

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 10th SEPTEMBER 2019**

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[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **The Deputy Bailiff:**

#### **1.1 Welcome to His Excellency the Lieutenant Governor**

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

#### **1.2 Candles marking Suicide Awareness Day**

I would also like merely to note that Members may have seen the 146 candles set out in the Royal Square on their way in. That marks the Suicide Awareness Day, the beginning of Suicide Awareness Week and I am sure Members will wish to visit that if they have not already had the opportunity to do so.

[9:45]

## **QUESTIONS**

### **2. Written Questions**

#### **2.1 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE MINISTER FOR INFRASTRUCTURE REGARDING STATES OF JERSEY PROPERTIES THAT ARE NOT CURRENTLY BEING USED: (WQ.344/2019)**

##### **Question**

Will the Minister list all properties owned by the States of Jersey that are currently not being put to any use?

##### **Answer**

There are currently 24 sites with vacant buildings. As was notified in responses to an FOI Question and separately in response to a previous written question, the name and address details of vacant properties are not readily publicised due to the risk of break-ins and vandalism taking place, and implications for the buildings' insurance cover. They do however include the Fort Regent swimming pool where demolition has commenced, sites awaiting determination of the future hospital requirement, heritage sites such as the ammunition bunker at St Catherine's, and residential sites that have been used for accommodation of clients of the Health Services.

The Department is, however, happy to provide the Deputy with this information in confidence should he wish.

#### **2.2 THE DEPUTY OF ST. PETER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE INCOME TAX LIABILITY FOR 2017 OF HIGH VALUE RESIDENTS: (WQ.346/2019)**

##### **Question**

Further to her responses to Written Questions 39/2019 and 105/2019, will the Minister advise, in respect of the 2017 tax year –

- (a) how many Jersey residents (excluding High Value Residents), if any, paid more than the minimum tax payment of £125,000 per annum that applied to High Value Residents;
- (b) what the average annual tax payment was for any such residents and how much income was generated from the group in total;
- (c) how many High Value Residents resided in Jersey; and
- (e) what the average tax paid by such High Value Residents was; and
- (f) what the total increase in Income Tax paid would have been if High Value Residents had paid 20% Income Tax on all their earnings?

**Answer**

It is assumed, as it was in the answer to WQ.39/2019, that the reference to ‘High Value Residents’ (‘HVRs’) relates to those individuals who come to Jersey by obtaining “entitled status” under Regulation 2(1)(e) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013 and those who have access to preferential tax rates.

- (a) There were 112 taxpayers (excluding HVRs) who had a tax liability of more than £125,000 for the 2017 tax year. In this context a “taxpayer” can be an individual, a married couple or a civil partnership.
- (b) The total income tax generated from those 112 taxpayers identified in (a) was about £21m, resulting in an average tax payable by that group of approximately £188,000. It is not possible to estimate Government income through other taxes (e.g. GST) or duties.
- (c) There were 122 HVR taxpayers in the 2017 tax year.
- (d) ((e) above) - The total income tax generated from those 122 HVR taxpayers was about £13.4m, resulting in an average tax payable by that group of approximately £110,000.
- (e) ((f) above) - This is estimated to be £5m for the 2017 tax year

**2.3 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING THE ABILITY OF MIXED-SEX COUPLES TO OPT FOR A CIVIL PARTNERSHIP: (WQ.347/2019)**

**Question**

Will the Minister provide a timetable showing both the actions to be undertaken to ensure mixed-sex couples are able to opt for a civil partnership and the date by which this will be achieved?

**Answer**

As per my answer to the Deputy’s oral question (OQ. 134/2019) I anticipate that a draft amended law will be brought before the Assembly by the middle of next year. The timetable below is subject to resolution of policy matters relating to treatment of overseas civil partnerships and conversions of marriages to civil partnerships, which are subject to consultation in England and Wales.

Law drafting instructions issued to the Law Drafting Office	November 2019
Draft amended law lodged	April/May 2020
Review by Scrutiny	May/June 2020
States Assembly debate	July 2020

## **2.4 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE CONNECTION OF DOMESTIC DWELLINGS TO THE PUBLIC SEWER NETWORK: (WQ.348/2019)**

### **Question**

Given that ‘Government Plan 2020–2023: further information on Additional Revenue Expenditure and Capital and Major Projects Expenditure’ (R.91/2019) states that “approximately 87% of the Island is connected to the public sewer network”, will the Minister –

- (a) state the percentage of domestic dwellings connected to the sewer network (including any blocks of flats that are connected) and indicate the total number of domestic dwellings available for occupation in the Island (taking into account that a block of flats incorporates multiple dwellings);
- (b) provide maps showing the location in the Island of individual domestic dwellings, or clusters of such dwellings, that are not connected to the sewer network or to the mains water system;
- (c) provide details of any plans to extend the sewer network and mains water system to domestic properties that are not currently connected and state the projected need for such connection in light of anticipated construction over the next ten years; and
- (d) consider increasing the budget allocation in future years for drainage foul sewer extensions from £1.5 million each year to £3 million each year to ensure the continuing health and wellbeing of the Island’s population?

### **Answer**

(a) A recent review of connected properties using data from our drainage database shows that 91% of properties are connected to the foul sewer network. This increase is due to new developments, together with now counting each individual unit as a dwelling where previously a block of flats was counted as one unit, thus showing that Jersey is setting a high standard. The number of dwellings available for occupation in the Island is currently estimated as 49,130 (extrapolated from 2011 Census data).

(b) In order to get the level of detail required to view individual properties over 70 maps would be required to cover the whole island. The map attached is an example of what can be produced. Brown squares show properties with a septic tank/soakaways and green squares show properties connected to the foul sewer network. The database is available to view at the GHE Bellozanne offices. Specific areas can be supplied if hard copies are required. The other map supplied showing future potential foul sewer extensions is a good indicator of areas not currently connected to the foul sewer network. We do not have details of the mains water network, you will need to contact Jersey Water for this information.

(c) The plan attached indicates areas highlighted in purple as potential future foul sewer extension (FSE) schemes. The last FSE was completed in 2006 (North of Becquet Vincent). There has subsequently been no funding available for FSEs; the emphasis has been on maintenance of existing foul and sewerage infrastructure assets. FSEs up to 2006 were identified and prioritised by the Sewer Working party, led by the Growth, Housing and Environment Department’s predecessors (Transport & Technical Services, Public Services, Resources Recovery Board, Sewerage Board). The Plan is for GHE to reform the Sewer Working Party and invite delegates from Environment, Jersey Water, Public Health, Tourism and Treasury to assess and agree a new priority list. This will be based on several technical and environmental factors. The cost of individual schemes will also be a factor i.e. cost per property for the scheme. A review of the FSE schemes will be carried out in 2020.

The first schemes proposed in 2020 have been prioritised as they are “Gravity Only”, and therefore will not require the potentially protracted process of identification and acquisition of land for a pumping station.

(d) A review of the FSE schemes will be carried out in 2020 together with revised cost estimates. It may be that increased funding is requested after 2020, this will be part of the assessment process. The schemes will be prioritised by the new Sewer Working Party who will agree how this prioritisation will be undertaken, with available capacity in the network taken into consideration. Surface Water Separation Schemes however must take place in certain areas to free up network capacity so additional foul flows can be taken. The new sewage treatment facilities will also not be commissioned until 2023, this will be able to receive additional flows. Proceeding with extensions too early has the potential to overload the existing drainage network resulting in foul sewerage spills causing pollution.

## **2.5 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE DECISION TO APPOINT A U.K. CHARITY TO ADMINISTER THE PROCEEDS OF THE CHANNEL ISLANDS LOTTERY: (WQ.349/2019)**

### **Question**

In light of the decision to outsource the administration of the proceeds of the Channel Islands Lottery to a U.K. charity, will the Minister –

- (a) explain how the tender process ensured fairness between applications from Jersey bodies and U.K. ones, given the potential disparity in overheads between such bodies; and
- (b) agree to nullify the three-year contract that has been agreed, in order to engage a local entity to administer the distribution of Lottery proceeds?

### **Answer**

(a) Income from the lottery has risen significantly from £700,000 in 2014 to £2.1 million in 2018. The Government recognised that the distribution of this larger sum presented workload issues and also required improved governance and procedures. The increase in available funds also provided an opportunity to spread support more widely so that more islanders from all parts of the community can benefit, including in areas such as the arts, culture, sport and the third sector.

To achieve these aims, a public procurement exercise was undertaken in accordance with the Government's approved Procurement Strategy. This course of action was fully supported by the Association of Jersey Charities (AJC), which currently distributes lottery funds.

An Expression of Interest (EOI) exercise took place first to raise awareness of the forthcoming tender, to gather information about the capabilities of interested parties and to help the project team design an achievable specification for the new service. After an advertisement appeared on the Channel Islands Procurement Portal e-tendering system in May 2019, meetings were held with four local organisations in order to respond to their queries.

Once this was completed, an Invitation to Tender (ITT) was advertised on the e-tendering portal, as an open tender, opening on 28 May 2019. Interested parties were invited to submit a tender by 21 June. Applicants had an opportunity to request clarification meetings and two local organisations were provided with advice. Five companies submitted a tender, four of them from Jersey.

All tenders submitted were treated equally. Tender acceptance was decided using an industry standard system known as Most Economically Advantageous Tender. An Evaluation Panel used pre-determined criteria, which ensured consistent and objective evaluation. The procurement exercise undertaken fully complied with the Government of Jersey's Procurement Strategy and was carried out in a robust and diligent manner.

Grantscape was chosen by the Evaluation Panel as the preferred tenderer because it has a proven track record of effectively and efficiently distributing funding to the voluntary and community sector in the UK and demonstrated that it is qualified to provide the scope set out within the procurement specification.

GrantScape are a registered UK charity running a number of grant schemes across the UK. The response to the procurement exercise outlined how GrantScape design, administer and manage community funding programmes using four key principles:

- 1) Provide a simple, non-bureaucratic process, accessible to all
- 2) Effective and inclusive promotion and support to groups seeking funding
- 3) Effective Decision Making Panels (collaboration with Key Stakeholders)
- 4) Monitoring, Reporting and Reviewing

The response offered numerous significant benefits not included in any of the other submissions, including a proven online application system and a proven structure already in place. The annual running cost reflected the economies of scale available to Grantscape. It provided the best value for money of all the submissions and would have resulted in the highest sum being delivered to local recipients. It would not require set-up costs to be borne by the Lottery. As well as administration, the Grantscape submission included the creation of local Decision Making Panels made up of existing community organisations such as the AJC, Jersey Sport, and local arts, culture, and heritage organisations.

(b) This has been overtaken by events as P.87/2019 has been withdrawn. No contract has been signed in relation to this tender.

## **2.6 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE INTRODUCTION OF A SYSTEM TO NAME INDIVIDUALS WHO DELIBERATELY DEFAULT ON THEIR TAX LIABILITY: (WQ.350/2019)**

### **Question**

Will the Minister consider adopting a system of ‘naming and shaming’ people who are deliberately in default of their tax liability, similar to that which exists in the United Kingdom where lists are published online by H.M. Revenue and Customs; and if so, will she provide her assessment of what impact, if any, the introduction of such a system would have on her department’s ability to increase revenue returns and on the need for any additional posts within Revenue Jersey?

### **Answer**

Revenue Jersey’s approach to tax compliance is founded on international research and best practice in tax administrations worldwide. This sees tax administrations adopting different approaches towards taxpayer segmented according to the behaviours they exhibit. Generally speaking, a small proportion of the taxpaying community do deliberately seek to evade taxes.

## Where our focus lies within Revenue Jersey



The last Government consulted on the issue of so-called “naming and shaming” in March 2017 as part of its review of the tax-compliance framework which led to the tabling of the draft Revenue Administration Law. Question 3 of the consultation document asked “In principle, do you support the denial of anonymity in cases where a taxpayer has accepted a civil penalty in respect of very serious tax evasion? Comments are welcomed on the definition of “very serious tax evasion”.”

Responses were mixed. (A summary of responses can be found at:-

<https://www.gov.je/sitecollectiondocuments/tax%20and%20your%20money/07%20consultation%20on%20tax%20compliance%20framework%20-%20summary%20of%20responses%20v1.0.pdf>)

Revenue Jersey will keep the UK’s regime for publishing the names of deliberate defaulters under review.

The Minister is not minded to return to this issue until the new system of civil penalties, contained in the Revenue Administration Law 2019 – which awaits Royal Sanction – has been implemented and sufficient information is available about the number of penalties levied for deliberate defaults.

The arguments for and against such action are likely to be finely balanced. For example, on the one hand, a taxpayer who has deliberately evaded tax may be more reluctant to admit a default if faced with the risk of publication of the details of the default. On the other hand, there is good international evidence that publishing the names of deliberate defaulters can have a wider impact on levels of compliance in the wider taxpayer community.

The increased investment in Revenue Jersey’s compliance activities – proposed in the Government Plan – will over the coming years help us to establish the likely scale of tax losses arising from error and misunderstanding; tax avoidance; and tax evasion. Revenue Jersey currently estimates that improved compliance activities will generate around £7 million in additional taxes in 2020.

### **2.7 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING THE PASSES ISSUED TO STATES MEMBERS TO ACCESS GOVERNMENT OF JERSEY OFFICES IN BROAD STREET: (WQ.351/2019)**

#### **Question**



Will the Chief Minister list all of the States members who have been issued a pass for automatic entry into the Government of Jersey's Broad Street offices?

**Answer**

The Chief Minister can confirm the following elected States members have been issued with an automatic pass for entry into the Government of Jersey's Broad Street office:

1. Carina Alves
2. Lindsay Ash
3. Richard Buchanan
4. Simon Crowcroft
5. Louise Doublet
6. Lyndon Farnham
7. Sarah Ferguson
8. Ian Gorst
9. Gregory Guida
10. Rowland Huelin
11. David Johnson
12. John Le Bailly
13. John Le Fondré
14. Philip Le Sueur
15. Kevin Lewis
16. Steve Luce
17. Jeremy Maçon
18. Judy Martin
19. Deidre Mezbourian
20. Sam Mézec
21. Len Norman
22. Steve Pallett
23. Susie Pinel
24. Hugh Raymond
25. Richard Renouf
26. Montfort Tadier
27. Chris Taylor
28. Graham Truscott
29. Tracey Vallois
30. Scott Wickenden
31. John Young

All non-executive members who work alongside Ministers and sit on Boards (for example by sitting on the States Employment Board or policy development boards) have been granted access to Broad Street.

## **2.8 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE SALE OF ANDIUM HOMES PROPERTIES: (WQ.352/2019)**

### **Question**

Will the Minister, as shareholder representative –

- (a) advise how many homes, if any, that are currently owned or being built by Andium Homes have been sold, or are planned to be sold, on the open market and not through the Affordable Housing Gateway, and provide a breakdown of any such homes showing whether they are 1-bedroom, 2bedroom and so on and the Parish in which they are located; and
- (b) state whether any such homes owned by Andium Homes will be sold for ‘buy-to-let’ purposes or to off-Island investors?

### **Answer**

(a) Andium Homes’ current Strategic Business Plan commits to the delivery of 2,000 new homes by 2025. Currently, it is planned that 1,939 of those homes will be for the affordable market, either to rent or purchase through the Affordable Housing Gateway.

Andium Homes has recently submitted a Planning Application for 122 homes at the Jersey Gas site delivering a mix of affordable homes to rent or buy, within which it will be necessary for approximately 61 units to be sold on the open market on a flying freehold basis. These sales will enable Andium to deliver the wider scheme which includes below-surface parking for residents and the public and an extension to the Town Park through to St Saviour’s Road. It is currently predicted that these units will be made up of 13 x 1 bedroom, 25 x 2 bedroom and 23 x 3 bedroom units.

