot. Clear efforts to reform have simply failed under the current system because, with a simple majority, there was always a slim chance of scraping something through. This means that there is little or no collective thinking required. By which I mean collective as in the whole or at least most of the Assembly being involved in working up such ideas. There is no incentive to work together to find a consensus. There is no necessity to work together. This has led to a myriad of disparate propositions in the past. We are likely to see in the future the bringing back time after time of the same ones, or very similar ones. We can see this in the forthcoming debate the sitting after next, which I believe already has 7 totally independent amendments. Any change to the democratic rights of the individual is significant and will be of relevance to all Islanders. This is confirmed by a MORI poll outlined in my report conducted by the former Corporate Services Scrutiny Panel back in 2017. I have no reason to believe that it would be any different now. It would therefore not be satisfactory at all for a proposition to be passed perhaps after just 4 weeks or an amendment on 2 weeks’ notice by a simple majority or perhaps by a single vote. As such an outcome would surely deepen the low regard in which this Assembly is held when it comes to matters of reform. Because, with a simple majority on such matters, it is highly likely the result would not be representative or reflective of the electorate’s views. Removing the Island-wide mandate or the office of Connétable would be 2 prime examples, yet a forthcoming proposition seeks to do that. Just in relation to the Island-wide mandate. I refer to the process followed by the U.K. in relation to the public referendum Brexit vote, which was won by a thin majority, and then ask us to reflect upon the impact such a process can have on such a monumental decision. One thing that must also be made very clear is that these are matters of substance and of great importance for current and future generations. The decisions we make

today in this Assembly will alter the democratic rights of all individuals and will dictate how Islanders are democratically represented and governed long after the current membership has moved on. I believe that a far more considered and consensual approach is essential to ensure that we introduce the changes in the very best long-term interests of our Island. As the Constable of St. Martin said in the previous debate, any constitutional change to the Island must be delivered with the maximum competence of this Assembly. The proposition, if approved, will force Members to work harder in a more considered and collaborative manner. It will force Members to work together to search for solutions thought necessary to ensure that we maintain a modern, well-respected, secure and stable democracy. Look what happens when we do work together to find common ground. There are some good examples of that but I will use the same example that I used last time and that is the example of P.18/2019, the Draft Commissioner for Children and Young People (Jersey) Law. That was a good example of this Assembly working together. When there was a difference of opinion between the Minister, the Government, the Assembly and Scrutiny, what happened? Everybody got together and they came up with a compromise, a good compromise. It enabled progress. When that does happen we normally get those propositions through unanimously. Would that not be good? Would that not be a really good outcome for us all to work together collectively on a proposition to reform our Assembly? None of us might think it is a perfect plan. Most of us would have had to give ground on certain aspects but we would be able to move forward. Would that not be an achievement? Reform is something that has to be evolutionary, it is not something we can do year by year and chop and change on the whim of a Member or a group of Members who think they have a chance of edging something through. These things have to be based on maintaining our stability. At this time of significant challenge, external threats and uncertainty, it is more important than ever to maintain that stability. Simply put, it is time to put these interests of all Islanders and future generations before our own personal interests and our own political agendas. To that end, I respectfully ask Members to support the proposition and I look forward to an interesting debate.

The Bailiff:

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

8.2 Senator S.Y. Mézec:

The Senator started his speech by referring to this as a carbon copy of his previous proposition. In the interests of reaching our targets from carbon neutrality perhaps he may not have brought this proposition forward a second time because I do not think the arguments have changed at all since last time. What he has put forward to the Assembly, in his remarks just now, I am sorry to say is just so flawed on every single level. He has described this as something that, rather than prevent change, will encourage change. Could that be any more ridiculous? It quite clearly will achieve the opposite of what he says it will because it gives veto power to the minority. In a democracy, how can that possibly be right to be in a situation where we can have a very clear majority of States Members, perhaps even 31 States Members, who are united in the way forward, for them to then be vetoed by the minority of Members who may be completely divided in their reasons for opposing change and who may themselves have no ability to be part of a wider consensus for positive change. That is clearly undemocratic and it is clearly wrong. He said that, under the current system, there is no incentive to work to find consensus. There clearly is an incentive, it is the incentive of victory, which so far nobody has been able to meaningfully achieve beforehand. It is the case in the last term of office that I served on a subcommittee with P.P.C. that had a very politically-diverse membership. If I recall correctly it was myself, the Constable of St. Lawrence, the Constable of St. Clement and Senator Ozouf, who formed a committee and engaged with States Members very significantly. We held lots of workshops. We did electronic voting with secret ballots to find out where those potential points of compromise might be and how we might be able to cobble something together that could command a majority to get through. That exercise completely failed because it turned out that a

compromise to keep everyone happy ended up leaving nobody happy. That was the precise exercise that Senator Farnham says he is trying to encourage and acts as if that has never been tried before when it has been tried before and it failed. But what I would say is the method now for achieving some sort of change is through the continuation of the work of the Privileges and Procedures Committee who, earlier this year, put forward a proposal for electoral reform on the basis of the election observers report and recommendations about trying to improve voter equity in our electoral system to ensure that our elections are fairer than they currently are under the current system. They did lots of engagement. They went and did their parish roadshows. They did focus groups. They did the whole lot, came up with a proposal, which as far as I am concerned was a very good proposal. I liked it very much. I was happy to vote for it. It achieved 20 votes in the Assembly, which is, I would think, one of the best results for a proposition of that nature that the Assembly has ever had. It failed. That was not because Deputy Labey was not trying hard enough to bring people along with him. Quite the opposite, he worked very, very hard on that proposition. It was not because he had adopted a flawed strategy. It was quite clearly right that his subcommittee did the work they did on that. The proposition they came up with was good. I think the reason that it failed, if we go back to the contributions to that debate, was because what they came up with did not include the Constables as automatic full Members of the States Assembly in it. For lots of Members, not just the Constables themselves, but some Deputies and Senators as well, that was too much of a sticking point for them and they felt that they did not want a system that did not include the direct parish representation that the Constables provide. I am somebody who does not agree with that. However, in the name of progress, I am prepared to compromise. I know that there are other Members of this Assembly who are also prepared to compromise, who do not share the view that was expressed by many of those States Members that the presence of the Constables in the Assembly is a deal-breaker. We do not agree with that. But, having been through that exercise led by P.P.C., we have now reached a point of saying: "Okay, fair enough, we will compromise on that point, work with those who disagreed with us last time, and say, okay, we will move forward on that basis in the name of getting some positive change, better voter equity, and hopefully a cleaner election process that more resembles what a process should look like in a 21st century democracy." There are obviously other amendments on the table coming up for that debate, some of which I like, some of which I do not like. I do not have any confidence that any of those amendments would get approved. Not least because none of those amendments, to create the unique systems that they do create, have been through any of the processes that Senator Farnham says he is trying to encourage with his proposal about engagement, about consultation, about bringing people with you. Not least of all Senator Farnham's amendment. He has himself brought forward an amendment and I am not aware of him undertaking any sort of consultation on it. He has certainly not approached me and my party and we come with 5 votes on that. You would have thought that sort of engagement with different blocks in the Assembly, whether that is the Council of Ministers block, the Constables' block or St. Helier block, whatever, would be something that you would think he would do given the argument that he has just made. But he has not done it. So you have to question whether he has really thought this through properly. I do not think he has. The other thing that underpins this idea that for such key decisions there ought to be a supermajority, on the basis that it is a constitutional issue, I am sorry to break it to the Senator but he does not know what that word means if that is how he is seeking to apply it. The composition of the Assembly is what we are talking about; not the constitution of the States. The constitution is about what powers we have, what privileges we have, and what our role in the governance of the Island is. It is not about the makeup of the individuals who sit in the Assembly. That is an issue of composition, not an issue of the constitution. A changed composition, a better composition that reflects Island opinion out there, will not change whatsoever the powers of this Assembly. So it is not a constitutional issue.