There will also be occasions where a small number of existing properties are deemed unsuitable as affordable housing, for reasons of location, condition, desirability, size and amenities, and are best sold into the open market for best value and the proceeds reinvested in affordable housing.

With the completion of a robust Strategic Portfolio Review, Andium Homes’ current Sales Strategy continues to identify such properties. In 2019, only one property, “The Ferns”, St Saviour, a small building of four x 1-bedroom flats, was sold on the open market.

In summary, there will potentially be 61 units in the Jersey Gas site and there have been 4 units at “The Ferns” which have not been sold through the Affordable Housing Gateway.

(b) Andium Homes undertakes all its sales on a freehold or flying freehold basis, which prevents anyone who doesn’t possess entitled status under the Control of Housing and Work (Jersey) Law 2012 to purchase. In selling this small number of homes, Andium Homes does not target, or advertise to, the “buy-to-let” market.

Andium Homes does not sell homes on a share transfer basis, where potentially persons who do not possess entitled status can purchase for investment purposes.

## **2.9 DEPUTY R.J. WARD OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE APPOINTMENT OF ASSISTANT MINISTERS: (WQ.353/2019)**

### **Question**

Will the Chief Minister advise –

- (a) what selection criteria, if any, he uses to appoint his Assistant Ministers;
- (b) whether there is a job description for Assistant Ministers and / or performance targets used to assess their performance; and
- (c) how he ensures the appointment process for Assistant Ministers ensures transparency and openness to the public and allows for scrutiny by the Assembly?

**Answer**

The Chief Minister can advise the Deputy that:

- (a) The appointment of his Assistant Chief Ministers is based solely on the specific requirements to support the discharging of his duties as Chief Minister.
- (b) There are no job descriptions for Assistant Ministers, as there are no job descriptions for the Deputy Chief Minister, Ministers, Scrutiny chairman, members of Scrutiny, chairmen or members of other boards, nor Members of the Assembly. Such appointments are by their nature political and as such do not carry performance targets.

Assistant Ministers are in most cases supporting more than one Minister, as planned in forming my Government. This is in order to both provide wider experience, but also to enable and improve political cohesion.

- (c) All appointments are published by Ministerial Decision with the usual timeframe for Members to respond and challenge.

**2.10 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING NOTIFICATIONS FROM INCOME SUPPORT CLAIMANTS OF CHANGES TO THEIR EARNED INCOME: (WQ.354/2019)**

**Question**

Will the Minister state –

- (a) the mean average time taken to process notifications from Income Support claimants of changes to their earned income that may affect their Income Support payment levels;
- (b) the range of the time taken to process notifications from Income Support claimants of changes to their earned income that may affect their Income Support payment levels; and
- (c) how many people in receipt of Income Support are currently paying back overpayments arising from changes to their earned income?

**Answer**

Income Support claims are administered by the Customer and Local Services Department. The Department processes many different types of change of circumstances that affect income support households. Earned income is just one type of change and the current departmental systems do not have the functionality to drill into the requested level of detail set out in the question.

However, in relation to processing notifications the department has focused on improving accessibility by providing claimants a number of ways to inform the department of any change in circumstances that may affect their Income Support award.

Customers are able to visit the department, email the information, send a letter or complete an online form.

When a claimant visits the department with all the necessary information the change will be actioned immediately with the customer present. A new award letter will be issued to the claimant along with a detailed explanation of the change in award.

Processing time will depend on how a claimant provides the relevant information and a delay can occur if the department does not receive the right information from a claimant.

## **2.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE IMPACT OF USING ZERO-HOURS CONTRACTS ON WORKPLACE PENSION SCHEMES: (WQ.355/2019)**

### **Question**

Will the Minister advise –

- (a) what consideration, if any, she has given, in her assessment of priorities to reduce income inequality and improve the standard of living for pensioners (amongst others), to the risk that some employers may use zero-hour contracts to avoid paying into workplace pension schemes for their employees; and
- (b) whether it is her assessment that, given that such zero-hour contract employees are amongst the least well paid in the workforce and have low job-security, greater protection for such workers will need to be incorporated within employment legislation as a priority in order for her proposed pension reforms to succeed?

### **Answer**

The Government Plan proposes that the Social Security Minister will develop proposals to improve financial independence in old age next year. The details of these proposals will be identified during 2020. This will include investigating a workplace pension scheme, which could offer every worker access to a second pension on top of their Social Security pension.

Currently, workplace pensions are non-statutory and so employers can choose whether to offer their employees a workplace pension scheme.

Any proposals that the Minister identifies in 2020 will include consideration of how different groups of people are likely to be affected by them. This will include, for example, people with low earnings and people who change jobs regularly.

The Social Security Minister would like any proposals to be as inclusive as possible.

People who are employed on zero-hours contracts are considered ‘employees’ for the purpose of the employment law and are protected in the same way as employees on other types of contracts. Subject to the detailed work to be undertaken next year, the Minister does not consider it will be necessary to make changes to employment legislation in order to ensure the effective implementation of proposals to support financial independence in old age.

## **2.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING PROPOSED EFFICIENCY SAVINGS TO BE ACHIEVED IN 2020: (WQ.356/2019)**

### **Question**

Further to the answer to Written Question 5550, tabled on 19th July 2010, which provided a breakdown of a 2% reduction in budgets between ‘efficiency savings’ and ‘service reductions’ and indicated the number of staff due to be lost, will the Chief Minister –

- (a) produce for members a similar breakdown of the measures proposed in the Government Plan comprising the first £20 million in efficiency savings identified for 2020;
- (b) provide an analysis of whether there is any overlap or repetition between the proposals from 2010 and those in respect of 2020; and
- (c) undertake to provide a similar breakdown of the proposals for the second tranche of £20 million of efficiency savings for 2020 in time for the debate on the Government Plan?

**Answer**

(a) As set out in the proposed Government Plan (p111), an Efficiencies Plan is being developed to support the debate and will be published in October 2019. This plan will describe in detail how £40m of efficiencies will be delivered in 2020 and will set out both the activities and the departmental impact.

The plan will also describe the approach to delivery of efficiencies over the remainder of the Government Plan. This Plan will be presented to the Council of Ministers for final approval on 16th October (please also see supplementary information, as below).

The precise format of the plan is being finalised and is likely to set out categories of efficiency including:

- Spend reduction
- Cost recovery
- Increase in income

It will make a distinction between specific departmental efficiencies and cross-cutting efficiencies which will be delivered across the Government of Jersey.

Where delivery of efficiencies may result in a reduction in FTE this will be noted and will follow prevailing governance processes.

It is anticipated we will be providing a similar level of detail to that already outlined in R.91/2019 in relation to expenditure.

(b) There is no intention to undertake a reconciliation between proposals set out in 2010 and those proposed in 2020. The content of previous efficiency programmes, or similar, have been reviewed by Director Generals as part of the development of the current programme and are not necessarily relevant to the present strategy.

(c) Please see response to (a)

**Supplementary information**

We have committed to providing Scrutiny with as much information as possible. Initial information will be sent to Scrutiny shortly after 18th September when the next tranche of savings is being considered by Council of Ministers. The Council of Ministers will accept the Proposition of Deputy Morel (P.90/2019), which is consistent with the intentions of the Government for the publication of efficiency details as described.

It should be apparent to any Member who has seen any of the previous savings drives, that the process (as explained from page 110 of the Government Plan) is very much focused on properly delivering efficiencies rather than on spending cuts.

It is not unreasonable that efficiency targets have been set in a Government Plan, where the exact actions are not yet fully detailed but the principles have been established. By lodging the Plan some 18 weeks before the debate (rather than, for example, 12 in 2015) a natural consequence is that not all of the detail will be available at the time of lodging (but it will be available significantly in advance

of the debate). The Council of Minister has set a target for efficiencies and will be assessing the details over the next few weeks.

### **2.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING THE GOVERNMENT OF JERSEY'S PREPARATION FOR BREXIT: (WQ.357/2019)**

#### **Question**

Will the Minister advise –

- (a) whether recent events in the U.K., including the prorogation of Parliament, have had any impact on the Government of Jersey's assessment of the likelihood of a 'no deal' Brexit and, if so, what impact they have had;
- (b) what parts of Jersey's economy, if any, it has been assessed would be placed at risk in the event of a 'no deal' Brexit;
- (c) update members in respect of the 'settled status' scheme for E.U. migrants in Jersey, providing figures for many have people have registered and how many are expected to do so; and
- (d) state what assessment, if any, has been undertaken of how the Island would be affected if free movement were to end on 31st October 2019 in the event of a 'no deal' Brexit, as has been proposed in the U.K.?

#### **Answer**

(a) The Government of Jersey has been preparing for all Brexit eventualities, including a potential 'No Deal', since prior to the referendum in June 2016. We are of course closely monitoring developments in the UK, liaising with both the UK Government and Parliamentarians, to assess how events may impact upon our interests or affect the Brexit outcome. The Government of Jersey still believes that a negotiated exit is in the best interests of all parties involved in the Brexit negotiations. However, we remain committed to ensuring the island is as ready as possible for a No Deal, and officials across government are continuing to refresh plans and preparations for October 31st.

(b) The full impact of a No Deal Brexit is difficult to predict. However, should the UK leave the EU without a deal, the basis for trade will be WTO trading standards, plus the continuity trade agreements that will come into effect on exit. There would be no continuity trade agreement with the EU; as such, those industries that export goods primarily into the EU Single Market would be the most affected in that they would face additional tariffs and other non-tariff barriers such as increased checks and paperwork. In 2017 the Government of Jersey assessed the potential impacts of a 'No Deal Brexit' on Jersey's fishery, aquaculture and agri-food businesses and we are working closely with these sectors to prepare for a wide range of eventualities.

Any economic impact on Jersey businesses that employ nationals from the EU 26 countries is not expected to be immediate as it would depend on the exact nature of the successor immigration (visa) scheme that is introduced by the UK. Jersey businesses should continue to encourage relevant employees to register under the Jersey-EU Settlement Scheme (JEUSS).

(c) At time of writing (6th September 2019), approximately 5,100 EU nationals have registered for the Jersey-EU Settlement Scheme. This is roughly in line with the UK's rate of registration. In a No Deal situation EU nationals will need to register by the 31st December 2020 should they wish to remain in the island. Officers are working proactively to promote the scheme and ensure that hard to reach and vulnerable people have the ability to apply.

(d) Following a No Deal Brexit there may be increased delays for British nationals passing through passport control on arrival into the EU, however those visiting for up to 90 days will not require a

visa. EU citizens arriving in Jersey will not be subject to routine questioning at passport control but will be granted 'automatic' leave to enter.

Late on 4th September the UK Government published a policy paper on how it will allow 'new' EU nationals to remain in the UK during the transition period between Brexit day and the introduction of the Future Border and Immigration System in January 2021. This new policy is being closely examined by JCIS and LOD but significantly it confirms there will be a route for 'new' EU nationals to enter and remain without an immigration fee during the transition period up to January 2021.

The EU Commission has indicated that British nationals who wish to remain in the EU for anything more than a 90-day visit may need additional immigration permission. Beyond the transition period, consultation has commenced with local employers and businesses in relation to how EU nationals will be able to come to live and work in Jersey from January 2021 onwards.

The Jersey-EU Settlement Scheme provides assurance for all EU nationals that arrive in Jersey prior to Brexit day that they can remain and continue to live and work here.

Jersey's Control of Housing and Work Law is unaffected by Brexit.

## **2.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE DECISION NOT TO EXPAND THE LIST OF COURSES FOR WHICH FUNDING FROM INCOME SUPPORT IS AVAILABLE: (WQ.358/2019)**

### **Question**

Further to the decision that additional courses will not be added to the Island's Critical Skills list, will the Minister –

- (a) explain what consideration was given, prior to this decision, as to whether maintaining the current list limits the range of students that can access funding through Income Support for courses which would enable them to enter employment requiring a degree and consequently avoid remaining on Income Support or in lower-paid employment for the long term; and
- (b) agree to re-visit this decision, given that the criteria for a course to be put on the list are in guidelines under her control, and lift the restrictions on the courses that may be listed to ensure that low-income mature students are able to meet both their own needs and those of the Island in improving the skills of the resident workforce and thereby reducing any reliance on imported skills?

### **Answer**

Income support claimants are free to undertake study at any level and still claim Income Support on condition that they continue to meet any work requirement required under the Income Support legislation.

The Island's Critical Skills list details those courses that award a qualification on completion that is directly linked to specific roles in the island where there is clear evidence of a shortage of local workers. Other courses may be added to the list by the Minister if she considers that the qualification will directly meet a critical need in Jersey's job market. At present, the Highlands courses that are included are

- Access to Science (Nursing) course required for progression to the Nursing degree
- Nursing degree (including mental health nursing)
- Jersey Graduate Teacher Training Programme.
- Social Work degree

Students of any age on these courses are exempt from the work requirement of income support.

Degree level students aged under 22 at the start of their course are exempt from the work requirement of income support as are students undertaking any further or higher education course aged under 25 at the start of their course if the student is a care leaver or has previously had their secondary level education severely disrupted.

Other income support claimants are fully or partly exempt from the work requirement for other reasons and these claimants are also able to enrol on courses. For example, the parent of a child under nursery age is fully exempt from the work condition. The parent of a child of nursery or primary school age has reduced work requirements.

Income support claimants who do not fall into these categories can gain qualifications by studying part-time, undertaking evening courses or distance learning, such as Open University qualifications, alongside fulfilling their work requirements under Income Support.

In addition to the critical skills courses listed above, Highlands College currently offers two year and three year full time courses in business management, financial services, social sciences and childhood studies. Two year courses are also available in IT and sports studies.

In addition to income support, financial support is available to any local resident undertaking degree level studies at Highlands from the Children, Young People, Education and Skills Department. An eligible mature student in a household with a total income below £50,000 would receive a maintenance grant of £7,500 pa.

The Minister reviewed the Critical Skills List on the 14/08/2019. Having taken advice from skills professionals from the Children, Young People, Education and Skills Department and workforce managers from operational departments, and drawing on their knowledge of the local labour market, the Minister confirmed that the list matches current needs.

The Minister has no plans to revisit this decision in the near future but the critical skills list is kept under regular review to respond to changing needs.

## **2.15 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE SUPPORT PROVIDED FOR CHILDREN WITH AUTISM: (WQ.359/2019)**

### **Question**

Will the Minister advise –

- (a) how many members of staff are qualified to support Autism in education;
- (b) how many of these members of staff are currently working solely with Autistic children;
- (c) what type of qualifications any such members of staff have; and
- (d) how long each qualification took to complete?

### **Answer**

(a) how many members of staff are qualified to support Autism in education

There is no specific qualifications required for staff to support children and young people with autism in education. However there are a number of core professional development opportunities that all staff can access to build on their knowledge of best practice when teaching children and young people with autism. These include

*1. Central Training (PDC) on Autism Spectrum Conditions (ASCs) and Related Social Communication Difficulties*



➤ **Using Visual Aids and Structured Approaches to Support Children on the Autism Spectrum.**

A workshop to explain how visual aids and structured teaching –including the TEACCH programme - support children with autism and social communication difficulties in school.

➤ **Sensory Processing - Practical Interventions for Autism.**

An introduction to sensory processing, how it can be different in individuals on the autism spectrum, strategies to support sensory integration and suggestions for adaptations to the school environment.

➤ **Girls on the Autism Spectrum.**

An introduction to understanding the needs of girls on the autism spectrum.

➤ **An Introduction to Autism.**

To understand autism.

To identify strengths and challenges.

To understand the sensory needs of a person with autism.

ASCIT's five top tips for supporting a child with autism in the classroom.