[16:15]

But if you were to say that there needs to be some greater input into this specific issue of the composition of the Assembly, the greatest input you can have is to have a public referendum, which we had in 2013, and I was on the losing side. So was Senator Farnham. When that result came to the Assembly for ratification it failed. Even though it required a simple majority rather than a supermajority, it still failed even though it went through that process of going through the expensive process of having a public referendum, engaging with people, asking what they thought, and then got told: "Tough luck, we do not care what you think." That damaged politics in the Island for many people, certainly when I have spoken on the doorstep, they still remember that and use it as a reason for not wanting to engage with politics further. So I would say that the ambitions that the Senator has outlined in making this proposition can quite clearly be demonstrated to not be accurate. Just by applying a little bit of logic, this does not make improving our electoral system easier. It makes it harder. It does not encourage us to compromise more because we are already trying to compromise to get something that can command a majority. What it does is that it gives the power of veto to a divided minority over a united majority. That cannot be democratic. I would say to Assembly Members, looking on to the big debate we are going to have on electoral reform, the debates on the amendments will be messy. I will have ones that I will like, other Members will like completely different ones to me potentially. But when it gets down to it we have a proposition before us, which is to respect the view of the majority of States Members that the Constables ought to remain in the Assembly - a view that is probably the majority out there in the public as well, even though it is not my view - to implement a system that resembles very closely the one that succeeded in the 2013 referendum, I really do not think we can do any more than that. We will simply end up going round and round in circles for ever more with nobody being pleased and us continuing on with a broken electoral system. When instead we have an opportunity to grasp change, improve our system, respect the view of the majority that was observed in the last debate, move forward and get this issue done and dusted so we can focus on the more important issues for the Island. Senator Farnham's proposition does nothing to help that. It only hinders it. I hope that the Assembly will do what it did last time around, which was to reject this and instead aim to have a more constructive debate on electoral reform. Rather than having a very, very bitter majority thwarted by a divided minority, which will I think make the atmosphere in this Assembly even more negative on this issue than it is. So I ask Members to reject Senator Farnham's proposition.

8.3 The Connétable of St. John:

I congratulate Senator Farnham on bringing this proposition. Jersey prides itself on its stability. It is important that this stability is retained. By going for a simple majority, then unfortunately we will yoyo from side to side. It is important that one has a two-thirds majority as is being proposed because that way it means that one has been able to work with the majority, a significant majority, and through consensus come to an opinion or a proposition, a change, that everyone, or at least a substantial majority, can sign up to. That is important. If it is a simple majority, it will keep yoyoing from one way to the other. We have already debated this topic for some 20 years and not really come forward with anything different. It has been a different set of figures put together in a different way with a similar outcome. I urge Members to support this because it is in the Island's interest to maintain stability and, to ensure that, we need a two-thirds majority. When you look at the list of countries that have supermajorities, it is clear that those are countries that are stable. They are countries with a good reputation. It is therefore reasonable that we should aspire to the standards of those countries. I urge Members to support this proposition.

8.4 Deputy S.M. Wickenden:

I will just pick up on the point of a previous speaker about the examples that were given. Let us be fair, our Assembly is very different to all of the examples given there because we do not have oppositional party politics where a two-third majority works in a completely different political arena than what we are talking about for our Jersey. Let us be clear, this is not a two-thirds majority. This,

within the proposal, sets out a figure of 32. We know, and I am looking through the votes today, that we have people that can be *malade*, they can be on States business, they can be away for funerals, so we might, in any given time, not have everyone voting, all 49 Members voting, in this Assembly. You still need to reach the magical figure of 32. In the votes today we have had an average of about 40 people voting, which means that somewhere between 9 and 12 people would have the control in any given debate like this to veto and stop something from happening. So you are giving stronger power to the minority as Senator Mézec talked about. But because there is the 32, it does not talk about two-thirds, it talks about a specific figure. That specific figure, depending on who is in the Assembly at the time, gives an even smaller minority the stronger power to deny something from happening. Senator Farnham talked in his opening speech and he spoke very well about there have been 50 attempts to change since Clothier and only about 2 of them have got through. So why is this necessary? Where is it, where over 50 attempts in 20 years, or whenever it was when Clothier was, have failed with just a simple majority, that this requirement for a supermajority is necessary? Because clearly change is not easy in any way, shape or form. I say to every Member, certainly the Members of the Council of Ministers, be careful what you wish for. Because, as soon as we start implementing a supermajority on the basis that changing the composition of the States is so important to Island life, I say let us start talking about other areas where Island life and the people of this Island might want to say: "You need to prove a little bit harder." Should we have a two-third majority on the Public Finances Law, the Government Plan, the Common Strategic Policy, the States of Jersey Law? If we change anything in those do we suddenly say that these are so important to Islanders, because they change the way they are taxed, they change the way the public finances are spent and used, and the way that they run their lives. The Island Plan, we will be talking about the Island Plan, should the Island Plan ... which changes categorisations and policy on the very fundamentals of how our Island will look and feel and where the green zones are and the built-up areas. Suddenly we have this supermajority idea. Do we put a supermajority in there? This is a very, very dangerous proposition to start throwing in because, as soon as you start talking about this level, you can start saying: "Maybe there should be a higher test on other aspects of what we discuss within the Assembly." This is not a two-thirds majority, it gives a minority, and that could be anything from 3 or 4 people up to 17, the ability to stop things from happening. It does not give the power for collaboration in that manner. It is a very dangerous thing to talk about. We have a different Assembly to the examples that were given. This should be thrown out and voted against.

8.5 Deputy R. Labey:

I like Senator Farnham a great deal. He is a very kind man. He is a very charming man. He is a very charismatic man. He is also plausible. But I am afraid his proposition is full of holes. Senator Farnham is inventing a constitutional category that does not exist. He confuses constitution in the American sense, a national conscience, "we the people", *et cetera*, with constitution meaning how things are assembled. Changes to the electoral system of the type before us in 2 weeks have never been referred to as changes to the constitution. Clothier did not refer to the constitution and those changes, which are far bigger than any upcoming proposed changes that P.P.C. is bringing forward, were introduced without a referendum or the necessity of a supermajority. The Electoral Reform Commission never mentioned the Island's constitution. P.P.C. is proposing a change to the composition of the States and an adjustment of constituency boundaries. There has already been a referendum that confirmed popular support for this. The Senator will seek any argument to try to defeat reform with which he does not agree. On stability, accepting that the requirement of stability trumps all else means we would never accept change. What if the 32 votes for change were forthcoming? Presumably, stability would then be threatened. Preserving stability would then require another rule change, perhaps a 75 per cent or 80 per cent majority. What kind of democratically stable system is built on the foundation of awarding some voters with a vote of greater weight and power than others? We know our system fails on voter equity and voter equality. Is it stable, sensible, fair, to maintain this by putting barriers in the way that might bring remedy? How

many different ways can the States find to avoid meaningful electoral reform? Set up an Electoral Commission, have a referendum, then ignore the results. Ask P.P.C. to go away and come up with electoral reform? Reject their proposals. P.P.C. comes up with a different set of proposals. Change the rules to require a supermajority. The proposition says that it is motivated by the desire to encourage change by forcing Members to work together. It does the opposite. It makes change less likely, as the Senator very well knows, as we all know and as the people of the Island certainly know. Why was this proposition brought at this particular moment? To stop the latest proposal. Was it to encourage change? No, it was brought to prevent something, which the proposer does not like, with the aim of either stopping change altogether or promoting a change, which he finds more amenable. His very first precedent is the U.K., which does not have a supermajority for constitutional change, because it is unique and has an uncodified constitution. Jersey is also unique. The U.S.A. (United States of America) is a ridiculous comparison. A federal country of 250 million plus people in 52 states where a major consideration is ensuring that the federal government does not overpower the individual states. Blocking power is retained by the individual states through their equal membership of the Senate with the additional safeguard of a two-thirds majority. The idea that this is relevant to Jersey, whose population would fit into a small suburb of a single city, is utterly bizarre. Belgium is a similarly ridiculous comparison. Again, the country is federal and the constitution of Belgium is organised around the need to balance powers between the 2 different communities, the Walloon region and the Flemish region. The aim is to ensure that the balance of power cannot be easily altered. No relevance to Jersey at all.

[16:30]

Germany, the changes that are referred to as requiring a two-thirds majority in Germany relate to international treaties. We all know which unfortunate offensive led to those being drawn up. There are particular reasons why different countries have different requirements. It would equally have been possible to pick a list of countries that did not require supermajorities and/or referenda. As I say, we all like the Senator, but this is a game he is playing and it is an unfair one. He talks of the interests of all Islanders just now in his opening speech. What of the interests of those Islanders who bothered to vote in the last referendum, 80 per cent of whom voted for change? The Senator is plausible and likeable but please, Members, do not be taken in by this personal crusade to stop any change. It is unreasonable. It is unfair. Achieving 25 is hard enough. It is tough. It is why we have had no change for 20 years since Clothier; the 20th anniversary of Clothier next month. Please, I implore you, let us have a debate on the arguments of the change proposed, not on barriers to prevent any change.

8.6 Deputy M. Tadier:

If having more Members needed to vote for something in order to make it more likely to happen, then I am not sure why we do not just ask for 49 to be the magic number. Maybe the supermajority should be that 100 per cent of the States Assembly at any given time should decide on any, I am paraphrasing, constitutional change. Of course, as Senator Mézec has already pointed out, this is not about the constitution. That is the first myth that we are being pedalled. This is not a constitutional matter. It is a compositional matter. As far as stability is concerned, was it not so much more stable when the Assembly was entirely run by the Rectors, the Jurats and the Constables? Or before that when it was purely feudal. Because, since then, we have just been yoyoing, have we not? We have been yoyoing between an Assembly which is made up entirely of Senators. We have been yoyoing between an Assembly which is made up entirely of Deputies elected in super-constituencies. We have been yoyoing back and forward again between an Assembly which is being made up of one type of States Member elected in small parochial districts under the Clothier model. Because we just decide change so often. It is like we decide to change the composition of the States so often it is like changing our socks. So maybe we do need a supermajority to make sure that we do not yoyo back and forward between all these changes that we cannot help but agree every term. But of course that

is not the case, is it, because Clothier has been on the table for 20 years this year in December and we cannot even get a simple majority to agree to any reform, let alone this new ambitious target of 32 or two-thirds. I would question why stability is seen as this holy grail. Because there are lots of places in the world, which you could call stable, either now or in the past. I am sure that Mussolini's Italy was a stable regime. I am sure that Stalin's Russia was also a very stable regime. I think that Hitler's Germany was probably very stable. It would also have been very difficult to change that constitution. You would have at least needed a two-thirds majority to change the regime under any of those 3 dictators. The point being is that stability and democracy are not synonymous. It is okay for the public to be able to choose stability if they want to, but democracy also entails necessarily the ability to change and to kick out a government. If you cannot kick out a government then you do not really have a democratic system. There are lots of examples of stable governments and stable regimes, which are perhaps not democratic. So I discount entirely the comments of the Constable of St. John. But, of course, if we are to take Senator Farnham at his word and say that this is being done to make change more likely, let us just entertain that idea and think that maybe for one moment it is true and factual the Constable of St. John should not be supporting this because this is going to make change more likely to happen. The Constable of St. John does not want change to happen because he favours stability. So, if he is in favour of the status quo then he should presumably be voting against this, because this makes change more likely. I will leave it there.

8.7 Deputy L.B.E. Ash:

What with hospitals and fiscal plans, I have had very little time to prepare for this debate, so I am quite literally speechless. I could use the speech I had prepared for the hospital debate. I am sure many Members would feel the same. But it is perhaps apt to be speechless because I think every Member should be. We are about to enter into a debate, perhaps more accurately a series of debates, on how we improve democracy on the Island. Yet someone is bringing a proposition to make the Assembly less democratic. I would ask the Senator - who, like Deputy Labey, I am full of admiration for him - I would ask him this ... we had 2 massive debates in the last week for the fate of the Island. We had a vote of no confidence, which was basically an attempt to bring down the Government. We had a hospital debate, which was basically about do we spend £550 million. Were they decided on a two-thirds majority, 2 enormous decisions that the Island took? No, they were not. They were straightforward majority, as it should have been. Would the Senator have wished it to have been any different? Where do we stop on this if we are talking about democratic change? Should we bring in that only Jersey-born Members should vote perhaps? It could be quite a fine game, could it not? Should we have only those with degrees perhaps or only those with A-Levels? Maybe, to make it really ideal, only those who wish to oppose electoral change. In closing, this is at best Trumpesque and at worst an attempt to foil the democratic change on the Island. I will leave it at that.

8.8 Deputy G.C. Guida:

I think there is a small misunderstanding about the effect of the two-third majority. This is a safety issue. If I take an historical parallel, all you need is for 6 bishops to be accidentally locked in a cellar for a minority to take control of the Assembly for ever, because that is what electoral reform can do. We assume that it is a nice thing, that it will always be completely neutral and give more power to the people but it can be skewed extremely easily. We have all talked about gerrymandering and it is very easily done. So a malicious number of people, the minority, might secure power for itself for ever by being able to vote in a change in the electoral system. The supermajority in most countries is there to prevent that from happening. If you want to change the electoral system, most people, the vast majority of the Assembly, needs to agree, not just a small minority. The 6 bishops parallel is quite interesting in this particular period because we have seen how easy it was for people to be sent to the wrong channel. We have probably had that vote only 2 days ago, changed outcome because some people were not voting in the right place. If it is the composition of the Assembly, how it is elected, that changes because of this small accident, it could be catastrophic. Again, I do not think it

will happen to this Assembly, which is very fairly represented but you just need a small minority of malicious people using the right time to take control for ever. That is what the supermajority is about. I think we should really vote for this particular proposition.

8.9 Deputy J.A. Martin:

My blood was getting more and more boiling as I was listening to Deputy Guida speak. Suddenly we have become a House that we have to change this supermajority to make sure we have 32 people to not have change instead of the 25, which is more than normal anyway. Why is that? Because we are all lurking around to do dastardly things to the Island. No, 20 years, and I have not always voted, sometimes I have voted for this and that. The last few times over the last couple of States, 3 or 4 years ... the more you stand and you knock on doors, after 7 elections, the people are fed up. What about the people? What about what Clothier said? What about the Electoral Service said last time, we are not doing things very well. We do not have a great democracy here. Because we know the outcomes. What has happened? Did Deputy Labey, the Chair of P.P.C., get too near last time? Did he get 4 away from the 25, or was it 3? So suddenly the people who do not vote for this are the ones that are in the wrong. But the people who do suddenly thought: "Oh, are we getting too close? We might have the change that we should have done ... that we did to our Government." We took the one-half of Clothier that I would have not preferred to have and we did not do anything except for a one-day election and a few tiny, tiny other things, and reduced to 49 Members when the workload has increased more and more. I know people who have never done the job before think we exaggerate too much, but we do not. Senator Farnham, he knows, I have lots of respect for him. It does make me laugh on how you get different people on different debates and people who would not speak with me and I would not vote with normally, I will speak with and I will vote with today. Senator Farnham's speech was word for word near enough what he said last time. I do not know how my memory was so bad, I thought he was not near. Deputy Russell Labey reminded me that I think he was 2 or 3 votes to nearly get the supermajority of 32. People out there are watching and they have been saying it now and so are outsiders saying it. Since the original proposition was relodged by P.P.C., we have had some amendments. I was waiting for this one. I was also waiting for the referendum in the next election. So, again, no change for at least another 6 years. I will not vote for any of the amendments to the amendments and I certainly will not vote for this. Do you think the public are silly? Does the Senator think the public are silly? I absolutely know the Senator supports the Island-wide vote. Well go the other way then, do a Guernsey, but do not think that you are saying that it is dangerous to change things. We have done it for 25 votes, which is not a normal majority, and now we want to move it to 32 because suddenly change is getting a bit nearer but it is not the change you want. Do not think of you. Stop thinking of you, stop thinking of us, think about the people who have put you there for once.