➤ **SPELL Training**

*2. Training and support from the Autism and Social Communication Inclusion team (ASCIT)*

This outreach team has a role supporting schools in their understanding and management of pupils presenting with an Autism Spectrum Condition (ASC) or related social communication difficulties. This may include difficulties in the areas of social communication, social interaction and social imagination. Work undertaken is usually a case-centred consultation, rather than regular direct contact with an individual pupil, with the aim of increasing the skills of the adults supporting the student.

Involvement from the ASCIT service may consist of:

- Consultation on an anonymous basis where a school is unsure if a 'Request for Involvement' is appropriate. The outreach worker will meet with school staff for problem solving and to share ideas.

- In-service training to schools, e.g. Introduction to Autism

- Providing a range of strategies to more effectively meet pupils identified needs, relating to:

I. Curriculum access

II. Behaviour arising from social communication difficulties

III. Sensory processing differences where an OT referral is not already in place

IV. Social skills

V. Emotional development supplemental to work with the school ELSA and Welling Support

- Support to identify appropriate targets and recommending arrangements to support identified needs

- Supporting parents to understand their child's social communication needs in relation to education and advising on possible strategies that might help to provide consistency of approach between school and home.

- Developing peer awareness

- Advice on preparing for change and transitions – advice to the school and/or to staff providing direct support

- Sharing good practice and facilitating the exchange of information between schools working with pupils with autism and social communication differences.
- Signposting to other agencies where appropriate

(b) how many of these members of staff are currently working solely with Autistic children

There are 4 ARCS with the capacity to provide for 50 children and young people with autism and social communication. Children are placed here via a statutory process and represent the top 2 per cent of complexity. Within these ARCS, 30 staff work specifically with children and young people with complex autism, identified as having the highest level of need.

There are 2 specialist schools who have children and young people with autism. Staff in these settings will access the necessary training to meet the bespoke needs of the individual pupils. All schools have children and young people with autism and / or social communication needs, some who may need specialist intervention or arrangements to support their access and inclusion. The required level of support sits on a continuum. This additional support will be the responsibility of the class teacher, SENCO or teaching assistant within the school. We do not have data on this.

(c) what type of qualifications any such members of staff have

Staff in mainstream schools access central training or support from ASCIT as detailed in (a).

Staff within the ARCs and ASCIT have specialist accredited training or are undertaking specialist accredited training according to their grade.

- Specialist teachers will have qualified teaching status and postgrad diploma (Level M) in autism or a MEd (Level M) in autism
- The team leader will have the Advanced Certificate in Autism (ACE)
- The specialist lead keyworkers will have the University Certificate in ASD or BILD Level 3

Specialist schools for children with a range of complex needs identify their own specific training needs according to the individual /bespoke needs of the pupils.

(d) how long each qualification took to complete

Central training ranges from a one hour to half a day session

Postgrad Diploma is a 2 year distance training course

The Advanced Certificate in Autism (ACE) and the University Certificate in ASD are 1 year distance training courses.

**2.16 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING FALSE ALLEGATIONS OF DEFRAUDING INCOME SUPPORT: (WQ.360/2019)**

**Question**

How many cases of false allegations of defrauding Income Support, if any, have there been in the past 5 years?

**Answer**

The Department does not maintain specific records in respect of false allegations.

**2.17 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE DIFFUSE MESOTHELIOMA COMPENSATION SCHEME: (WQ.361/2019)**

**Question**

Will the Minister advise whether Mesothelioma sufferers who were diagnosed prior to October 2018 and who are still alive will qualify for the Diffuse Mesothelioma compensation scheme that is due to be launched?

**Answer**

Any Jersey resident who is alive and has a diagnosis of Diffuse Mesothelioma will be eligible to make a claim for compensation when the new scheme is launched. In cases where a diagnosis was given prior to October 2018, the claim will need to be made by the end of December 2019. The scheme is scheduled for launch in October 2019.

**2.18 DEPUTY C.S. ALVES OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE PRESENCE OF ASBESTOS IN SCHOOL BUILDINGS: (WQ.362/2019)**

**Question**

Will the Minister advise –

- (a) which schools continue to have asbestos present in their buildings; and
- (b) when, if at all, he intends that such asbestos will be removed from the schools' premises?

**Answer**

(a) The following schools continue to have asbestos present in their buildings:

- Bel Royal Primary
- First Tower Primary
- Grainville Secondary
- Highlands College – five buildings
- Janvrin Primary
- JCG Preparatory
- La Moye Primary
- Le Rocquier Secondary
- Les Landes Primary
- Les Quennevais Secondary
- Mont à L'Abbé Primary
- Rouge Bouillon Primary
- Springfield Primary
- St Luke's Primary
- St Mary's Primary
- St Saviour's Primary
- Trinity Primary

- Victoria College & Preparatory – seven buildings

(b) Jersey Property Holdings (JPH) has management plans in place for all known asbestos within buildings under its direct control, which mitigates the presence of the material and renders them safe to occupy.

The amount of Asbestos Containing Material (ACM) present differs greatly from building to building, and in many cases can consist solely of roofing felt on a building, a redundant gasket within a building, a resin pad beneath a stainless steel sink or thermal insulation within a kiln or boiler room.

An annual budget is allocated for the removal of asbestos and prior to any refurbishment work being undertaken, a Refurbishment and Demolition (R&D) survey is completed and any asbestos found is removed within the project parameters.

JPH has placed all relevant staff on asbestos awareness training and is confident that they have the appropriate knowledge and expertise to be able to recognise and manage the potential presence of asbestos.

All properties constructed prior to 2000 have had an Asbestos Management Survey and where ACMs are found, the properties are re-inspected at least annually. Asbestos management plans are available on all sites.

## **2.19 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING MEASURES TO COMBAT RADICALISATION: (WQ.363/2019)**

### **Question**

What support, if any, is available to people who suspect someone is being radicalised (whether it be religiously or politically) and what reporting mechanisms, if any, are in place for the reporting of suspicions of radicalism?

### **Answer**

If someone suspects that a person is being radicalised then I recommend that they contact the States of Jersey Police (SOJP).

The SOJP use the UK Counter Terrorism Strategy known as CONTEST in order to help deal with matters relating to international or left or right wing terrorism. CONTEST is divided into four strands, one of which, PREVENT, is intended to safeguard and support those vulnerable to radicalisation, to stop them from becoming terrorists or supporting extremism.

In Jersey, the approach to PREVENT is an evolving area of Police work. It is pragmatic and proportionate to reflect and respect our diverse community. In order to do so effectively, a local profile has been prepared to assist law enforcement organisations and their partners with the early identification of potential signs of extremism or radicalisation.

Upon receipt of any referral, specially trained local officers will assess any threat, risk or harm identified and make an assessment to help manage any situation being presented on a case by case basis. As mental health frequently features in these cases, there will likely be multi-agency involvement and engagement. Where necessary, additional specialist UK Home Office accredited Intervention Providers can be invited to Jersey to help manage particularly difficult cases.

The aims and objectives of PREVENT are to defuse any extremism or radicalisation through the effective personalised management of an individual, to allow them to assess that their own conduct has stepped outside the boundaries of accepted behaviour, before using the criminal justice system to address that conduct.

## **2.20 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING INJUNCTIONS IMPOSED BY JERSEY COURTS: (WQ.364/2019)**

### **Question**

Will H.M. Attorney General advise members of the different types of injunction that can be imposed by Jersey Courts, including their scope and duration, and whether he is aware of any differences between those which can be made in Jersey and those in the United Kingdom; and will he also explain the role of the plaintiff's and defendant's advocates in the injunction process and whether or not their submissions are made public?

### **Answer**

#### **Injunctions**

An injunction is granted when the Court requires the respondent to the application to do or refrain from doing something. Non-compliance with a court ordered injunction is a contempt of court.

Injunctions can be made on an interim or final basis. It will depend on the circumstances of the relief sought. Where the injunction is interlocutory and it is ancillary to an action, the injunction will remain in force until the substantive matter is concluded at trial. Otherwise the injunction will remain in force for a period specified by the Court, which may be permanent (with liberty to apply to lift or vary the order).

The Question asks for advice on the "types of injunction" that can be imposed by Jersey courts. In essence there are injunctions which require the respondent to do something and those which require the respondent to refrain from doing something. The subject matter of injunctions varies widely. An injunction may be an interim order preventing someone from dealing with their property pending the resolution of other matters, such as a freezing injunction preventing someone from dissipating or removing from the jurisdiction assets because to do so would deny a Plaintiff the fruits of his or her claim if successful, or a caveat which a creditor may apply for to prevent a debtor from selling his or her immovable property. Injunctions can be of a personal nature eg preventing a person from visiting certain premises, using violence against another, taking a minor out of Jersey or being in the vicinity of a person or class of persons.

#### **Court Jurisdiction**

The Royal Court has discretion, under its inherent jurisdiction, to grant an application for an injunction if it appears just and equitable to do so: this discretion is at least as wide as that enjoyed by the English High Court.

It is no longer strictly necessary to have a substantive cause of action under Jersey law when seeking an injunction; there is jurisdiction to grant injunctions where substantive rights in questions are subject to litigation elsewhere but there are assets in Jersey. Indeed, given the international character of Jersey's finance industry, often the Court may be asked to grant freezing injunctions over assets held in Jersey in aid of proceedings overseas.

There is also a statutory jurisdiction to assist foreign jurisdictions regarding insolvent persons and the Court may "exercise, in relation to the matters to which the request relates, any jurisdiction which it or the requesting court could exercise in relation to these matters if they otherwise fell within its jurisdiction" (Article 49 of the Bankruptcy (Désastre) (Jersey) Law 1990). Therefore injunctions can be granted to aid the foreign insolvency pursuant to a request for assistance.

#### **Power of Arrest**

The Powers of Arrest (Injunctions) (Jersey) Law 1998 ("the 1998 Law") applies in limited circumstances i.e. where an injunction contains a provision:

a) restraining a person from using violence against or molesting another; b) excluding a person from specified premises or from a specified area; or c) restraining a person from taking out of Jersey a person who has not attained the age of majority.

In such circumstances, the 1998 Law empowers the Court to attach a power of arrest to the injunction if it considers it necessary to do so for the protection of any person referred to in the injunction, and the Court shall specify the period for which the power has effect. If the Viscount or a police officer has reasonable cause to suspect that a respondent to an injunction has acted, or is acting, or is about to act in breach of the injunction then the person may be arrested without warrant. Where a power of arrest is not attached to an injunction to which the 1998 Law applies or has ceased to have effect, the Bailiff may, if satisfied by information on oath that a person named in the injunction is in breach of it, issue a warrant for the person's arrest, which may be executed by the Viscount or any police officer. A person arrested under the 1998 Law shall be brought before the Court as soon as may be after the person's arrest and shall not be released except by direction of the Court.

### **Publicity**

The question asks if the submissions of the lawyer "are made public?" Written legal submissions are generally not "made public". Oral submissions, however, are generally made in open court and may then be reported to the public. As has already been said, applications for injunctions are often made without notice to the respondent and in Chambers, so at that stage the matter would not be heard in public. However, the matter may also be dealt with at the first instance at a hearing at which all persons are present, and even if dealt with in Chambers *ex parte* first would then be considered at such a hearing in any event. This hearing would be in public unless there were exceptional reasons justifying the matter being heard in private. It is only in exceptional circumstances that the Court places reporting restrictions preventing reporting what submissions were made and, even if restrictions prevented names and other identifying features from being reported, this would not generally prevent the arguments being reported.

## **2.21 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE LEGAL PROTECTIONS AFFORDED TO WITNESSES BEFORE SCRUTINY PANELS AND REVIEW PANELS: (WQ.365/2019)**

### **Question**

Will H.M. Attorney General advise members what legal protections are granted to witnesses who give evidence to Scrutiny Panels or Review Panels; and will he also state where in legislation any such protections are enshrined and whether there are any limitations on those protections?

### **Answer**

The relevant provisions falls within the States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, PAC and PPC) (Jersey) Regulations 2006.

The key provision is Regulation 8 which is entitled "Privileges and immunity of person appearing before or producing documents to a scrutiny panel or the PAC"

"Regulation 8

- 1) A person asked or required to give evidence or produce documents before a scrutiny panel or the PAC shall be entitled, in respect of such evidence and documents, to legal professional privilege and privilege against self-incrimination.
- (2) An answer given by a person to a question put to that person, an oral or written statement made by a person, or a document produced by a person, in the course of his or her appearance before a

scrutiny panel or the PAC shall not, except in the case of proceedings for an offence under these Regulations, be admissible in evidence against that person in any civil or criminal proceedings.

(3) Paragraph (2) shall not apply to evidence given or documents produced by that person which he or she knows to be untrue”.

Accordingly, evidence given by a witness to a Scrutiny Panel is not admissible in evidence against them in any civil or criminal proceedings unless they give evidence which they know to be untrue.

The 2006 Regulations only apply to Scrutiny Panels, Sub Panels, PAC or PPC. They would not apply to a Review Panel which does not fall within that definition, for example a Review Panel set up by the Chairman’s Committee. But on the general principles of Parliamentary Privilege which the Assembly enjoys, there is a strong argument that the same principles would apply. To put the matter beyond doubt would require an amendment to the 2006 Regulations to ensure that they extend to Review Panels.

The Regulations are made under Article 49 of the States of Jersey Law 2005 which permits the States by regulation to confer on persons appearing before any Committee or panel established by or in accordance with standing orders immunity from civil and criminal proceedings for words spoken before or in a written report to the Committee or panel.

## **2.22 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE PROCESS FOR GRANTING PLANNING PERMISSION: (WQ.366/2019)**

### **Question**

Will the Minister advise members whether there are any circumstances in which an officer within his department can grant planning permission to an applicant who has previously been refused planning permission by the Planning Committee; and, if so, will he explain how it is ensured in such circumstances that the work of the Planning Committee is not undermined and that any individual officer is not afforded too much power?

### **Answer**

All planning officers are authorised to determine planning applications, in accordance with the Chief Officer’s Agreement with the Planning Committee. The agreement requires that all applications must be signed off by a separate senior officer. They need not go before the Committee if there are less than 4 representations which are contrary to the officer’s recommendation. Revised proposals, where the first application has previously been before the Planning Committee, may be dealt with by department officers if it is considered that the concerns of the Committee have been adequately addressed.

At all times, the Chairman of the Committee retains the right to call any application before it. A copy of the Chief Officer’s Agreement is attached (Appendix 1).

### **APPENDIX 1**

#### **AGREEMENT BETWEEN THE CHIEF OFFICER AND THE PLANNING COMMITTEE**

**The Planning Committee will be allocated matters for consideration in the following circumstances**

##### **1. Where a grant of planning permission would be inconsistent with the Island Plan.**

This is a statutory requirement as only the Committee has the power in the Law to grant development which is inconsistent with the Island Plan

**2. Where, following the refusal of an application or the imposition of a condition, the decision was taken by the Chief Officer and the applicant requests within 28 days of the date of the original decision that the Committee review the decision.**

This is a statutory process in Article 22A of the Law. A decision on review will not prejudice the opportunity to pursue an appeal to an inspector by either the applicant or anyone who wishes to challenge an approval subject to being entitled to do so

**3. Following a request from the Chairman of the Planning Committee that the Committee should consider the matter**

The Chairman represents a single point of contact for administrative / communication purposes and members of the Committee can channel requests through the Chairman.

**4. Where the matter is considered by the Chief Officer to be of such a nature as to require the Planning Applications Committee to consider the case**

Officers from experience are sensitive to matters which would be better considered by States Members through the circumstances of the case.