[16:45]

The Bailiff:

Deputy Martin, you have used the expression "you" a number of times. I treated it the first time as a style of speech, but it does appear that it is now directed at the mover of the proposition. If you could speak through the Chair, please.

Deputy J.A. Martin:

Yes, sorry. I do not normally do that because I am normally looking straight at you and I talk to you, through you. I am so sorry I did that. I have tried to make my point. I really do not think that the people that we are supposed to be representing really can do with any more shenanigans and games. This cannot be supported. It is so obvious what people are trying to do. If people vote for it, they will be discovered. I really will leave it there. Do not vote for this. Absolutely, just because change is a few votes away, put it another 6 votes outside.

8.10 Deputy I. Gardiner:

I am pleased to follow the previous speaker. As with Senator Farnham, when we worked together for Economic Development, we agreed on lots of things. He does amazing work as the Minister for Economic Development, Tourism, Sport and Culture and I admire him for this. We had several very interesting and challenging conversations. As for this proposition, I cannot see how it can work for collaborative work when P.P.C. lodged a compromise proposition to make our democracy fairer. The Senator lodged a counterproposition to block it by insisting upon a supermajority of our Assembly to make any adjustment to our democracy. My interpretation, this is the attempt to pervert our democratic process in order to rob the majority of the ability to become the majority. The perversion of the democratic process is called a minoritarianism. It is the process, it does exist in political science, in which the minority is able to block legislative changes using supermajority threshold requirements. Historical examples of minoritarianism include Rhodesia, which is now called Zimbabwe under Ian Smith, and South Africa under apartheid rule. I would like to quote Alice Sturgis from a quote that was used at the Standard Code of Parliamentary Procedure: "Some people have mistakenly assumed that the higher the vote required to take an action, the greater the protection of the members. Instead the opposite is true. Whenever a vote of more than a majority is required to take an action, control is taken from the majority and given to the minority. The higher the vote required, the smaller the minority to which control passes." This is the quote, as I said, from Standard Code of Parliamentary Procedure. As the previous speaker said, in our case, as the Senator proposes, we give the minority control in the shape of a veto power to prevent any changes to our democracy. The power to prevent fairer democratic constituencies being created. Putting supermajority requirement into already unrepresentative Assembly is a political move intentionally recognised, internationally recognises, as extremely undemocratic. This proposal claims to be in the interests of all Islanders. Let us be clear. The opposite is correct. It gives 4 or 5 country parishes with one Deputy and one Constable, plus 4 Senators, to support minority Government and the power to stop the rest of Jersey ever changing the system to get equal representation to appoint a majority Government. I read 7 pages of justification and long reference in the Senator's report to the proposition of other democracies. I literally cannot believe that the Senator does not know what he is doing. It is blocking the possible change. I do not think that anybody thinks that it is allowing change because we cannot do change for the last 20 years. This proposition for me is solely in the interests of 25 per cent of the population who most benefit from our broken democracy. We can work together without blocking the majority and I ask Members to reject this proposition.

8.11 The Deputy of St. Martin:

I just want to make a 3 very quick points if I may. I quite agree, 25/24 is no way to make progress if you want to carry a majority of people with you but the current system the Senator spoke about has not been ping-ponging and yoyoing backwards and forwards over the years. We do need to make some change. We do need to do better for our Island and make things more equitable. This proposition is not going to allow us to do that. I fall back to the very quick summary I did when I first read this a while ago. That is that we will never change if we accept this and I urge Members to not accept it.

8.12 The Deputy of St. Peter:

I am really torn by this because it is quite clear that our electoral situation at the moment is yesterday. We do need to adapt that for so many reasons that have been articulated in this Assembly over the previous years. I have a very deep concern. I do not want to go into the amendments and the proposition that we will be debating in 2 weeks' time, but my concern is that the main proposition is effectively a hybrid of the original proposition, which, to the absolute credit of P.P.C., was very, very well researched and brought to the Assembly. It did not go through. Nobody can fault the effort and the due diligence that went behind that proposition. This one is a hybrid of that. It is a compromise of that. We then have another situation where we have 6 amendments, which are effectively the

individual ideas of 6 Members, researched to a greater or lesser degree, we will find out in 2 weeks' time. What worries me is that we are going to have a bunfight and what we are going to have ... and I will have a little lottery with the Assembly, to find out how many times you are asked: "What are we voting on now? Where are we now? Which one is it we are debating?" because it is going to be very, very confusing. That confusion, I am afraid, will lead to possibly not necessarily the best outcome that this Island deserves. So that is where I am torn. Do I vote against this in order to support change or do I support Senator Farnham in order to make that decision harder for the Assembly to unite on, come together on and ensure that, whatever that outcome is, is a better outcome for the Island? So, in summary, that is where I am torn. I fear that if I vote for it will be tactical for the next 2 weeks, which I do not want to see because I think in the long term we need to have more adaptable electoral reform. Or do I vote in order to help something through potentially that might be an inadequate, not well researched, outcome?

8.13 Senator J.A.N. Le Fondré:

There have been some interesting speeches today and it will come as no surprise that I will be supporting Senator Farnham on this. But let us just go right back to basics on this. As far as I am concerned, as a starting point, anything that changes the public's ability to elect people to the Assembly who will determine their fates and the fates of the Island is incredibly important and is therefore, as far as I am concerned, a constitutional matter. That is why Standing Order 89A exists in the first place. The reason it was there is the late Senator Mike Vibert, which is very much my early days when I first started, who suddenly realised that this very important matter could have been decided with the States being quorate, at that time I think at 26, and 14 people voting on it. That is why the original thing of having an absolute majority came through. There are 2 other aspects, because comment has also been made to the referendum, the (a) (b) (c), and the fact it did cause disquiet among the public. But equally there was the issue that the public themselves, it was less than a 30 per cent turnout, so while we are talking about: "What about the 80 per cent who voted for change?" What about the 70 per cent of the entire electorate who did not vote at all? You can say: "That is tough. That was their chance" but also that gives an indication that you can interpret one of 2 ways. They were so enthused about it that they just thought it was going to go through whatever happened. Or perhaps they did not like any of the options, which is what the feedback was that I had. So the comments around the referendum are relevant. Equally a significant number of people did not vote in that referendum. The very clear guidelines from whichever commission it is, I think it is the Venice one, do suggest that on referenda there should be a very clear yes/no vote. It should not be a multichoice option. Although that is slightly off the point, it does address some of the comments that were raised. When we are dealing with how people elect their political representatives, we are dealing with the fundamental roots of democracy, and that is why this is important. I noticed that Deputy Labey, for example, ignored France, which is also a three-fifths majority according to the proposition, and Poland and I believe Japan. These are not small countries. They are not banana republics. They are sensible long-standing democracies and they recognise that constitutional changes are such a fundamental matter, of such a fundamental right to the population, that that is why they have the principles of a supermajority in place. Just to reiterate, I will repeat a little bit of what I said the last time we had this debate, being one of the very few people who has achieved change in my time in this Assembly. It was my fault, I still hold my hand up on that, that we came to a general election day. Unfortunately, the loss of 4 Senators at that point also came in. The public did not have a voice on that. That was the decision of the Assembly of the day. As I said at the time, and I still state to this day, boy did I get it in the neck many, many times, from many parishioners of the day, for the fact that we had taken away 4 Senators and 4 of the most democratic positions that this Island has. So, whatever happens going forward, the right of the public to determine this through a referendum must be upheld. That is something separate. But it is also recognising that if, in my view, one could get a very, very clear decision from the Assembly, not a 24/25 split, but a 35 votes

or more for the change that goes to referendum, then one has a very realistic chance of achieving whatever the change the Assembly has agreed.

[17:00]

To just pick up on some points that have been made by other Members as well, and it has been about the tyranny of the minority I believe, is sometimes the expression. There is also a phrase, a tyranny of the majority, and that is why, for example, as I have understood it, in companies, when you change the constitution, which is the Memorandum and Articles, it is usually a special resolution of the members; it is a 75 per cent majority. That is there as well to protect the rights of the minority. In so many parts of our legislation we protect the rights of the minority. Yet on something where we are changing the biggest right of anybody, which is about how they vote for people to represent them in the Assembly, we saying that is not important. For me, putting those safeguards in place, such as Senator Farnham has alluded to, such as some of the biggest democracies on the planet have in place, why should it not be good enough for our Islanders? Because it is also about protecting the underlying grassroots of the electorate. I will express a reservation generally, in particular around timing on any of this, which is that in the middle of a pandemic with numbers changing, when we are bringing greater restrictions in place, when people are very much focused on their economic recovery, on their economic future and whether they will have a job in 12 months' time, I rather suspect that election reform as a whole is not at the forefront of their minds. Which also reinforces the need for us as an Assembly to be very clear as to the majority that is required to put something through. Again, if we vote to get rid of all the Senators, which I think is one of the propositions, in 2 weeks' time - which I think the public are not aware of - if that was to go through on a 24/25 vote, I think from a democratic point of view and a standing point of view, we in this Assembly would be held in far less esteem than even we are regarded now. I do agree that what this would do would be to force Assembly Members ... which is what I hope we could achieve, except for this minor interlude of a global pandemic which has caused delays, during the summer months. But if this does force Members to work together, they are to bring something forward that has a pretty good chance of going through, then that would be a better outcome. But for me, in wrapping up, it is when you are dealing with a constitutional change, when you are dealing with the ability and the rights, the existing rights of Islanders, as to how they vote us into this Assembly, we have to have proper safeguards in place before we start changing them. For me that includes making sure we give a very clear view here and that you engage with the public outside. I am sure some of those arguments will come again next time around, but at that point I will be supporting Senator Farnham and I do commend him for bringing this proposition again to the Assembly.

The Bailiff:

Chief Minister, a point of clarification has been raised. Will you take a point of clarification?

Senator J.A.N. Le Fondré:

I have said all I can say and what I have quoted is from the proposition. I am sure somebody else can address it at some future point.

The Bailiff:

Very well, Chief Minister, you do not wish to give way for a point of clarification?

Senator J.A.N. Le Fondré:

No, I do not think so.

The Bailiff:

The only basis on which such a point can be raised. Now we move on to the next speaker. Deputy Southern.

8.14 Deputy G.P. Southern:

I believe the Chief Minister's refusal to give way for a point of clarification demonstrates I am afraid his lack of understanding of what a democracy should look like because that is a very poor decision on his behalf I believe. I have waited this long to speak because quite frankly I was so angry at the words of Senator Farnham earlier on I feared I might lapse into unparliamentary language. But now I have heard the Chief Minister, and especially his absence of understanding of proper democracy, instead of angry I am just feeling tired, sad. "Sad" is the word I think. Senator Farnham, I believe, I am so angry because I believe he is treating me and most of the Members in the room as fools. Because when he says: "I put this supermajority, this great big block in the way of any change, because I want to facilitate that change" that is quite frankly incredible that any human being should use that as logic in some way. It can only be that he thinks I am a fool that I would take that sort of line, that guff, lying down. It reminds me of the use of double-speak, of language that is not language, it is Winston Smith, is it not, receiving statements like: "War is peace. Stasis is progress. This is not a block; I am trying to encourage change." Here is one: "Help is hindrance." That is quite a nice one, is it not? No. The fact is that this is a straightforward opportunity taken by Senator Farnham to block any progress. It comes 20 years after Clothier. It comes 20 months after recommendations very like Clothier for us to improve our system and make it fairer from the Commonwealth. I am afraid the Senator is guilty of mythmaking. Just making things up. I am afraid the Senator is acting like a snake-oil salesman, suggesting that somehow, because of what he is saying, we can ...

The Bailiff:

Deputy Southern, I appreciate feelings are running high, but suggesting someone is acting as a snake-oil salesman, I think on anyone's analysis, would mean they were acting without a belief in the truth of what they were doing and were being dishonest. So perhaps you would change that expression.

Deputy G.P. Southern:

I am quite willing to change that expression. I said at the beginning I am in danger of becoming unparliamentary. However, I am sure that many snake-oil salesmen did believe in the efficacy of their product. They sincerely held it to be true. But nonetheless, I will withdraw "snake-oil" and salesman per se of all sorts of things. To try to sell me that putting this big block in the way makes it easier for us to reach some sort of change after all this time is quite frankly a nonsense and does not deserve to be aired in this Assembly.

The Bailiff:

Does any other Member wish to speak on the proposition? If no other Member wishes to speak on the proposition ... Deputy Ward.

8.15 Deputy R.J. Ward:

I just wanted to say a couple of things on this because so much has been said pointing out the real problems with this proposition. I will point to one thing, which is that we talk about having a supermajority to bring us together. What the Senator has done, he has brought us together in some ways because I find myself sat here agreeing with people perhaps I do not usually agree with and saying: "I agree with Deputy Wickenden and Deputy Martin." We have had our disagreements in the past but I think we are unified on this. This change does nothing for democracy. It is mistaken regards constitutional change, as has been pointed out so correctly. There were so many attempts to change our electoral system that this supermajority can in no way be seen as enabling. It is completely different. The point that was made about a minority of Members controlling change is so important for our democracy. We need to engage people on this Island in our democracy and convince them in some way that their vote matters and that their Member or representatives will have a say in change and in policy. This makes it less likely to happen and that is a very worrying thing. I will point to the issue regards a two-thirds majority. It was said: "Be careful what you wish for",

and I completely agree with that. Because what if we do ask for a two-thirds majority for all sorts of things that are in this Assembly? Nothing will ever get passed. Nothing will ever change. I will have to point out that the vote of no confidence would not have passed with a two-thirds majority in favour of the Chief Minister. So therefore we would have had significant change there. It would not have worked. It does not work. So I urge Members, if you are erring on what to do, please think carefully about the implications of this. This is not a threat to anybody to have a majority of one or 2 as long as the debate and the data and the detail is there when we talk these things through. Then we go back to our electorate and they decide whether we have made the right decision. That is where the democracy lies, at local level. We cannot have these vast majorities to try to make change. It is an obstacle to democratic change as a whole. So I urge Members to reject this proposition.

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

I was not going to speak and my speech might come as a surprise to some people. I know I was quoted in Senator Farnham's speech and I must say it was a good quote. However, I will be voting against this proposition on the grounds that it uses a minimum number of votes rather than a percentage or ratio. I would also like to address a couple of points. I believe that all the examples quoted this afternoon from both sides of the argument are null as their democracies rely on big parties and therefore are a different set of mechanics to deliver constitutional change. I just wanted to make that point. I think both sides, the countries they cited, they have large parties so they are null. I am for some kind of change. I do think that we have to be very careful and I was sitting on the fence. But, yes, I will be voting against this.

8.17 Deputy J.H. Young:

One could get really depressed with this debate. We are in desperate need of change. Only a few weeks ago I brought a proposition where nobody disagreed with me that there are real organisational and structural issues in the States. Why did that happen? It is because we went for a ministerial system that has absolutely transformed the way this Island works and our community is still not on board with it. So we do need solutions. There are only 2 ways to achieve change, one is by doing it through the existing system or, I hate to say it, the other is anarchy and the breakdown of society. Those are the only 2 ways that society has made a change. I get so depressed now because, for as long as I can remember, the States has been tinkering around and arguing with this and failing to find a way forward. Of course the reality would be, whatever we say, if we were to adopt this proposition then I do not believe there will be any chance of achieving any change, certainly for this Assembly, and probably thereafter. I find that really sad. We have to be prepared to look at change. So I keep asking myself, if the Senator wanted to make a change, we know very much that he is passionate about the Senatorial system, and I respect that. I stood for myself as a Senator once but, having done so, I think the whole situation with that decision, he is right, to reduce down the number of Senators made by a past State was absolutely a terrible mistake. If you want to do that, put a proposition back saying: "Put the 4 back." Or let us go the whole way, let us do Guernsey, let us have the whole Island on all-Island and be done with it. Those are the sort of propositions that I would have no problem with. I would sooner have that than a proposition on the table, which will effectively, I believe, fossilise what we now have with all its faults and shut the door to any change. I get really depressed about it. So there is no question about it, I will be honest, I am really astonished that the Chief Minister is with it, I really am. My vote is definitely against this proposition.