**5. Where an application for planning permission has attracted 4 or more representations from individuals, where each individual appears to be from a different address, and the representations are contrary to the recommendation of the Chief Officer**

This retains the current practice which was established by the Planning Improvement Programme Political Steering Group (July 2011)

**6. If, after due consideration, the Committee reaches a conclusion which does not agree with the principle of the recommendation made by the Chief Officer, the Committee will furnish the Chief Officer with its planning reasons for arriving at that conclusion. The Committee will require that the relevant documentation to support the Committee's decision be prepared by the Chief Officer and presented back to the Committee at its next meeting for ratification.**

If the disagreement relates only to a condition or reason attached to a recommendation then the decision can be finalised at the same meeting of the Committee.

Items placed before the Committee for consideration remain to be determined solely by the Committee. However the Committee relies on the administrative support of the Chief Officer to issue its decisions in all circumstances. Formalising the arrangements where the Committee reaches a different conclusion to the Chief Officer on any matter leaves no room for misunderstanding of how such an issue will be dealt with. It allows reasons for any decision to be properly recorded and documented as the Law requires.

**7. When an application has been included on an agenda for consideration by the Committee the item will only be removed from the agenda with the agreement of the Chairman of the Committee.**

Once an item is included on a Committee agenda it becomes the Committee's responsibility. A number of parties will be notified (for example, the applicant, along with anyone who has made a representation) and the agenda will be published inviting anyone else to attend the meeting. In these circumstances it is important that the process for dealing with a request for removing an item from the agenda is properly considered.

## **2.23 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE DISPLAY OF SITE NOTICES: (WQ.367/2019)**

### **Question**



Will the Minister advise members what legislation and policies apply to the display of site notices advising the public of planning applications; will he explain whether planning permission would be invalidated if any such legislation or policies were not adhered to and, if it were not, will he explain why not?

**Answer**

The requirements for advertising planning applications are set out in Article 11 of the Planning and Building (Jersey) Law 2002, which reads

**11 Manner in which application for planning permission is to be publicized**

- (1) The Minister shall by Order prescribe the manner in which –
  - (a) an application for planning permission shall be publicized or otherwise notified; and
  - (b) representations may be provided by members of the public.
- (2) For the purpose of paragraph (1) an application for planning permission shall be taken to include any environmental impact statement relating to the application prepared and provided in accordance with Article 13.
- (3) No decision shall be taken on an application for planning permission unless the application has been publicized or notified in the prescribed manner, and the applicant may be required to provide evidence of such publication or notification.
- (4) In determining the application there shall be taken into account any representations provided by members of the public in the prescribed manner.

and Article 2 of the Planning and Building (Application Publication) (Jersey) Order 2006, which reads

**2 Publicity for applications for planning permission**

- (1) An application for planning permission made under Article 9 of the Law must be publicized in accordance with this Article.
- (2) All applications for planning permission will be publicized by local advertisement.
- (3) An application for planning permission must also be publicized by the applicant giving requisite notice by site display in at least one place on or near to the land or building to which the application relates.
- (4) The notice –
  - (a) must be displayed within 3 days of the applicant receiving an acknowledgement of the receipt of the application; and
  - (b) must be displayed for at least 21 days.
- (5) In paragraph (3) “requisite notice” means notice in the form set out in Schedule 1 or in a form substantially to the like effect.
- (6) This Article does not apply to any change in an application for planning permission where the Chief Officer has advised the applicant that the change is so minor that the change does not need to be publicized in accordance with this Article.

Members are advised that I intend to adopt Amendments to this Order, clarifying the period within which representations may be made and amending the requirement for the position of site notices. The intention is to require notices to be visible from a public place, if practicable, with the final judgement of acceptability resting with the Chief Officer.

**2.24 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE LEGAL POWERS OF THE MINISTER FOR THE ENVIRONMENT IN RESPECT OF PLANNING AND BUILDING DEVELOPMENT CONSENTS: (WQ.368/2019)**

**Question**

What powers does the Minister for the Environment have by law to –

- (a) stop applicants who have been granted planning / building development consents from not proceeding with developments either at all or within particular timescales; and
- (b) compel the owners of buildings where such consents have been granted from leaving their buildings in a state of disrepair that would potentially constitute an eyesore to the detriment of their neighbours or neighbourhood?

**Answer**

The relevant provisions are contained in the Planning and Building (Jersey) Law 2002 (“the Law”), which vests decision making power in the Chief Officer.

- (a) There is nothing in the Law to require a person to proceed with a development.

However, Article 23 of the Law permits a time limit to be placed on the period within which the development shall begin, after which the consent may lapse. Article 23 also provides for conditions to be attached which fairly and reasonably relate to the proposed development.

- (b) There is nothing in the Law to compel the owner of a building with planning consent to complete any development for which a consent has been granted.

However, under Article 39 of the Law, where a building is left in a state of disrepair, if that disrepair is due to development other than in accordance with either the conditions attached to the permission or the approved plans submitted for the purpose of the permission being granted, then the Chief Officer may issue an enforcement notice under Article 40 requiring the relevant person to remedy the breach of development controls.

Whether the state of disrepair of the building constitutes a breach of development controls will be determined on the facts of the case, taking into account a number of factors including, but not limited to, compliance with the conditions of the development consent and the reasons for any disrepair.

Article 44 of the Law provides sanctions for failure to comply with an enforcement notice.

Article 84 of the Law further provides that a notice may be issued requiring the repair or removal of a building “in a ruinous or dilapidated condition”. Whether a building is in such a condition will be a question of fact and the issuing of a notice will be at the discretion of the Chief Officer.

Such a notice may require the building or a specified part of the building to be demolished, repaired, decorated or otherwise improved within a certain time period. Failure to comply with the notice is an offence punishable on conviction by way of a fine.

**2.25 THE CONNÉTABLE OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE COMMEMORATION OF THE 75TH ANNIVERSARY OF THE LIBERATION OF JERSEY: (WQ.369/2019)**

**Question**

Will the Chief Minister outline what events, if any, are planned by the Government of Jersey to mark the 75th anniversary of the Liberation of Jersey; and will he request confirmation from the Bailiff’s

Chambers of any such events they may also be planning in order that a consolidated list may be presented to members?

**Answer**

The Government of Jersey is supporting the Bailiff's Chambers and the Liberation 75 Working Group in delivering a programme of events for 2020, with a focus on the 9th May.

The working group last met on Tuesday 3rd September to discuss the progress of the planning with the Chief Officer of the Bailiff's Chambers. In due course Deputy Kevin Pamplin will be reporting back to the Bailiff's Consultative Panel, of which I am a member, with a meeting scheduled for Thursday 26th September. Subject to approval, these plans will be made public in due course.

I am advised that in addition to plans for Liberation Day, the working group have identified a number of individuals and organisations who wish to hold themed events as well as the Parishes holding respective events on 10th May.

Separately, we are exploring a wider, year-long series of events and activities with a focus on 2020 and the 75th anniversary. This will involve local businesses and organisations in the commemorations, with the aim of promoting Jersey, its economy and its unique identity externally.

**2.26 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE MINISTER FOR INFRASTRUCTURE REGARDING COMPLAINTS ABOUT TAXI AND CAB SERVICES: (WQ.370/2019)**

**Question**

Will the Minister explain whether the Government collects data on the number and nature of complaints about taxi and cab services made by members of the public, and the medium used to submit the complaint; and if there is no such collection, will the Minister start to collect data about taxi and cab complaints and if not, why not?

**Answer**

On my behalf, Driver and Vehicle Standards administer the regulation of all Taxi services. As part of this, complaints received from the public are dealt with according to the outcome of the investigation of the complaint. Complaints can either be submitted on a paper form or via email, and if any are received in person or via phone, the complainant is requested to complete a written submission before any formal process is started.

The complaints, if found to be valid, and any subsequent action, is recorded on file against the individual badge holder. They are collated centrally, however all complaints are only signed off by two people within DVS allowing the department to maintain an overview of the number and nature of those received.

A new online form has been created, which is in the final stages of being made available on gov.je, to improve accessibility to the public in reporting feedback on taxi services and internal recording and reporting for DVS.

**2.27 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING STUDENTS AGED UNDER 19 WHOSE PARENTS ARE ON INCOME SUPPORT: (WQ.371/2019)**

**Question**

Is it usually the case that students aged under 19 whose parents are on Income Support are required to seek employment during holiday periods and, if so, how many full-time students aged under 19 have been sent job-seeker letters in the last twelve months?

How many of those students study overseas and how many attend a school or college in Jersey?

**Answer**

No, it is not usually the case that students aged under 19 whose parents are on Income Support are required to seek employment during holiday periods.

**2.28 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE RECRUITMENT OF A NEW CHIEF OFFICER OF THE STATES OF JERSEY POLICE: (WQ.372/2019)**

**Question**

Is the States Employment Board confident that potential candidates will not have been discouraged from applying for what may appear to be a pre-determined process following the publication of an article in the Jersey Evening Post dated 22nd July 2019 entitled ‘Is it time for an Islander to hold the post of police chief?’; is there also confidence that the number of applicants will allow a selection of high-quality experienced officers to be shortlisted for interview; is it envisaged that any measures will be necessary to mitigate potential complaints that the States have not embarked upon a fair and transparent process and, if so, has the Communications Unit been consulted?

**Answer**

The recruitment of the Chief of Police is overseen by the Jersey Appointments Commission (JAC) who ultimately will provide assurance about the veracity and robustness of the recruitment process. In all cases, SEB will require assurance from the JAC that there is a credible and objective recruitment process.

Following the publication of the article, the Group Director for People & Corporate Services (PCS) consulted the Chair of the JAC and the Minister for Home Affairs. It was agreed that additional oversight would be put in place to refer any queries or concerns from candidates through to the Group Director, PCS who would brief the Minister and JAC of any emerging issues or concerns.

One query was received and resolved to the satisfaction of the candidate. No candidates have withdrawn because of the article.

The Government of Jersey’s Communications Directorate did not arrange the interview and is not involved in any recruitment decisions.

**2.29 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PROVISION OF INFORMATION ABOUT DEPARTMENTAL EXPENDITURE: (WQ.373/2019)**

**Question**

Further to a response given to Oral Question 186/2019 on 16th July 2019, in which a request for monthly details of departmental expenditure was refused, but an undertaking given to provide the figures for the end of June by the end of July 2019; will the Minister advise when these figures will be made available and why it was possible for the same information to be provided by way of a public Freedom of Information request?

Given that the figures at the end of April 2019 show that the Chief Operating Office was £2.1 million overspent, will the Minister provide the latest figures, including a detailed breakdown of the overspend?

**Answer**

Departmental expenditure information as at the end of June has been published to the Assembly (R.115/2019). The answer to the Freedom of Information request provided “headline” departmental numbers only. The published report includes further supporting information and explanation.

The latest forecast outturn for the Chief Operating Office is a £2 million overspend. The reasons for this are set out in the report.

**2.30 DEPUTY S.M. AHIER OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE FUNDING OF POLICY DEVELOPMENT BOARDS: (WQ.374/2019)**

**Question**

Will the Chief Minister advise the Assembly –

- (a) the amount of funding allocated to each of the Policy Development Boards since their inception;
- (b) the total funds allocated to the Policy Development Boards in 2019; and
- (c) the total funds allocated to the Policy Development Boards in the Government Plan for the next four years?

**Answer**

Policy Development Boards are supported by existing officials and utilise existing departmental budgets, in the same way as other policy projects. As outlined in the published terms of reference: “The Boards will be supported by officials, to the same standards and applying similar practises, including around the production of evidence, options, and public engagement, as officials would apply in supporting individual Ministers.”

In noting this, where the existing approved resources of a Department are insufficient, additional funding has been allocated as follows:

- £99,000 has been allocated to the Housing Policy Development Board to meet the costs of external advice and guidance; and
- £200,000 has been allocated to support the work of the Early Years Policy Development Board across 2019 and 2020
- The Hospital Policy Development Board had expectations of being able to access a budget of up to £150,000 should it have been required. Nevertheless, on completion of their work they had spent under £15,000.

In addition, scoping work is underway on an Island Identity initiative, and while this will work across government utilising existing resource, it will also have its own programme of work and a process of allocating and determining funding will be needed, in line with commitments made in the Government Plan.

No other additional budget allocations have been made or are envisaged in 2019, or are proposed in the Government Plan.

**2.31 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING STAFFING LEVELS AT THE GENERAL HOSPITAL: (WQ.375/2019)**

**Question**

Will the Minister provide a full breakdown of current staffing levels at the General Hospital and advise what provisions are in place to manage the impact of staff illness, especially in any areas which are underresourced?

**Answer**

**Breakdown of staffing levels within the General Hospital:**

The table below shows the number of funded posts within the Hospital, split by staff group, with actual staff in post and the current vacancies, as of August 2019.

<b>Staff Group</b>	<b>Funded posts</b>	<b>Actual staff in post</b>	<b>Currently vacant</b>
<b>Allied Health Professionals</b>	240	218	22
<b>Civil Servants</b>	239	190	50
<b>Manual Workers</b>	347	307	40
<b>Medical Staffing</b>	167	160	8
<b>Nursing &amp; Midwifery</b>	680	606	74
<b>Total</b>	<b>1,673</b>	<b>1,481</b>	<b>194</b>

Note: Due to rounding, numbers may not add up precisely to the totals

**Management of staff illness:**

Staff illness is managed on a case by case basis as it will be specific to the area impacted upon and the anticipated duration of that absence.

Using a ward as an example: for short-term, last minute absence, an assessment would be made regarding the need to cover the shift by reviewing the number of staff on the shift that remain and the skill mix (split between registered and unregistered staff), taking into account the experience of the registered staff. This is then assessed against the number of patients within the area and the dependency (level of care required) of the patients within those beds. We have recently implemented a “safer staffing” tool which assists with this process, but also allows us to compare one department with another.

If we need to cover that absence we either look to see if there is another area that can release a staff member to support or, if not, we look to see what staff are available on “the bank”. Overtime is offered and utilised as required.

Depending on the number of vacancies within the area, medium- to long-term sickness may require the short-term appointment of agency staff from the UK.

Ward areas have recently been reviewed to ensure their staffing levels are appropriate for the number of beds they have and the types of patients that they care for.

A similar methodology is applied across other staff groups and departments.

There are occasions, although these are very rare, that activity may need to be reviewed and potentially reduced if staffing levels are not able to support safe care.

## **2.32 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING PREPARATIONS FOR BREXIT: (WQ.376/2019)**

### **Question**

Will the Minister provide an overview of the provisions in place to manage the impact within his portfolio from 31st October 2019 of Brexit, whether or not a deal has been agreed between the U.K. and the E.U., detailing what ‘worst case’ scenarios have been anticipated?

### **Answer**

Prior to 29 March 2019, the Health & Community Services Department (HCS) had established a comprehensive Day 1 No Deal (D1ND) Brexit Readiness Plan. Following the UK government obtaining an extension from the European Council until 31st October 2019 for Britain’s exit from the EU, HCS has maintained and improved its resilience and contingency plan and has prepared for a worst case scenario of a No Deal exit from the EU.

### Medicines

All medicines used in Jersey are sourced via the UK supply chain. The HCS department has been liaising with the UK DHSC (Department of Health & Social Care) regarding the supply of medicines. The DHSC advised HCS in November 2018 that as part of its D1ND contingency preparations it was consulting with the pharmaceutical industry and had requested that the pharmaceutical industry increase its actual stock holding of medicines physically in the UK by an additional 6 weeks over and above its normal ‘business as usual’ stock levels. This additional stock would act as a reserve to feed into the normal UK supply chain in the event that importation of medicines from the EU to the UK is disrupted. This continues to be the case to the present day.

At the same time, the DHSC issued a directive that all UK hospitals, pharmaceutical wholesalers and community pharmacies were not to stockpile medicines as this would create considerable disruption within the existing supply chain and the availability of medicines could become critically reduced. It confirmed that this also applied to the Crown Dependencies and Devolved Administrations and provided assurance that the Crown Dependencies were included as part of its planning and would have equal access to all medicines in the UK supply chain, including the additional stock held by the pharmaceutical industry. This DHSC position has remained unchanged.