[17:15]

The Bailiff:

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

8.18 Senator L.J. Farnham:

Referring to Senator Mézec's contribution, and Senator Mézec is a politician with conviction and I always find listening to his speeches interesting and I do not always agree. But I do understand his rationale for his words and I am not surprised at what he says. He raised a point about consultation. I spoke about the importance of consultation, the importance of being forced to work together when we have to deal with these big issues. He referred to the lodging of my own amendment and the consultation on that. I have to admit to being guilty. The process and the system we work within, I simply did not have time to consult because the P.P.C.'s proposition came out of the blue, completely out of the blue, and I think, if I remember rightly, Deputy Labey was asked in a question if he would consider picking up where he left off with the formal lodging, some reform, and gave, if I remember, quite a noncommittal answer. But then within hours we had the proposition lodged. The Deputy can correct me. I will give way if I have that wrong but that is my understanding. So we were all taken by surprise and that is why I too did not have time - and I regret I did not have time - to consult on my proposition. But, if it is any help, it is the same proposition that I lodged in amendment to Deputy Andrew Lewis's attempt and at that time it was approved by the Assembly. The amendment I have lodged was approved by the Assembly, but the Deputy then went on to withdraw the proposition so everything fell by the wayside. It should not be easy to change the composition of this Assembly. It should not be easy to change the composition of any legislature or any parliament. It should be hard but it should be achievable. The sort of juxtaposition we have at the moment is it is neither of those because we are just not getting anywhere. For whatever very good reasons Members have stated in their speeches today, they have to admit that we are not getting anywhere. I like Deputy Labey too. I might even like him more than he likes me; I am not sure. I would not do anything to oppose reform that I do not agree with. This is not a game. It is not a game for any of us. I am trying to protect the Island from poor reform or hasty reform or unconsidered reform. That is what these supermajority positions try to do. They try to protect from poor or hasty or unthought-out decisions. Deputy Tadier, I agree, the Deputy talked about stability and democracy and in Jersey's case I think the 2 have gone hand in hand. We have enjoyed stability because of our democracy and we have enjoyed continued democracy because of the stability we have had. I do usually enjoy Deputy Ash's speeches but Trumpesque ... is that unparliamentary language or am I allowed to say that, it was what I think he referred to me as.

The Bailiff:

That is all right, Senator. I do not think the current President of the United States can be unparliamentary.

Senator L.J. Farnham:

It was Trumpesque, yes. I think we spoke about improving democracy and the proposition makes us less democratic. I just do not agree with that. We are talking about Islanders' representation in this Assembly. It is about the election of people who will make massive decisions. It is about electing the people who are going to make decisions on votes of confidence in Government and hospitals and massive expenditure. So I think that is really crucial because if we do not get the election of those people right, if we do not have a good representation in the Assembly, then the Assembly is not going to be making the right decisions. Deputy Guida, he really does understand the rationale behind the supermajority concept and I thought he explained that in quite a unique way. Hopefully Members would understand it in the particular example he used. Deputy Martin always frightens me when she gets like that. But I am not suggesting anyone is right or wrong on any of the suggestions that are coming forward. I believe the Deputy mentioned Guernsey. First Guernsey had all Deputies and now they have gone to all Senators, everybody on an Island-wide mandate. I firmly believe, for what it is worth, and I would never presume to interfere in our sister Isle's political system, but I firmly believe that in the not-too-distant future they will seek to find a blended solution of both, but only time will tell. I thank Deputy Gardiner for her kind words. I enjoy working with Deputy Gardiner and I understand from all the comments made today by all Members this is never personal. We

should never be personal. We can all disagree but we should never make it personal, so I thank her for her kind words, I have enjoyed working with her specifically on some economic issues she has challenged me on and of course more closely helping her to represent her constituents in the hospital situation. But we have talked about how the States needs to be more representative. I understand how we can do that in terms of voter equity and voter influence. But, for example, a proposition that removes the whole of the Island-wide mandate without seeking the approval or permission of the electorate is simply not democratic in my opinion. We always have wise words from the Deputy of St. Martin, although we do not always agree, as yesterday’s debate showed. As I have said, one might not agree but I will defend to the bitter end Members’ rights to say whatever they feel. The Deputy of St. Peter quite rightly highlighted the confusion that is reigning now. The confusion that is endemic of our current process of reform by referring to the forthcoming debate that looks like it could be a real collision of different views and once again we could end up agreeing nothing. I thank the Chief Minister for his contribution and he spoke about Islanders’ views on this and is reform right now a priority for Islanders? I think the answer is a resounding no. I think they want us to stop talking about ourselves and focus on what they deem to be more important things right now. I am sorry that I made Deputy Southern so angry and I know the feelings of frustration in debates. I certainly do not think the Deputy is a fool, quite the opposite, I have more respect for him than he might ever know. Deputy Ward pointed out that my proposition is creating some unusual bedfellows in the vote. I am sure it will. If my proposition does that, I am happy because, if it does that, then it proves that we can all work together to find a compromise moving forward. I thank the Constable of St. Martin for her clarification and understand the rationale for wanting a percentage. I did think about that but I thought it would be better to have a fixed vote, given Deputy Wickenden’s comments earlier on in the debate relating to the number of Members in attendance at a debate. I would think and I would hope that when we have the forthcoming debates on the reform of the composition of the Assembly, I would hope that all Members are present on such important issues. If I have missed anyone out, I apologise, I would like to thank them again. This is a really important proposition I feel. Reform is a big deal. It is never a done deal. It is a big deal. It is a big deal for a lot of people because this is going to impact on them and future generations of Islanders. Everybody is in agreement that we must listen to Islanders, to our constituents, to our parishioners, and that is what I appeal to Members to do today, especially minority groups in our communities. It is a struggle to reform the Assembly and it will continue to be a struggle. But the virtue, I say, lies in the struggle, not necessarily the prize. Members have said it has proved impossible to reform and if we adopt this proposition it is going to remain impossible. It is going to be impossible to bring any reform in the future. The difference between the impossible and the possible will lie in our determination. If this Assembly is determined to bring reform, then it will be determined to work together to deliver that reform, to achieve that reform in a way that the people of Jersey can accept and will want. It is our duty to work together, to listen to them, and to deliver what they want. As the Constable of St. Martin said, we must make those decisions with the maximum competence of this Assembly. That is it. Thank you to all who have spoken. It was an important debate and I think it has been a worthwhile debate, albeit a repeat. It is a conversation that I feel we have had to have again given the hugely important decisions we have to make in the very near future. So thank you to all and I would like to commend this proposition to the Assembly.

The Bailiff:

I ask the Greffier to place a voting link into the chat. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I close the voting. The proposition has been defeated: 12 votes *pour*, 30 votes *contre* in the link and one further vote recorded as *contre* in the chat.

POUR: 12		CONTRE: 30		ABSTAIN: 0
Senator L.J. Farnham		Senator I.J. Gorst		
Senator J.A.N. Le Fondré		Senator K.L. Moore		

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

The Greffier of the States:

Those Members who voted *pour* were Senator Le Fondré, Deputy Guida, Deputy Truscott, Senator Farnham, the Constable of St. Brelade, Deputy of St. Peter, Constable of St. Lawrence, Constable of St. Mary, Constable of St. John, Constable of Trinity, Constable of St. Ouen and the Deputy of Trinity.

The Bailiff:

The time has come where under Standing Orders I am required to ask the Assembly whether the Assembly wishes to adjourn or to continue overnight. There is one further item of public business, which appears that it may be a short item. I do not know what the proposer would say.

[17:30]

I have received a notice, as Members may have done by email, of at least 2 other Members who wish to suggest that business be taken at a different date and therefore ask the Assembly to consider that this evening. In the light of that, there are contrary views expressed in the chat. I think we must decide on a proposition. The adjournment has been proposed. If that is seconded then we can take a vote and a vote *pour* means we will adjourn, a vote *contre* means we will continue. **[Seconded]** Very well, it is seconded. Does any Member wish to speak? It is a straightforward matters, Members may feel that it is just a question of what people wish to do.

Senator L.J. Farnham:

I just wanted to say that in the next item I propose to deliver a speech. I do not think it will be very long so I am not anticipating a long debate.

The Bailiff:

Very well. Does any other Member wish to speak? I am not sure who proposed the adjournment but did they want to respond?

Deputy J.A. Martin:

Sorry, it would be helpful to know who proposed it because somebody seconds something and I do not now know. I know which way I am going to vote.

The Bailiff:

I think Deputy Southern proposed the adjournment. No, he seconded it.

Deputy J.A. Martin:

Yes, he seconded it.

The Bailiff:

I think it might have been the Deputy of Grouville. Can you confirm?

Deputy C.F. Labey of Grouville:

No, it was not me.

Deputy J.A. Martin:

I think Senator Moore says she did.

The Bailiff:

Senator Moore has taken responsibility. It was proposed, it was seconded. I think we can put a vote in the link. So a vote *pour* is a vote to adjourn until tomorrow morning. A vote *contre* is a vote to continue to conclude the business. Deputy of Grouville, you have indicated you would like to continue, then the correct vote for you will be a *contre* in this case.

The Deputy of Grouville:

Yes, thank you.

The Bailiff:

Could people turn their microphones off please unless they are making a contribution to the debate? Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. 8 votes *pour*, 30 votes *contre* in the link, and a further 3 votes *contre* in the chat. Therefore the States does not adjourn at this point and we continue.

POUR: 8		CONTRE: 32		ABSTAIN: 0
Senator K.L. Moore		Senator I.J. Gorst		
Connétable of Grouville		Senator L.J. Farnham		
Deputy M.R. Higgins (H)		Senator J.A.N. Le Fondré		
Deputy of St. Ouen		Senator S.W. Pallett		
Deputy L.M.C. Doublet (S)		Connétable of St. Helier		
Deputy L.B.E. Ash (C)		Connétable of St. Clement		
Deputy K.F. Morel (L)		Connétable of St. Lawrence		
Deputy M.R. Le Hegarat (H)		Connétable of St. Brelade		
		Connétable of Trinity		
		Connétable of St. Mary		
		Connétable of St. Martin		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy of Grouville		

		Deputy K.C. Lewis (S)		
		Deputy M. Tadier (B)		
		Deputy J.M. Maçon (S)		
		Deputy of St. Martin		
		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (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 Trinity		
		Deputy of St. John		
		Deputy S.M. Ahier (H)		
		Deputy R.J. Ward (H)		
		Deputy C.S. Alves (H)		
		Deputy K.G. Pamplin (S)		
		Deputy I. Gardiner (H)		

9. Draft Data Protection (Amendment of Law) (Jersey) Regulations 202- (P.121/2020)

The Bailiff:

The next item of public business, in fact the final item, is the Draft Data Protection (Amendment of Law) (Jersey) Regulations, P.121/2020, lodged by the Minister for Economic Development, Tourism, Sport and Culture. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Data Protection (Amendment of Law) (Jersey) Regulations 202-. The States make these Regulations under Article 1 of the Data Protection (Jersey) Law 2018.

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

The proposed regulations are very short. This proposed amendment will ensure that data can continue to flow freely between Jersey and the U.K. after Brexit. These regulations simply extend the arrangement the Assembly put in place last year to cover the Brexit transition period. We need to extend that again until we know the outcome of the negotiations surrounding the U.K.'s data adequacy status. This is important because the U.K. is Jersey's largest trading partner and in the course of normal business data is shared between Jersey and the U.K. operators, both in the business sphere and the public sector, for example, law enforcement and health. Jersey has had adequate country status for the data protection purposes since 2008. This means we have been able to freely exchange data with the European countries and other jurisdictions that meet the legal requirement. New legislation came into force in Jersey in May 2018 at the same time as the European Union introduced the G.D.P.R. (General Data Protection Regulations) and this ensured that our data protection regime offered the highest protection to Jersey data subjects and offered equivalent protection to the General Data Protection Regulations. This so allows a free flow of data to and from the European Union and other countries that have the necessary safeguards in place and are also deemed to be adequate by the European Union. Brexit does not affect our adequacy or our relationship with the E.U. but it does affect the U.K., which became a third country for data protection purposes and is not yet deemed adequate. Last year in preparation for the U.K. leaving the E.U., States Members agreed to put in place the necessary arrangements to treat the U.K. as if it were an adequate country during the transition period, specifically this was the amendment to the European Union United Kingdom Exit (Miscellaneous Amendments)(Jersey) Regulations 2019. This meant

that Jersey organisations could continue the free flow of data to the U.K. during the transitional period regardless of the E.U.'s position. This amendment had an end date of December 2020 as it was hoped and expected that the U.K.'s future data adequacy would be clearer by the end of 2020. There remains considerable uncertainty around the U.K.'s position and it is not clear if the U.K. will have obtained an adequacy decision by the end of December 2020. This amendment therefore aims to offer certainty to Jersey organisations by in effect extending the previous amendment by one year. It therefore replaces December 2020 with December 2021 and the status quo will be maintained for a further year. That is it. In conclusion, I would ask Members to support this short amendment, which simply changes the current date from December 2020 to December 2021.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? If no Member wishes to speak, I close the debate and ask the Greffier to put in the voting link for the vote. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted: 41 votes *pour*, no votes *contre*, no abstention in the link, an additional 2 votes *pour* in the chat.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator K.L. Moore				
Senator S.W. Pallett				
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 J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				

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

Deputy Morel, does your panel wish to call this matter in for scrutiny?

Deputy K.F. Morel (Chair, Economic and International Affairs Scrutiny Panel):

No, thank you.

The Bailiff:

How do you wish to deal with the matter in Second Reading, Minister?

9.2 Senator L.J. Farnham:

This is a straightforward amendment as proposed, which is the change to the dates and the citation and commencement.

The Bailiff:

Is the regulation seconded in Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? If no Member wishes to speak in Second Reading, I close the debate and ask the Greffier to post a link in the chat. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The Regulation has been adopted in Second Reading: 42 votes *pour*, no votes *contre*, no abstentions in the link and one vote *pour* in the chat and one in open in the Chamber.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator K.L. Moore				
Senator S.W. Pallett				
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 J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				

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

Do you propose the matter in Third Reading, Minister?

9.3 Senator L.J. Farnham:

Yes, I do.

The Bailiff:

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, I close the debate and ask the Greffier to post a voting link in the chat. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The regulations have been adopted in Third Reading: 44 votes *pour*, no votes *contre*, no abstentions in the link and one vote noted as a *pour* in the chat.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator K.L. Moore				
Senator S.W. Pallett				
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 J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				

Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy 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)				

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

Very well, that concludes public business and I invite the Chair of P.P.C. to propose the arrangements for public business for future meetings. However, Members will see from emails that 2 Members I believe wish to make propositions to bring forward a formal debate. The first we had notice of was the Minister for External Relations relating to one of your propositions, Minister.

10.1 Senator I.J. Gorst:

Yes. As I indicated to Members at the last sitting, I would like to ask that we take P.145 Draft Geographical Indications (Jersey) Regulations at the next States sitting. It is a recent requirement arising out of the completion of the transitional period and is Brexit-related. It cannot of course be taken on 14th December because that is a specially-requisitioned meeting to deal with the Government Plan. Therefore I make the case that it is in the public interest to take the debate at the next States sitting.

The Bailiff:

The next States sitting is a requisitioned sitting on Tuesday.

Senator I.J. Gorst:

My apologies. The sitting that begins on 1st December.

The Bailiff:

Is that proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If no Member wishes to speak then I ask the Greffier to post a link on that proposition into the chat. I ask the Greffier to open the voting and Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting.

[17:45]

The proposition has been adopted: 44 votes *pour*, no votes *contre*, no abstentions in the link and one vote *pour* indicated in the chat.

POUR: 45	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator K.L. Moore		
Senator S.W. Pallett		
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 J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy 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)		

I believe, Deputy of St. Ouen, you also have a proposition?