### Medical & Pathology Supplies and Medical Device spare parts

On 13 February 2019, the DHSC authorised the Crown Dependencies to increase their stocks of medical supplies & devices/parts. HCS has identified through its Brexit Operational Group the volume requirements of additional supplies and equipment, and has completed this process in readiness for an October 31 D1ND:

- 6 weeks of core stock supplies on top of 2 weeks baseline stock – achieved
- 4 weeks of medical gases on top of 4 weeks baseline stock – achieved
- 4 weeks of wards/departments non-stock medical supplies (specific items) on top of 4 weeks baseline stock – achieved
- 4 weeks general pathology supplies on top of 4 weeks baseline stock – achieved
- as is customary and with the agreement of the DHSC, due to our geographical isolation and possible seasonal weather disruptions to our ferry services for an autumnal D1ND, HCS has maintained its winter stock levels of medicines (various volumes dependent on demand).

Jersey obtains all its medicines and nearly all medical & pathology supplies from the UK, mostly via sea freight from Portsmouth. The Department for Transport (DfT) has stated that UK ports may experience significant disruption following a D1ND Brexit of up to 6 months, with the most severe period being the first 3 months. HCS has in addition to the above contingencies planned for worst case scenarios and undertaken the following additional measures:

- In the event of sea freight disruption, Medicines and all Medical Supplies have been given Category 1 priority status to all Channel Islands freight capacity. This means HCS supplies will be prioritised in order to maintain our supply chain throughout the anticipated period of disruption.
- In the unlikely but possible event that the sea freight supply chain is unable to maintain demand (i.e. reduced number of sailings), HCS has established air freight contingencies for all goods.
- In addition, as part of HCS Brexit D1ND preparations, it was noted that within the Emergency Powers & Planning Law (EPPL) there is no competent authority for medicines and medical supplies unlike food, utilities etc. An Amendment to the law including provisions for medicines and medical supplies has been lodged by the Chief Minister. This will provide the Island with a further level of comfort should an emergency response be required in relation to medicines and medical supplies via the instruction of the island's Emergency Council.

HCS will continue to maintain its current advanced state of readiness and continually monitors Brexit developments.

### **2.33 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING PROGRESS ON THE FUTURE HOSPITAL PROJECT: (WQ.377/2019)**

#### **Question**

Will the Chief Minister provide members with all the site assessments undertaken to date in reviewing both new and previous sites for the Future Hospital, including any information regarding the anticipated impact of progressing the hospital project away from its current location?

#### **Answer**

The sites that were considered and assessed for the Future Hospital Project are outlined on the website of the former hospital project: <https://www.futurehospital.je/selection-process/>.

It became clear early in the process that the assessment of clinical needs needed to be updated (being several years out of date). This will inform the assessment of the size and scope of the new hospital, which will affect the site selection. However, all of this depends on the finalisation and ministerial approval of the Jersey Care Model, which is currently being finalised by Health and Community Services.

A more detailed update on the progress of the Our Hospital project will be shared with the Assembly shortly.

### **2.34 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE USE OF THE DISABILITY ACCESS CARD ON LIBERTY BUS: (WQ.378/2019)**

#### **Question**

Will the Minister provide an anonymised breakdown of the Islanders who have signed up for, and who are using, the trial Disability Access card with Liberty Bus, including a full cost basis analysis?

#### **Answer**



As at the end of August 2019, there were 615 AvanchiAccess passes in circulation, issued to 307 females and 308 males. These numbers can be broken down into the following age groups:-

Age group	Female	Male
5-9	3	0
10-14	4	7
15-19	18	16
20-24	24	33
25-29	23	18
30-34	18	19
35-39	27	13
40-44	22	31
45-49	36	34
50-54	45	30
55-59	51	50
60-64	34	48
65-70	2	9

Because the scheme is only open to applicants aged under 65, passholders who have fallen into in the 65-70 age group since their AvanchiAccess card was originally issued will be invited to obtain the Senior Citizens' concessionary travel pass when their AvanchiAccess passes expire.

Usage data is not yet available for 2019. In 2018 over 71,000 passenger trips were recorded where an AvanchiAccess pass was used. The reimbursement paid to LibertyBus in respect of these trips totalled £106,596. There were 509 passes in circulation at the end of 2018 that had been used once or more during the year, of which 290 (57%) had been used an average of more than once per week and 53 (10.4%) had been used an average of more than once per day.

**2.35 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE CAPTURE OF DATA IN RESPECT OF NEW CHILDREN ARRIVING IN THE ISLAND: (WQ.379/2019)**

**Question**

What processes, if any, are in place across Government to register, or capture data in respect of, a new child arriving in the Island; and what work, if any, has been done to secure a database of all children who have particular needs, including disability, mental health or fostering?

**Answer**

For a non-Jersey born child arriving in the Island, Article 8 of the Control of Housing and Work (Jersey) Law 2012, makes it a legal requirement for the parent of the child, or another person with parental responsibility for the child, to notify the Assistant Chief Minister of the child's name, gender, address and date of birth, no later than 3 months after the date the child starts a period of 3 months continuous ordinary residence in Jersey.

Understanding the range and profile of children in an area is important in the planning of services and prioritising resources. This often takes the form of a joint strategic needs assessment in a

jurisdiction or area. This is a new development within Jersey and is being led by Strategic Policy, Performance and Population (SPPP).

Services do hold information on the children to whom they provide a service. This usually takes the form of a proportionate individual assessment with identification of a child's needs. Services also use this information to inform performance information to assist with service planning and development. This information can also be used to assist with understanding unmet need for example we know that there is a need for foster placements on island which will provide intensive support and will contribute to more children being cared for locally on Jersey rather than requiring placements 'off island'.

The Children's Plan published earlier this year sets out the target outcomes we want to achieve for all children in Jersey, there is a multi-agency Children's Strategic Partnership Board which I chair.

This board is responsible for driving and overseeing the implementation of the plan. Within the plan, there are a series of indicators, which will allow progress to be measured.

### **2.36 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTRE FOR SOCIAL SECURITY REGARDING HER PRIORITIES TO REDUCE INCOME INEQUALITY: (WQ.380/2019)**

#### **Question**

Will the Minister publish her latest list of priorities for reducing income inequality for the years of the Government Plan 2020-23, giving the timescale for any research and consultation to be undertaken and the delivery of policies?

#### **Answer**

The current list of priorities is set out in the Government Plan. Under the strategic aim of: Reduce income inequality and improve the standard of living, the following actions come under my ministerial responsibility and are planned for delivery in 2020:

Develop proposals to improve financial independence in old age. As one of the elements of the Social Security Review, in 2020 we will investigate ways in which the Government can help people to maintain their financial independence as they get older. This will include investigating a workplace pension scheme, which could afford every worker access to a second pension on top of their Social Security pension. We will also look at other ways to encourage savings and make the best use of the increasing numbers of older workers in our economy.

Permanently fund the Diffuse Mesothelioma Payment Scheme. In 2018, the States Assembly agreed (P.124/2018) to provide one-off payments to individuals (or their dependents) with diffuse mesothelioma, a disease associated with historic exposure to asbestos fibres. The payment is based on the age of the claimant, so someone diagnosed at the age of 65 would receive a payment of £25,440. This scheme is due to be introduced in October 2019, but will require permanent funding from 2020 onwards. We anticipate approximately five claims a year.

Reintroduce permanent funding for the single-parent component of Income Support. The previous States Assembly (P.113/2017 and P.28/2018) agreed to provide a single-parent component as part of the Income Support system, and identified funding for 2018 and 2019. The component currently provides an additional £40.39 a week to around 1,000 eligible single parents. We will make this funding permanent from 2020 onwards.

Maintain the Food Cost Bonus for a further three years at the current value. This lump sum annual payment is worth £227 a year and acknowledges the cost of GST levied on food for households that have incomes above the Income Support level, but do not have an income tax liability. The further

extension of this scheme provides time to review this bonus as part of the planned review of the interaction between the tax and benefit systems for individuals and households, to be undertaken in 2021.

Work with businesses, parishes and community groups to improve social inclusion by delivering the disability strategy, improving community-based services and supporting diversity. The disability strategy was published in 2017 and some initial projects have already been completed using existing resources. The extra funding identified in the Government Plan supports the roll-out of a wider range of projects from 2020 onwards. In 2020, we will also build on the successful Closer to Home initiative, launched in 2019. The first stage of the project delivered a range of community services at Communicare in St Brélade. In 2020 we will extend this model to other locations, as well as extending the range of services provided. We will also work within Government and across the Island to support diversity.

Develop proposals to support disabled adults living at home and their informal carers. As the population ages, more Islanders will live with a long-term condition and will need daily help. 10% of households include someone who provides informal care to a friend or relative (Jersey Health and Life Opportunities Survey 2015). In 2020, we will develop additional support for disabled people who continue to live in their own home, and their carers. This may include the provision of a personal budget, or financial help with the additional costs faced by households looking after a family member at home. We will also consider how to fully recognise the role of family carers

Amend the social security scheme to provide benefits to both parents. The contributory benefit system currently only supports a birth mother with a weekly allowance of £216 per week while she is off work caring for a new baby. As part of the Social Security Review, we have acknowledged the need to move to a more family friendly labour market, which acknowledges the role of all parents in the care of their children. In 2020, we will make changes to contributory benefits so that both parents will be able to receive parental benefits. This will be funded from two changes to Social Security contributions. We will increase the cap on earnings from £176,000 to £250,000; we will also increase the contributions rate received from employers of higher-earning workers, and high-earning self-employed people, from 2% to 2.5%. These changes are anticipated to generate an additional £3.35 million in 2020.

Develop a new approach to supporting workers with long-term health conditions. Supporting workers with long-term health conditions to return to or remain in employment supports their wellbeing, mitigates the effects of the ageing population, reduces health costs, increases tax revenues, and also reduces the need for inward migration. Building on research undertaken by the Social Security Review, in 2020 we will work closely with employers, health and other professionals to develop improvement proposals. These will focus on a new assessment process, the balance of responsibility between Government and employers in supporting workers during periods of incapacity, and a health and benefit framework that supports individuals to remain in employment whenever possible.

Deliver improved legal rights to employees. The Employment Forum is an independent statutory body that makes recommendations to the Minister for Social Security on changes to employment law. In 2020, the Forum will report on the possible extension of employee rights in respect of rest breaks (the right to a break during the working day) and annual leave. The next area to be considered will be a review of the use of 'zero hour' contracts

Complete the annual minimum wage review. In 2018 (P.171/2017) the States Assembly agreed to aim for a minimum wage rate set at 45% of average (mean) earnings by the end of 2020, subject to economic and labour market conditions. There will be two increases during 2019 and the minimum wage will be reviewed again in 2020, with the aim of increasing the minimum wages of the lowest-paid employees. The Employment Forum's review will take account of the views of stakeholders

during consultation, and Government commitment to support productivity improvements in low-wage sectors as well as the general economy.

The Government Plan also provides some outline information on activities in 2021-23. My responsibilities in this area comprise:

- implementing a workplace pension scheme and/or other measures to support financial independence in old age
- agreeing and delivering a new approach to supporting workers with a long-term health condition
- delivering actions across all areas of the disability strategy
- improving support for adults with care needs living in their own homes and their carers
- completing a review of the interaction between tax and benefit systems

Additional actions in this area may be identified in the next Government Plan to be published next year.

### **3. Oral Questions**

#### **3.1 Deputy K.F. Morel of St. Lawrence of the Chief Minister regarding the Revenue Policy Development Board: (OQ.204/2019)**

Given that, on 7th June 2018, the Minister for Treasury and Resources stated that “a review of taxation is ongoing, which will inform future decisions on Social Security issues and taxation in Jersey” and that the Revenue Policy Development Board was not established until 27th August 2019, why was the Policy Development Board not established earlier and will it take over the work of the taxation review?

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

Can I just welcome everybody back to the Assembly after hopefully an invigorating summer? Unfortunately, there is no point speaking too loudly on this subject generally because I believe the audio is not working, so it could be hand signals only, I believe. But anyway. To clarify ... I am getting an echo here. Is that better? **[Aside]** To clarify, the Board is not solely focused on taxation. It covers wider issues of revenue raising; it does include tax, obviously, but also social security, charges, cost recovery. There are potentially instances where we say we recover our costs when we are recharging, but we do not. Therefore, that is something we are going to be addressing. We are also looking at certain other issues as laid out in the Board’s terms of reference. I did not finalise the Board earlier because the personal tax review is only just now nearing completion. That is also identified in 2.1 and 2.2 of the terms of reference. I was also sorting out the finer details of the Board’s terms of reference, its membership and scoping in conjunction with the other boards I have created. I hope that helps.

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

Given the Government Plan was published in July and is expected to be completed in November, would it not have made more sense to have the Policy Development Board constituted a year ago, given the importance of revenue raising to the success of the Government Plan?

#### **Senator J.A.N. Le Fondré:**

This is what I call a longer-term burn. It is a longer-term piece of work and that is why, in fact, if the Deputy looks into, I think it is section 9, towards the back of the plan, it talks about work we are going to be doing in 2020. Some of that will be covered by the Policy Development Board. Although it is a longer-term piece of work, compared to some of the other more urgent things that we put in

place, it is not an initial priority, because, obviously, any changes to these types of areas do take time. You have to consider them properly. Therefore, it was never going to be in play for the 2020 revenue-raising period.

**3.1.2 Senator K.L. Moore:**

Given that the Chief Minister seems to prefer a long-term burn as his mode of working, what reassurance can he give to members of the public who might be concerned by some of the comments that have been made very public about the potential for increases in taxation?

**Senator J.A.N. Le Fondré:**

Could I just seek clarification? So, what comments have been made publicly about the significant risk of increases in taxation?

**The Deputy Bailiff:**

If you would like to clarify your question, Senator.

**Senator K.L. Moore:**

I am sure that the Chief Minister has said that and alluded to that, as has the Minister for Treasury and Resources, in public speeches.

**The Deputy Bailiff:**

Are you able to answer the question?

**Senator J.A.N. Le Fondré:**

The statement, I am sure, I would like a bit more certainty to understand exactly when and where she is referring to.

**Senator K.L. Moore:**

It is a commonly used phrase and I can refer specifically to the Chamber of Commerce speech given by the Minister for Treasury and Resources, if that helps.

**Senator J.A.N. Le Fondré:**

Sorry, I am not deliberately trying to be thick here. I do need a bit more clarity to be able to answer that sort of question.

**The Deputy Bailiff:**

I am afraid I cannot leave a further elaboration of the question to go on. I think we must move on.

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

When push comes to shove this Government Plan, like any other Budget, is about how we raise revenues and how we spend revenues. Is it not unfortunate indeed that how we raise those revenues has been ignored in the 2? Does it not sound like we are looking at a future of cuts and yet more austerity?

**Senator J.A.N. Le Fondré:**

I would point out the question is around the creation of a Policy Development Board, not the Government Plan. The Deputy always likes to use the words “cuts and austerity”. In terms to bring the topic round to revenue raising, this is looking at things in the longer term. We know we have some issues around the supplementation grant, which historically was frozen for the entire period of the previous M.T.F.P. (Medium Term Financial Plan) and immediately, if it is unfrozen, would have gone up by £15 million a year. In the life of the plan, it goes up to £30 million and then will continue to grow. We know we have to address those types of issues. But you cannot do that on day one, so

we have expressed a view that we look at those types of issue in the plan and that is one of the purposes of the board that we set up.

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

The Chief Minister looks at the long term; however, in referring to supplementation what happened there and what has happened there is that we got a short-term saving in terms of what was happening. That was a temporary stopgap. We have now got the main problem; supplementation and how we fund our pensions full and square, do we not?

#### **Senator J.A.N. Le Fondré:**

I entirely agree with the Deputy on that one because it was a short-term ... I can understand why it was done, but it was a short-term fix; no question. What we have got to do on things like supplementation and pensions you are looking at periods of 30, 40, 50 years away. So it does not matter, to an extent, as to what one does this year, or next year. One has got to make sure one gets their foundation right going forward. That is why we have indicated in the plan we are going to do that, but also that is why that will be an impact that will be felt in 2021 onwards probably, depending on the outcome of the work that we do next year. What we have done in the Government Plan in that particular area at the moment is business as usual. The figure unfreezes and is part of the expenditure increase in that plan. What I am saying is, that cannot continue in the longer term, but bluntly will be spending somewhere in the order of £100 million a year on a supplementation grant. That has quite wide ramifications. So it needs to be addressed.

#### **3.1.5 Deputy L.M.C. Doublet of St. Saviour:**

The Chief Minister will be aware of one taxation issue, which the public are waiting to be resolved, which is the married woman's tax situation. Is this part of this work and is there any update on when that situation will be resolved?

#### **Senator J.A.N. Le Fondré:**

My understanding is that the Council of Ministers are due to receive the briefing quite shortly on the outcome of the review, which is being finalised. It may well have been finalised. From thereon it will then go through the process of coming through. I am expecting information and action on that in the next few weeks. I believe what we said is it is indicated that it should be put in play, I believe, for 2021 and, therefore, as far as I am aware, we are on track to achieve that.

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

15th May 2019 is when the Minister for Treasury and Resources warned the Chamber of Commerce that revenues may have to rise, just for the Chief Minister's personal knowledge for future questions along this line. Given that this has been said before by Members of his own Government, does the Minister understand how difficult it is to scrutinise a 4-year Government Plan, not understanding, or knowing, how revenues will be raised over the coming 4 years?

#### **Senator J.A.N. Le Fondré:**

The short answer is no, because what we have indicated is the present position on present revenue projections, and we put some caveats in there around Brexit and those types of pressures that we may face, but it is obviously based on our present system of revenue. Any changes going forward then get updated in the following year's Government Plan. Do not forget: this is an annual cycle we are now going to go through. That was around flexibility. So, the forecasting at the moment is based on the present system and it shows the revenues work. What we have got to make sure is that any changes that go forward do not make that position any worse and that will go through the whole normal process of developing the policy, consultation, scrutiny, debates in this Assembly. All that type of stuff. You cannot predicate where that goes. So, our revenue forecasts at the moment are

based on the present system with the tweaks that we all know about carrying on forward. Therefore, it should be perfectly possible to scrutinise those plans in their current state.

**3.2 Deputy M.R. Higgins of St. Helier of H.M. (Her Majesty) Attorney General regarding the interception errors reported in ‘Regulation of Investigatory Powers (Jersey) Law 2005 and Police Procedures and Criminal Evidence (Jersey) Law 2003: Report of the Investigatory Powers Commissioner 1st January to 31st December 2018’ (R.112/2019): (OQ.214/2019)**

Will H.M. Attorney General advise Members how the interception errors reported by the Investigatory Powers Commissioner in his 2018 report came about and how will he ensure that no further errors will occur in the future; and is it the case that intercepting a person’s communications in error is likely to be a breach of the Data Protection (Jersey) Law 2018?

**Mr. R.J. MacRae, H.M. Attorney General:**

It is right to note that in the conclusion to Lord Anderson’s report, he observed that the investigatory powers under review were, as a rule, exercised during the year in question in a “compliant, proportionate and conscientious manner”. But he noted at paragraph 52 that 2 errors had taken place during the year referred to in the Deputy’s question. Taking those 2 errors in term. The first involved the hard copy of a warrant collected by the States of Jersey Police from my office. The warrant was taken away, actioned and the warrant was copied immediately, scanned into the system at the police station. The original was destroyed in error. The fact of the destruction of the original was picked up by the States Police’s own internal processes. That was reported to me and notified to the Commissioner on his annual inspection. He was not very concerned by this issue, as is clear from his report. The document in question never left the police station. It was destroyed in that location. But there has been a change in process to eliminate the risk of any further accidental destruction and new fields have been added to the in-house audit trail to ensure this cannot occur again. In relation to the interception of an incorrect telephone number - the second error referred to in the report of the Information Commissioner - the number intercepted was the subject of an approval granted by me. The number had been properly sourced, but the number was not, in fact, linked to the subject of the consent. This will happen from time to time, because information the police receive is not always accurate.

**The Deputy Bailiff:**

Attorney, I must ask you to, if you can, bring your answer to an end.

**The Attorney General:**

I can within the next 30 seconds, if that is sufficient, Sir.

**The Deputy Bailiff:**

That will take you one minute over the normal allocated time, but please do continue.

**The Attorney General:**

I am grateful, Sir. As indicated by the report itself, processes have been improved. The key thing is what the police did in those circumstances and it is plain from the report that as soon as the error was identified, the call was concluded. So, once it was clear that the wrong phone number had been connected, the interception immediately terminated. There is no question of a breach of Data Protection Law, because this was a lawful intercept. It might be different, of course, if a number had been intercepted which was not the subject of a warrant.

**3.2.1 Deputy M.R. Higgins:**

I would like clarification from the Attorney General. He says that the call was terminated and it was a lawful intercept. Surely, if the mistake has been made - and perhaps the Attorney General can tell us - whether they listened to any part of the conversation and whether the people concerned that they were listening to were any way connected to the investigation that was going on.

**The Attorney General:**

I cannot give any more information than I have.

[10:00]

One call was intercepted. When it was realised there was an error, the intercept was terminated. The reason this was a lawful intercept was because it was the subject of a consent given by me. It would be different, of course, if a number was intercepted, which was not the subject of a lawful consent. The police were plainly acting in good faith, but sometimes the information they receive is inaccurate, hence the fact a number not connected to the subject was the subject of this lawful intercept.

**3.3 Deputy R.J. Ward of St. Helier of the Minister for the Environment regarding the monitoring of air quality: (OQ.203/2019)**

Further to the answer to Written Question 282/2019, in which it was stated that real-time air quality sensors would be in place at every school before the start of term in September, will the Minister confirm that these sensors are in place; and will he give an update on the wider air quality project involving Environmental Health, Digital Jersey and AirSensa to install 300 sensors across the Island?

**Deputy J.H. Young of St. Brelade (The Minister for the Environment):**

The first batch of 12 AirSensa real-time air quality sensors arrived in the Island at the end of August. The Environmental Health team have been working with all head teachers and school site managers to identify locations for those sensors and the units are being fitted at the moment. The installation plan prioritises all schools and St. Helier town centre schools are in the first tranche. This will ensure there is focus on air quality where children are particularly exposed. The first 6 units are now successfully communicating live real-time data to Digital Jersey and AirSensa, while the remaining 6 schools are undertaking small works to fit units in suitable locations and we are advised that the next batch of units will arrive next week. I looked on the website and I could not see this myself and the answer is after installation each sensor has to undergo a period of calibration and data quality checks before those reliable measurements can be gathered and analysis and publication, and that work will be ongoing as soon as we can.

**3.3.1 Deputy R.J. Ward:**

It is sort of supplementary, but the second half of the question was about the wider air quality project involving 300 centres, as well as the schools. We can see that the project with schools has slipped slightly and I can understand and I am glad to see that 6 of them are in place. But can we get some sort of update on the wider setup of the centres across the Island, which will be so important if we are going to monitor air quality in a meaningful way for Islanders?

**Deputy J.H. Young:**

Yes, a good question. The remaining 6 schools, I hope, will be on soon, so we end up with 12 schools now. I think the question is, there is no question this is a project which is pretty ground breaking. It is going to have to build upon the early work, the pilot work and, of course, the contract is with this private firm, AirSensa, one of the leading players in the field and Digital Jersey. I have not looked at the contract myself, but my expectation is - and I will undertake to the Deputy to keep the flow of reports going - how the project goes because it is the intention of trying to extend this system out as much as possible. Just for the Deputy's interest, I understand that communication takes place through



cloud technology and so that is quite obviously a sophisticated thing to bring it all together. But, at the moment, that is the intention and if there are any snags or things that prevent that happening I will make sure the Assembly are told.

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

While some progress is to be noted, does the Minister believe that the Council of Ministers is doing enough to tackle air quality, particularly around schools, when we consider the steps that are being taken in the United Kingdom around schools by local authorities? We are not tackling, as far as I know, idling vehicles, diesel vehicles being allowed to penetrate close to schools and poorly-tuned vehicles across the Island, especially H.G.V.s (heavy goods vehicles). Is the Minister going to be talking to his fellow Ministers about really upping our game, as an Island, on air quality?

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

The honest answer is: no, I am not. I do not think we are doing enough at all. I think we are very fortunate that we have got a very enlightened Environmental Health team, who have advanced on this question and taken this forward. But I think there are massive issues still to deal with the issues that the Connétable raised about vehicle pollution. Of course, as the Members all know, at the moment the responsibilities are divided. My role, as the Minister for the Environment, does not extend to regulating on that matter; we do not have a Jersey clean air law. But certainly I will undertake to carry on pressing and try and do everything I can to make this Government Plan, which looks lovely and lots of commitment, deliver and things happen.

### **3.3.3 Deputy L.M.C. Doublet:**

Can the Minister clarify; it was my understanding from the original commitment that it was every school that was going to be having one of these monitors? Secondly, I might have misheard him, but I heard him saying that St. Helier schools were being prioritised. Are St. Saviour schools also being prioritised, because I believe we have extremely heavy traffic as well?

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

A good question. I think the best thing I do is give the list. The 6 that are in are: Plat Douet, St. Mary, Beaulieu, Janvrin, Mont Nicolle and St. Clement. The ones that are still to find a site are Hautlieu, Les Quennevais, St. Michael's, Rouge Bouillon, St. Saviour and Grouville. Obviously, they are looking at that list, they seem to be all urban schools to me and obviously the additional schools will be in the next batch.

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

My question has been answered.

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

Does the Minister think that he has enough tools in his toolbox to be able to deal with the issues relating to pollution and, more generally, to traffic control in the Island? If not, what powers would he like to be brought into his own portfolio and from where?

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

Absolutely not. I feel that, as the Minister for the Environment, the community as a whole are pressing for urgent action in a number of fronts on pollution, not only on air quality, but the pollution of our water supplies. Of course, the solutions to those do not lie with the Minister for the Environment. They may do in some cases where we have got a law where we can use the heavy hand of regulation and at the extreme enforcement through action in the courts but, frankly, that is not good enough. I know other jurisdictions do these things in different ways; they have stronger laws, different structures. I hope, in the fullness of time, that what I consider the unsatisfactory allocation of responsibilities in the setup of the Council of Ministers will, in fact, address those things

in time. I had hoped that it would have happened by now, but I think it is a work in progress for the future to try and make sure, as I said, the plans that we have and the really good objective we have got we can deliver them.

### **3.3.5 Deputy M. Tadier:**

Could I push the Minister further on what he sees as the unsatisfactory set up in the Council of Ministers for him to be able to deliver on this key area and what changes he would make to that system for the betterment of the Island?

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

We have got a problem now; we have got a mismatch between one government structure, Government of Jersey and new executive machinery and the ministerial responsibilities, which makes it very difficult to ensure that we can progress those actions. Personally, I would like to see that resolved. I asked for it to be resolved when I got elected back in 2018, it has still not happened. It is still a problem. It is a priority, as far as I am concerned.

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

I have been asking about this question really since I started here about measuring air quality and would the Minister not agree that unless we have the sort of detailed information - both in urban and non-urban areas - about the quality of the air that we are breathing, any policy made for the future would be policy in the dark and will not be informed well enough to make the sort of changes, which may be difficult, particularly in urban areas, to make the changes we desperately need in order to protect our population, particularly our young children around schools?

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

Yes, I think the Deputy is right. I think in the area of environment and particularly environmental regulation, we have to make sure that our policies are based on actual factual information. For example, when we decide whether to ban agricultural substances, we rely on scientific evidence and that scientific evidence needs accurate information. I think I have demonstrated in my time, but I think I have been the first to publish the detailed results of water pollution measurements, so that people can see it. Here is an issue where the subject is a little bit more difficult; it is in the air and, therefore, we need the best technology to do it. But, of course, it is important that these programmes are properly resourced, which is where, obviously, the Government Plan comes in and I will leave that to others.

## **3.4 Deputy S.G. Luce of St. Martin of the Minister for the Environment regarding the progress made in relation to the restoration plans for the sand pits at Simon Sand: (OQ.198/2019)**

What recent progress, if any, has been made in relation to the restoration plans for the sandpits at Simon Sand, especially give the site's location within the heart of the Island's National Park?

### **Deputy J.H. Young (The Minister for the Environment):**

I am grateful to the Deputy, the former Minister for the Environment, for giving me an opportunity to highlight this issue. Of course, Members will know that the St. Ouen sand quarry is the Island's only local source of sand and it has been necessary, in the short term, for the quarry to continue to provide much needed sand for the building industry. As a result, an extension of time, not an extension of the area of the site, was granted in 2018 to allow the remaining sand under the existing permissions that could be extracted. That decision followed an earlier meeting in 2017 between the quarry operator and the Deputy, as the former Minister, when, of course, it was agreed that a managed retreat from that site would be required. But I say here, I am determined to see the quarry returned

to nature at the earliest opportunity. The owner is legally required to do that and meet the cost, as per their planning permission. We are promised that the restoration plan for that site will be with the Planning team by the end of the year. But, of course, our mineral strategy, the replacement of that site has to be under review and it is in the Island Plan, because the quarry gets to the end of its working life. I can be clear that, as far as I am concerned as Minister for the Environment, I would not support any further extension and the Island will need to prepare for sand importation in the future.

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

Will the Minister make it a priority then to look for alternative imports of sand in the as near future as possible and certainly before the Island Plan is agreed?

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

I am not sure where the responsibility for this lies. We have an Island Plan policy and a mineral strategy, which sets out that task. I asked the question of the officers: who is doing this? Ports of Jersey. When I ask Ports of Jersey: "What is happening?" Not much. I think, to message out there, whoever it is, whatever Minister, whatever quango, this is a task to be done, otherwise we will end up with no sand. I will do my best. When somebody has that responsibility and that kind of illustrates the Deputy's earlier question, this question of responsibilities. The regulatory side is that that quarry will run out in 2023. The Island Plan will need new policies and part of that will be a new way of importing sand and we are open. It would be wrong for me to stand here and say I am going to invite commercial bids or what. I leave it to those Ministers around the table to take that forward. But if Members feel that is my role, I will give that consideration.

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

If the Minister is having such difficulty finding the appropriate responsible person, should he not take that to the Council of Ministers and ask them to decide and give a ruling on where responsibility lies?

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

Yes, good idea, that was my intention. But, of course, the Deputy's question pre-empted that and I think I have been trying to be honest at what the situation is and use it as an opportunity to highlight the importance of this issue.

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

Will the Minister guarantee that, in the future, the utmost protection will be afforded to this National Park site from any possible degradation, contamination, pollution during its remediation, especially given its vital importance to both the environment and the ecology?

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

I do not think I can give a guarantee, but I think without causing alarm, Members will know that there are significant environmental risks in such a project of restoration. We already know and this was in the P.F.O.S. (perfluorooctane sulfonate) report, that the water in that site is heavily polluted with P.F.O.S. at very high levels. Fish in there have been P.M.d (*post mortem*) and we found those levels. Obviously, the worry also is Jersey water extracts from boreholes nearby and if there is anything that changes the hydrological gradients that could, potentially, affect it. Those issues have got to be looked at in a proper scientific hydrological study. I have made it clear to the Planning officers that needs to be done as part of the work on a restoration plan. There is never a guarantee, but I think we clearly see the risks and I shall make sure we do our best.