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

Yes, if I may. I would like to propose the reduced lodging period for P.157, the Draft COVID-19 (Gatherings) (Jersey) Regulations, and also P.158, the Draft COVID-19 (Workplace Restrictions Amendment) (Jersey) Regulations, and to have those regulations debated at the sitting convened for next Tuesday, 24th November. The reason that being in the public interest is that those will be essential regulations that will help the Island prevent and limit the spread of COVID. It provides better enforcement powers. It will enable us to have the debate on mask-wearing, which I believe should be held as soon as we can, and generally enhance our response to the pandemic. I do hope it can be supported by Members.

The Bailiff:

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

10.2.1 Deputy J.H. Perchard:

I was just wondering if the Minister could clarify for Members exactly what the consequences of not reducing that lodging period would be. Because I do understand the argument that it is in the public interest and that he has used the word “urgent” when we were emailed about it, but it is one thing saying that and it is another evidencing it. I would like some clarity on what the consequences are of not having that debate a week early.

10.2.2 Deputy M. Tadier:

Yes, to add to that, I was about to ask to speak and then the Minister did explain why it is in the public interest. I think that something COVID-related clearly is going to be in the public interest. So it is good that he said that. That does not mean, to answer Deputy Perchard, that we have to rubberstamp whatever is coming before the Assembly. There will be considerations to be made on both sides. I can think of little more that would be in the public interest than the current pandemic, which is ensuing and dominating our lives every night and every day. So I think it would be churlish for us to not let the Minister shorten the lodging period on this when we have just done it for something that arguably is less urgent.

10.2.3 Deputy J.H. Young:

I just wanted to say very much in support of the Minister, I just cannot visualise that we would put this off, given our situation with the COVID infection and all the advice we have had from our officers and just looking at the numbers. The choices, we have a week, and then if Members have issues we can debate them but please do not put this off. I support the Minister for a reduced lodging period.

10.2.4 The Connétable of St. Ouen:

I would also urge Members to support this. I have personal experience of how quickly this virus is spreading because I am now in self-isolation because some guy I know was diagnosed with the virus yesterday. If we are not taking it seriously up until now, we certainly need to start taking it seriously and put in place as quickly as possible as many protective measures as we possibly can.

The Bailiff:

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

The Deputy of St. Ouen:

Thank you, though I have seen in the chat 2 other speakers who wish to contribute.

The Bailiff:

I am afraid the Deputy of St. John is too late to speak because I had already closed the debate. I do not know, Deputy Gardiner, there is no facility for asking a question. You either ...

Deputy T. Pointon of St. John:

May I say you had not closed ...

The Bailiff:

I beg your pardon?

The Deputy of St. John:

You had not closed the debate when I ...

The Bailiff:

Sorry, you are saying that you pressed the button expressing a wish to speak and I had not at that point closed the debate?

The Deputy of St. John:

That is the case.

Deputy I. Gardiner:

I would also like to speak but my speech is basically a question. This is what I tried to type in with a lot of mistakes as you see, because you were closing the debate.

The Bailiff:

If I permit the Deputy of St. John to speak, then the debate is not yet closed. I do permit the Deputy of St. John to speak. Obviously, we take Members entirely at their word when they say that they pressed the button before I closed the debate. Therefore, Deputy of St. John.

10.2.5 The Deputy of St. John:

Following on from the Connétable of St. Ouen. I have just been identified as a contact with a positive ...

The Bailiff:

I am sorry, Deputy, you do keep cutting in and out.

The Deputy of St. John:

Can you hear me now?

The Bailiff:

We can hear you when you say that, but then when you speak, after a few words you cut out.

The Deputy of St. John:

I put a microphone to my ...

The Bailiff:

Why do you not try one more time, Deputy.

The Deputy of St. John:

Yes, fine, okay. I am following on the Connétable of St. Ouen's ... to say that I have this day been put into ...

The Bailiff:

I am sorry, Deputy, you have again entirely cut out. The last I heard that you have this day been put, and then everything after that cut out.

The Deputy of St. John:

I apologise.

The Bailiff:

It is not your fault, I am sure, but it means that we cannot really entertain that participation I am afraid.

The Deputy of St. John:

Okay, fine, thank you.

10.2.6 Deputy I. Gardiner:

I would like to follow Deputy Perchard as for me she was not suggesting that we should not do this next week. Deputy Perchard and myself, we have been pushing for stricter measures from the start. So her, as I can imagine, and myself are obviously in support to debate this. I did not hear the answer and what I am worried about is the data or projections that mean that we cannot wait another week. I think it is right that we as States Members will be told this information. So basically it was a question what is the threshold we will reach next week that we have to debate it next week? It is not against not debating, we would like to have the data, if possible.

The Bailiff:

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

10.2.7 The Deputy of St. Ouen:

I appreciate some Members' concern and the wish to ensure that we are doing things in the proper way. One of the measures used internationally to monitor the spread of COVID is the doubling rate of infection. Countries use that to measure the upward curve that they are seeing in their jurisdictions. Of course, unless you can apply measures to limit the spread, then that curve becomes steeper as the periods in which doubling get shorter. So when Deputy Perchard kindly emailed me and copied all States Members asking for that sort of data a short while ago, I have been able to reply but it was just in the last few minutes before the last debate. Deputy Perchard may not have seen my reply as yet. But I attached the slide, the PowerPoint slide, that Dr. Muscat had shown us in the States Members briefing and which he had shown in his press conference on Monday, which shows a projected doubling rate for Jersey, if we were just to continue with our current measures and do nothing more. It is a worst-case scenario. I would not want Members or members of the public to be alarmed by it but it is a reasonable worst-case scenario. Of course that shows doubling rates, rates of infection doubling in matters of days. So obviously if we can bear down on that rate then we will protect people to a greater extent in the Island. So those regulations, if we can debate them as quickly as we can, will allow orders to be made, which would make mandatory the wearing of masks, which would enforce restrictions on gatherings, and would enhance all our enforcement measures generally. Because, as Members will know, much of our measures have been in guidance thus far, but we are seeking to give some greater teeth to enforcement measures and it needs regulations. That will allow us, I believe, to better control and try to avoid the last resort of lockdown, which we will continue to try to avoid. But it would be important to enact these measures as quickly as we can. Deputy Gardiner referred to a threshold and what threshold do we need to reach. The point is that there is not a threshold. We should not try to reach a threshold before saying: "Now is the time to introduce measures." We should be proactive and not wait for a certain figure before we take action. So we know the only course is to control the rise in those figures, we have seen it happening over the past

3 weeks, but we need to bear down and control that rise. These regulations will allow us to do so. So I do ask Members to support the reduced lodging period so that we can debate it next week.

The Bailiff:

Thank you very much, Deputy. I ask the Greffier to place a link for voting in the chat. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted: 39 votes *pour*, one vote *contre*, no abstention and an additional 2 noted *pour* in the chat.

POUR: 39		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Deputy K.F. Morel (L)		
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.W. Pallett				
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 J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy G.C.U. Guida (L)				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Greffier of the States:

Deputy Morel voted *contre*.

The Bailiff:

We now come to the proposal for arrangements for future business, the Chair of P.P.C.

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

Just to be clear, the requisition sitting on 24th November will have P.157, P.158, debated, the COVID Regulations. In addition to what is in the Consolidated Order Paper, 3 amendments to the Composition and Election of the States, P.139, have been lodged.

[18:00]

Amendment 5 from Senator Farnham and amendment 6 from Deputy Higgins and amendment 7 from Senator Le Fondré. Deputy Doublet would like to debate Safe Singing, P.159, on the sitting that is beginning on 30th November, the Monday afternoon but she will need to have a relaxation of Standing Orders to be able to do so. That is all I have. With that I propose the Arrangement of Public Business.

The Bailiff:

Does any Member wish to indicate that they do not agree with the Arrangement of Public Business and speak? No one has indicated that in the chat. I therefore take that as an approval of the arrangements for public business on a standing vote. The States accordingly stand adjourned until 9.30 a.m. on Tuesday, 24th November.

ADJOURNMENT

[18:01]