[10:15]

### **3.5 Deputy C.S. Alves of St. Helier of the Chairman of the States Employment Board regarding exit interviews for public sector employees: (OQ.212/2019)**

Will the Chairman advise how public sector employees are informed of their entitlement to an exit interview post-resignation?

**Senator J.A.N. Le Fondré:**

The Connétable of St. Ouen is answering the questions.

**Connétable R.A. Buchanan of St. Ouen (Vice-Chairman, States Employment Board - *rapporteur*):**

I would also like to thank Deputy Alves for allowing me to answer this question, although she may regret the decision once she has had the answer. The Government of Jersey leavers' process requires managers to book an exit interview with an employee, once they have resigned. It is the manager's responsibility to inform the employee of this entitlement. Where an employee does not want an exit interview with their line manager, an alternative is offered either by a more senior manager, or with a human resources adviser.

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

Will the Chairman, therefore, advise why guidance regarding the entitlement to an exit interview is not included in any correspondence post-resignation to States employees, as can be confirmed by 3 Members of this Assembly, including myself, who left States employment last year?

**The Connétable of St. Ouen:**

Yes, I thank the Deputy for her question. I cannot give her an immediate answer, because I was not aware of that issue, but I will undertake to investigate that and get back to her. If that is the case, then I can assure her it will be implemented immediately, so that future employees who leave will have that in their leaving documentation, if that is not the case.

#### **3.5.2 Deputy M. Tadier:**

Does the Minister agree that there is a difference between being informed that you are entitled to an interview and being invited to give an exit interview? Will he make inquiries with the relevant people and officers to make sure that when any member of staff leaves, that they are invited in a timely manner to give an exit interview, but also that it is with the right person conducting the interview, not necessarily the person directly employing them from their particular section?

**The Connétable of St. Ouen:**

Yes, I thank the Deputy for his question. I think that is pretty much what my answer said, although it was probably spun out in a way that did not make it clear. But it is the manager's responsibility initially to approach the employee and ask them if they would like an exit interview and to book that interview. If the employee says that they do not want an interview with their manager, perhaps because that is the reason they are leaving, then they are offered an alternative with either another senior manager or an H.R. (Human Resources) adviser, so that is in place. But I will undertake to the Deputy to double-check that that is the case, but that is my understanding of what happens.

#### **3.5.3 Deputy M. Tadier:**

If it is the manager's responsibility to make them aware of the exit interview, what are the consequences if managers do not do that?

**The Connétable of St. Ouen:**

Without wishing to go into much detail, they are in breach of their managerial employment code, the States Employment code, so that they could be disciplined if that was the case and they refuse to do it. It is worth making the point that we are implementing an online H.R. system, which will allow us

to check that much more accurately. I refer the Deputy to a question that was put in the House on 2nd July this year; we did give an undertaking that that will be implemented by the end of this year and I can assure the Deputy that that is going to be the case. I have seen some first cuts of it, but it will allow us to monitor these things much more closely to ensure that these things do take place. Because, clearly, I think we all agree it is important to find out why employees are leaving us and to record that and see whether there is a trend.

#### **3.5.4 Deputy K.G. Pamplin of St. Saviour:**

I thank the Constable for referring to my written question on 2nd July, which prompts my question, where he does state: "The revised exit interview process will be live during the last quarter of the year." Could we have some exact details on that? Does he agree with me that a robust exit interview programme reduces the company's, or in this case, the States of Jersey's exposure to certain types of prospective liability, such as whistle-blower claims?

#### **The Connétable of St. Ouen:**

Yes, answering the second part of the Deputy's question first. Yes, I totally agree with him and this is obviously why we are doing it. I have seen a first cut of the system and it will record contractual reasons for leaving, as well as employee's stated reasons for leaving and we will be able to collate that and see where there are trends which we will be concerned about.

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

A quick supplementary. Can he confirm; it says in the written answer: "This will be triggered for all leavers, not just those members who resign."?

#### **The Connétable of St. Ouen:**

Yes, I can confirm that.

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

Would the Minister agree that it is clear that exit interviews are not happening consistently as a matter of course and, therefore, any outcomes from them is limited, particularly in areas where bullying and harassment may be an issue for a member of staff leaving?

#### **The Connétable of St. Ouen:**

I am not entirely sure that is the case. Until we have our system, we cannot be sure that that is happening. I see the Deputy is nodding, but it is a concern that that might not be the case. But I can assure you with an electronic... where managers have to complete it online, that where it is not being completed we will soon be able to highlight that.

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

I would ask the Assistant Minister, therefore, to look very closely at this, because I can confirm that they are not happening as a matter of course. Therefore, there is no data on why some people are leaving the public sector, which is not good for the future of the public sector.

#### **The Connétable of St. Ouen:**

Yes, I understand the Deputy's concern, but I can only reiterate what I have said. We are alive to this issue and we are introducing an automatic system, which will ensure that where there are gaps they are eliminated.

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

Given that the Chairman has stated that it is the manager's responsibility and that they could be in breach of a code of conduct if they are not carrying this out, is the Chairman aware of any complaints of any breaches?

**The Connétable of St. Ouen:**

Not as I stand here now I am not, but I will undertake to investigate to see whether there are any complaints and I will get back to the Deputy and let her know some statistics on that.

**3.6 Deputy L.B.E. Ash of St. Clement of the Minister for Home Affairs regarding the reporting of cycling infractions: (OQ.200/2019)**

Has any increase been recorded in the number of cyclists caught cycling on the pavement, travelling in the wrong direction on a one-way street, or crossing red lights and, if so, what plans, if any, does the Minister have to deal with this situation?

**Connétable L. Norman of St. Clement (The Minister for Home Affairs):**

I am very pleased to tell the Deputy there has been no recorded increase in the number of cyclists behaving in the manner that he has described. [Laughter]

**3.6.1 Deputy L.B.E. Ash:**

I can only say that I have received several complaints on this topic and as regards to the round it does appear to be a problem. Indeed, the other day I was walking along Havre des Pas and a cyclist behind me rang his bell for me to get out of the way. I realised, perhaps, I could have “Wide load, please pass” on my back, but I did not do it. I think many of the people, who are committing these offences, because that is what they are, are perhaps new to the Island. Would he consider, at least, an education scheme that this behaviour is unacceptable?

**The Connétable of St. Clement:**

I hope the Deputy was able to move quickly enough when that bicycle came up behind him. It is fair to say it is annoying when things like that happen, but the police do take this seriously and they proactively patrol areas where this sort of behaviour may be an issue, whether reported by the Parish authorities, or whatever. But they do also take the attitude that prevention and education is an approach which they should take, rather than prosecution and that is the sort of work they will continue. But if any individual is persistent in behaving in that manner, then they will find themselves liable to prosecution.

**The Deputy Bailiff:**

I should say this has clearly generated some interest, because I have next here the Connétable of St. Helier, Deputy Tadier, Deputy Alves, Deputy Higgins, Deputy Wickenden, the Deputy of St. Peter and then a final supplementary, so I really cannot take any more on this.

**Deputy R.J. Ward:**

Sir, I did put my light on.

**The Deputy Bailiff:**

If you tell me you have put your light on, Deputy Ward, then I will add you to the list. But, of course, what goes in on one end may well fall off the line in the other, of course.

**3.6.2 The Connétable of St. Helier:**

Has any increase been recorded in the number of motorists caught parking on the pavement, travelling in the wrong direction on a one-way street, or running red lights? [Approbation] If so, what plans, if any, does the Minister have to deal with the situation?

**The Connétable of St. Clement:**

I am sorry, I cannot answer that question. I will need notice of that question to get the information that has been requested.

### **3.6.3 Deputy M. Tadier:**

The Constable got in there, because I had virtually the same question to be asked. But perhaps on a more serious note, when we have declared a climate change and when we know there are so many cars on the roads and we are trying to encourage people to cycle, rather than take their car, we have a question here demonising cyclists and we have the answer saying that there is not a problem. Does the Minister agree that in many advanced countries in Europe and elsewhere in the world that shared spaces and shared pavements where people can cycle, walk, roller skate to work is quite the norm and they can go both directions on a one-way street? In fact, it is the car issue that we need to be tackling, insofar as it is within his remit and we need to make car drivers more courteous so that they are not cutting up bicycles, *et cetera*, and that the shared space in a small island like this is the one focus that the Council of Ministers should be working on.

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

Can I say I am sure he can speak for himself, but I did not consider that Deputy Ash was demonising cyclists? I think he was raising a concern, which a number of people have, and it is quite valid he be able to bring it up. But I also think that all road users, motorists, cyclists, motorcyclists and pedestrians should be courteous to each other. **[Approbation]** That way we will all be able to use our roads and pavements and everything safer. There are already areas in Jersey where there are shared spaces, where pavements and footpaths can be used by cyclists. I can immediately think of Beaumont Hill; I believe that that is a shared area. Certainly, in the town area, cyclists are permitted, I understand, in some roads to go the wrong way, as it were, up one-way streets. That has nearly caught me out; I think I found a bicycle without a bell that was heading for me. I agree with Deputy Tadier in the sense that everybody needs to be courteous to each other and the areas that we use should be used safely and fairly by all.

### **The Deputy Bailiff:**

I will just say, before I call upon the next question in connection with this, I am going to have to have a fairly narrow ambit and questions should be entirely relevant to the original question and connected with it. I am going to have to, I think, enforce that fairly severely, given that we have a large number of questions to get through within question period.

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

Deputy Tadier touched on this, but would the Minister agree that the real issue is that the overwhelming evidence from around the world is that if a safe cycling infrastructure is provided, then more people will cycle? Sometimes, the reason people cycle on pavements is because they feel safer than cycling on busy roads.

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

Yes, that to me is a self-evident truth. If you make it easier for people to cycle, as certainly in my Parish there have been some changes recently to encourage safer routes to school and to encourage young people to cycle to school, and the more of that that can be done the more it is going to happen. But I think we also need to be realistic; sometimes we have bad weather and that will discourage people from being on cycles. But I think the more we can do within reason to make it easier for people to cycle, the more they will cycle, yes.

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

As someone who has been knocked down by a bicycle and had to go to A. and E. (Accident and Emergency), it is an issue that does concern me. I must say there has been, in recent years, a marked deterioration in the attitudes of some cyclists who are riding on the pavements and they do come up

behind you, you get no warning. If you are walking your dog, or something, there is a potential for a disaster.

**The Deputy Bailiff:**

Deputy, you can only ask a question.

**Deputy M.R. Higgins:**

Yes, Sir. What I would also like to say, on the Avenue, on Thursday, cyclists are restricted. It is important from a public safety point of view that they follow the rules ...

**The Deputy Bailiff:**

Deputy, I am sorry. Deputy, I have indicated it has to be limited and it really has to come very quickly, please.

**Deputy M.R. Higgins:**

OK. I will just ask the Minister for Home Affairs, please to look at this matter, because we do need to do something about it seriously before someone is seriously hurt.

**The Connétable of St. Clement:**

Yes, absolutely and the police continue to be proactive in this area. Last year, there were 27 prosecutions for cycling offences and over 100 words of advice given to cyclists. The police are proactive in this area and will continue so to be. I assume the Honorary Police also take an interest in this issue.

**3.6.6 Deputy S.M. Wickenden of St. Helier:**

Would the Minister agree that any member of the public, who sees somebody in control of a vehicle that is at risk to themselves, or others, should report it to the police, therefore allowing the Minister to answer this questions appropriately, because the police will have the correct information?

**The Connétable of St. Clement:**

I am not quite sure if I understood the question, but if a member of the public is witness to a crime, then, of course, they should have a public duty to report that to the appropriate authority and, in this case, that would be the States of Jersey Police.

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

Would the Minister consider the return of the cycling proficiency test? I do not know who remembers taking it. The benefits of which are a reminder of the highway code apropos cycle usage, but, more importantly - and it has been covered by many other questions - the etiquette of road usage.

[10:30]

**The Connétable of St. Clement:**

That is an interesting concept and I certainly cannot remember it. But really that would be a matter, I think, for the Minister for Infrastructure, who is responsible for the regulation and licensing of all types of road transport.

**3.6.8 Deputy R.J. Ward:**

Would the Minister agree that the situation that is suggested in the original question is absolutely miniscule, compared to the cost to society of motor traffic injuries, respiratory illness, long-term health issues, such as obesity and accidents that are caused? This is a negative approach to cycling, which should be encouraged on this Island and not pooh-poohed.

**The Connétable of St. Clement:**



While this is at the lower end of criminal activity, it is, nevertheless, not insignificant to people like Deputy Higgins, who had to attend Accident and Emergency because of an errant cyclist, or whether it was a cyclist, or Deputy Higgins' dog, I am not sure, but whatever the case, a cyclist was involved. We all know it does not matter what type of road user you are there seems to be always a minority who will go out of their way to aggravate and cause difficulties for other road users and that is wrong, whether a cyclist, a pedestrian, a motorist, or whatever. I would not belittle the impact that a very small amount of activity does have on pedestrians.

**The Deputy Bailiff:**

Final supplementary, Deputy Ash. Very well, we now come to question 7 that Deputy Ahier will ask, it is listed for the Minister for Home Affairs, but I have a note that it is to be answered by the Minister for Infrastructure, is that correct?

**Deputy K.C. Lewis:**

That is correct.

**3.7 Deputy S.M. Ahier of St. Helier of the Minister for Infrastructure regarding the registration of bicycles: (OQ.211/2019)**

Will the Minister advise the Assembly whether he has any plans to reintroduce the registration of all bicycles and what consideration, if any, he has given to the introduction of measures to ensure that all cyclists are insured?

**Deputy K.C. Lewis (The Minister for Infrastructure - rapporteur):**

In 1999 and then in 2010 Propositions were brought before the Assembly to consider and in both cases were rejected. In response to the 2010 Proposition the T.T.S. (Transport and Technical Services) Department provided a detailed report, which concluded the disadvantages of a registration scheme outweighed any advantages. In particular, that it would jeopardise the success of the sustainable transport policy by discouraging people from continuing to cycle, or take up cycling. A healthy zero emission pursuit, their help with reducing congestion and contributes to sustainable transport. The U.K. (United Kingdom) Government also considered the matter in 2018 and similarly concluded: "The cost and complexity of introducing such a system would significantly outweigh the benefit." It was also noted there was evidence that in other countries that have trialled these schemes have withdrawn them.

**3.7.1 Deputy S.M. Ahier:**

We have to avoid the intermingling of cyclists with pedestrians, especially on our high streets, like King Street and Queen Street, where accidents are inevitable. The separation of cyclists and pedestrians would be a way of avoiding this. Ensuring some form of identification would be beneficial but, more importantly, ensuring all cyclists would ...

**The Deputy Bailiff:**

Deputy, this has every flavour of a speech and not a question.

**Deputy S.M. Ahier:**

Yes, OK, Sir. Does the Minister agree that we need to put measures in place now before a serious accident transpires?

**Deputy K.C. Lewis:**

Yes, I agree with the sentiments of the Deputy. It is already, obviously, illegal to cycle in King Street and Queen Street. We are pressing ahead with as many cycle routes as we can. We have not long opened the one up through St. Peter's Valley. We are continuing to expand. We have just finished

the bridge area down at La Collette. I would love to get the eastern cycle route sorted as soon as possible; that work is ongoing, but it is not easy. I would echo the Minister for Home Affairs' sentiments that we should be courteous to each other. Where there are shared areas I know the Constable of St. Helier and myself have had messages regarding Havre des Pas. It is priority to pedestrians and I ask people just to ring the bell and be courteous to one another.

### **3.7.2 Deputy M. Tadier:**

A cycle path in King Street and Queen Street would be an excellent idea and I thank the Minister for that suggestion, certainly early in the morning.

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

It was not a suggestion.

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

I may have misheard. But does he think that maybe we should go one step further than Deputy Ahier wants us to go and just require pedestrians to have registration and personal insurance? Because there could easily be a situation where a pedestrian is not looking where they are going, or they are running very fast and they knock over an elderly lady. It relates to ...

### **The Deputy Bailiff:**

You have made your point, but I am afraid that is not a relevant part of an answer to the question that is ...

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

If I can make it in order, I think I can make it in order in the sense that ...

### **The Deputy Bailiff:**

I think we do not get various bites of making it in order. It is either in order at the beginning, or it is not, Deputy. If you have a succinct 5-word question, please do.

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

I think the question is in order, I just have not got round to the conclusion of it, which proves that fact. In order to give cyclists registration and insurance, if everybody was automatically insured in our society and then that was automatically seen by the cyclist as well, would that not be the better solution in our new totalitarian state that Deputy Ahier wants?

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

Does that require an answer, Sir?

### **The Deputy Bailiff:**

You can answer it in any way you think is appropriate, Minister, provided it is parliamentary, of course. [Laughter]

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

I would encourage every cyclist to check their insurance. Many cyclists are covered on their home insurance, some may not be, but I would encourage all cyclists to have third-party insurance and indeed liability insurance for pedestrians, as well, should they cause an accident.

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

I just wanted some clarification on the answer: is the Minister saying that he does not believe that registration should happen on this Island? If he is not saying that, is this not, effectively, a bicycle tax when we do not even have a car tax?

**Deputy K.C. Lewis:**

No, I am not advocating bicycle registration in any way, shape or form. I think it would be unworkable and also it would discourage many young children from cycling, which is something we are trying to encourage. **[Approbation]** I believe it was taken up in Canada; I believe Toronto had a scheme at one point, but it was withdrawn and I believe for that very same reason.

**3.7.4 Deputy S.M. Ahier:**

I understand that some of the Constables have encountered problems with discarded bicycles in the Parishes. Would not identification of these bicycles allow the Constables to return them to their owners and enforcement by collecting a fee to offset the cost of return?

**Deputy K.C. Lewis:**

The Deputy makes a very interesting point. In fact, most cycles are stamped by the States of Jersey Police and that is something that I would encourage. It is a small stamp on the cycle frame, so when a bike is found lost, abandoned or stolen, they can be returned to their rightful owner.

**3.8 Deputy I. Gardiner of St. Helier of the Chairman of the States Employment Board regarding the effectiveness of head-count policies on the number of zero-hours and fixed-time contracts: (OQ.199/2019)**

What assessment, if any, has the States Employment Board undertaken of the effectiveness of its policies regarding head count on the number of zero-hours and fixed-time contracts used in the public sector?

**The Connétable of St. Ouen (Vice-Chairman, States Employment Board - rapporteur):**

I thank the Deputy for her question. The Board are currently using fixed-term contracts and zero-hours contracts as part of our head count management while we are going through a period of significant structural change. This is primarily to avoid reducing employment opportunities for existing displaced employees. The Board accepts this is not an ideal long-term position. We should meet our statutory obligations but also, given our status as the largest employer on the Island, we should be a good employer and a role model for others. Indeed, official statistics show that there are slightly less zero-hours contracts used in the public sector relative to the private sector. A more detailed review of the effectiveness of our zero-hours and fixed-term contract policy is on S.E.B.'s (States Employment Board) forward plan for November 2019.

**3.8.1 Deputy I. Gardiner:**

Thank you for your answer. As we have robust policy head counts in the public sector, I would like to concentrate at education specifically. For example, schools in the U.K. do not have to concern themselves with head counts, as long as they have money. Jersey schools are restricted, even if they have a budget. Why can they not recruit additional staff to meet children's needs if they have a budget?

**The Connétable of St. Ouen:**

Yes, I thank the Deputy for her question. I think the answer is quite complex. The schools, in some instances, seem to have the budget, but they do not have the head count and I think this is part of the issue and part of the issue that we intend to address in November this year. They are employing people on zero-hours contracts to fill gaps and they may, or may not, be in breach of the code for the use of zero-hours contracts, but it is an issue, I think, within education. It is an issue that we, in the S.E.B., intends to take up with Education to see if we can find a solution that is both legal and workable for them.

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

The respondent was talking, obviously, about numbers in front of him, could he circulate those numbers in terms of private *versus* public sector use of zero-hours contracts? Can he say when the process of reallocating staff is going to end? Are we likely to see the end of that in 2020, in 2022, or in the next Government Plan?

#### **The Connétable of St. Ouen:**

I thank the Deputy for his question. The answer to the first part is, yes, I will circulate those figures. In terms of the outcomes and finalisation of the T.O.M.s (target operating models), we are broadly on track and we believe that we should have concluded most of the reorganisation by the end of December, early January 2020.

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

We can expect to see a reduction in the number of zero-hours and short-term contracts around that time, the first quarter 2020, is that the case?

#### **The Connétable of St. Ouen:**

Yes, broadly speaking, I would say the answer to that is yes, but we will have to review individual cases. There are currently 126 zero-hours contracts, which have been in place for longer than we would ideally like to see and those we will be concentrating on first. I think I should make the point that there are some people who are happy to work on zero-hours contracts, because it suits the way they work, but in the vast majority of cases that is probably not the case.

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

Just going back to the issue of fixed contracts and zero-hours contracts in Education and head count: can the Assistant Minister look into the issue that this is becoming an obstacle to people job sharing and, in particular, women who are returning to work after maternity leave, being able to go part time, or job share, with someone else? Many are having to move jobs because of that, which could be deemed, and I would deem it, as discriminatory.

#### **The Connétable of St. Ouen:**

Yes, I thank the Deputy for his question. I share his concerns and it is something we will be looking into in November. The zero-hours and fixed-term contract review is just the start of that review. It is employment issues within not just Education but also other areas within our staff.

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

Can I just ask the Assistant Minister whether, therefore, you have seen that as an issue in the S.E.B. and that is something that is recognised in terms of, in particular, women returning to work after maternity leave?

#### **The Connétable of St. Ouen:**

I hesitate to supply a direct answer to that question, but I can see how it could be a problem. I am generally concerned about the use of fixed-term contracts and zero-hours contracts and the issues that they cover up. This is why we are reviewing this, to find out whether there are big issues and we will be looking at those issues and trying to find a resolution.

### **3.8.6 Deputy L.M.C. Doublet:**

I just wanted to clarify, I think the Minister said he was going to look into this issue about specifically the head count. Can I just clarify: is that a firm commitment that the Minister will find a solution to remove the head count issue from schools?

#### **The Connétable of St. Ouen:**

No, it is a firm commitment to look into it and discuss it with Education, because we are not exactly masters of our own destiny and I see the Assistant Minister for Education looking at me. It is an area that we will have to discuss with Education. It is a question of budget and head count that they have but we will be working with them to try and find a solution that works in terms of our overall head count policy but also works for Education.

**3.8.7 Deputy C.S. Alves:**

In the numbers that the chairman has mentioned, does this take into account workers who are employed through recruitment agencies as well?

**The Connétable of St. Ouen:**

No, it does not, that is a separate issue altogether. But these are contracts that the States of Jersey have issued as a zero-hours or a fixed-term contract. We will be looking at agency use as well, as part of the review.

**3.8.8 Deputy C.S. Alves:**

Can the Chairman include the numbers, when he releases them to States Members, of the number of people who are recruited through recruitment agencies?

**The Connétable of St. Ouen:**

Yes.

**3.8.9 Deputy I. Gardiner:**

Thank you, Vice-Chairman, and that it is good that you have a review in November. I would like to ask the Vice-Chairman: a review with S.E.B. possibility of head counts flexibility for schools at the beginning of the new year at schools and schools are struggling to give extra support because of the head-count policy.

[10:45]

It is happening now and in November, December it is another 3 months on the row and we would like to see it happening earlier than later if possible at Education, at schools.

**The Connétable of St. Ouen:**

I thank the Deputy for her question. I have become aware over the last couple of days that head count is an issue within Education and she has brought to my attention that particular issue, which I will be addressing with the Assistant Minister for Education, given that the Minister is ill. We will be looking at ways to try and resolve the issue. I cannot give her confirmation that we will be able to find a solution. All I can say is that we will do our best to find a solution, particularly for the issue that she has raised through the Deputy.

**3.9 Deputy G.P. Southern of the Chief Minister regarding the proposed efficiency savings for 2020 contained in the Government Plan: (OQ201/2019)**

When will the Chief Minister give Members a detailed breakdown of the measures proposed in the Government Plan for delivery of the first £20 million efficiency savings in 2020? Will the breakdown indicate the impact of the efficiencies on staffing numbers and, if not, why not?

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

Page 111 of the Government Plan sets out an efficiency plan and that it has been developed to support the debate and that will be published in October, only next month. This plan will describe in detail how £40 million of the efficiencies will be delivered in 2020 and will set out both the activities and the departmental impact. The plan will also describe the approach to delivery of efficiencies of the

remainder of the Government Plan and this whole detail will be presented to the Council of Ministers for final approval on 16th October. Where delivery of efficiencies may result in a reduction in F.T.E. (full-time equivalent) this will be noted and will follow prevailing government processes. For the avoidance of doubt, information will be provided to Scrutiny shortly after next Wednesday, i.e. as soon as possible after the Council of Ministers have considered that data. That will give Scrutiny just over approximately 9 weeks to review that information, which in context is more time than we, as Members as a whole, would in the past have had to review, for example, the budget. I hope that clarifies matters.

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

The response to Written Question 12, the words of the response are: "The precise format of the plan is being finalised and is likely to set out categories of efficiency, including spend reduction, cost recovery, increase in income." To what extent does this mean that charges will be imposed, or increased and that outsourcing will be used in an attempt to reduce costs?

### **Senator J.A.N. Le Fondré:**

I do not have the full details to hand, I have them in the file next to me. Approximately, our focus at the moment on the figures I have been given to date, is that spend reduction is about 70 per cent of the overall figures. Increase in income we have touched on, is about better collection of money and, therefore, the cost recovery, I will have to give that information to the Deputy shortly. It is a relatively small proportion of the overall figure.

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

Does the Chief Minister acknowledge that in sharing with Scrutiny - albeit he argues 9 weeks prior to the debate - sharing with us information that is on a confidential basis only, prohibits Scrutiny from openly having that discussion and asking our questions, as is proper that we should?

### **Senator J.A.N. Le Fondré:**

We are trying our best to work with Scrutiny as well as we can. But, no, I think by giving the information well in advance it does give the opportunity for carefully crafted questions, which can cut to the chase, as it were and hold our feet to the fire. Just while I am on my feet, for Deputy Southern's benefit, on page 112 of the Government Plan is a rough breakdown of the proportions that he is seeking.

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

The Chief Minister claims that we can hold his feet to the fire, but that is very difficult when information is confidential and, therefore, we cannot be explicit to what the question is. Does this not suggest that the Chief Minister should have been more organised and provided us with a Government Plan that was properly detailed in the first place?

### **Senator J.A.N. Le Fondré:**

No. We had part of this discussion and I know there have been briefings and conversations with Scrutiny in the lead up and during this whole process. What we have got to remember and I will also accept, by the way, that this is the first time and, therefore, there will always be improvements we can do going forward; we know that. But the point about it being the first time is that this is a good thing. This is the first time we have brought expenditure and income together in my entire political life in this Assembly. It hopefully, therefore, gives us the overall picture which we have not had before. In addition - and bearing in mind under the terms of the make-up of the Council of Ministers and the number of people who have previously been on Scrutiny - we support Scrutiny. We have deliberately given as much lead time as we can and added around 18 weeks. To put that in context, the M.T.F.P. was approximately 15 weeks. The budget was about 8.

**Senator K.L. Moore:**

I have a point of order on that point.

**Senator J.A.N. Le Fondré:**

We have given a significant amount of time for Members to look at and, therefore, yes, bring those questions forward. We will do our very best to answer them, but we have given a lot of time for review, much more than has previously been the case.

**The Deputy Bailiff:**

Do you have a point of order, Senator?

**Senator K.L. Moore:**

Sir, point of order. The Chief Minister suggested there has been a period of 8 weeks, but Scrutiny has throughout the summer period been scrutinising, looking at the Government Plan, asking questions and there has been no response to those questions and neither have any of our meeting requests been answered.

**The Deputy Bailiff:**

Sorry, Senator, that is not a point of order. A point of order is something that requires a determination as to how the rules of the Assembly should be applied by the Presiding Officer, so I am afraid, no, that is not a point of order. Very well, next to ask a question is Deputy Ward.

**Deputy R.J. Ward:**

Did you say Deputy Ward?

**The Deputy Bailiff:**

I did, I did, yes.

**3.9.4 Deputy R.J. Ward:**

I could not hear very well. May I ask the Minister, how much of the saving of this year is reliant upon outsourcing and short-term gains from outsourcing, which we have seen before, it has not been effective for this Island?

**Senator J.A.N. Le Fondré:**

I think to answer that question in a wider context, the focus on the savings for 2020 - as I said, I think is around 70 per cent roughly - is around spend reduction. A lot of that is around restructuring, it is around removing duplication, removing waste; that is different to outsourcing. I cannot guarantee there is none, but it is not the main focus of the efficiencies. What I will say is then, in the wider context - I genuinely do believe this and I think it is a point worth making - in the 14 years of being in the States and the number of savings plans and C.S.R.s (Comprehensive Spending Reviews) and whatever it is, spending reviews I have been through, I genuinely feel that this is different. This is fundamentally root and branch going down, doing what was promised in the past, but what was short-term cuts. What we are trying to do here is do genuine efficiencies obviously and that is why it is taking longer. We want to make sure it is properly validated before it goes out. But I hope that gives the context and it gives some flesh to the answer the Deputy is seeking.

**3.9.5 Deputy R.J. Ward:**

It really is a specific question about outsourcing and the idea of efficiency working in that way is great. But outsourcing is not being ... in Millennium Park there are 3 toilets, each serviced by 3 different companies, one of them outsourced; it is not efficient. The outsourcing is perhaps the worst issue there. I just specifically wanted to know about outsourcing and how much was due to outsourcing, where profit is made by other companies.

**The Deputy Bailiff:**

Do you need help with that outsource issue?

**Senator J.A.N. Le Fondré:**

I will need to come back to the Deputy with the detail; the principle I have laid out and that remains the case.

**3.9.6 Deputy K.F. Morel:**

I believe, of the £19.7 million of efficiencies that have already been identified, approximately £7 million is, as the Chief Minister said, related to the more efficient collection of revenues. Would the Chief Minister agree that that is not an efficiency; that is just getting more money out of the public?

**Senator J.A.N. Le Fondré:**

Obviously, I had a similar reaction when I was first appraised of that particular area. No, I do not agree, because, ultimately, if through improving all our systems we are turning around and saying to someone: “You have not been paying the tax you should have been paying and, therefore, we are tightening up on that”, what one is doing is basically bringing people back into the tax frame where they should have been. Effectively, they have not been paying the tax that they should have been previously, therefore, on that basis I think that is an efficiency. It is an improvement in tax collection under the existing systems. It is applying existing rules and, therefore, it is not changing the system, it is applying it more effectively.

**3.9.7 Deputy K.F. Morel:**

Given that many times it has been said by the Government of Jersey that there is very little tax revenue lost, whether it is through avoidance, evasion, or just not filling in the forms properly, how has the Government come to arrive at this £7 million figure?

**Senator J.A.N. Le Fondré:**

I cannot give the exact detail today, but it is around a re-evaluation of the processes, it is having better data in place, it is having the new investment in the I.T. (information technology) systems within the Revenue Department, which have identified some of the anomalies, so that is where the work is coming from.

**3.9.8 Deputy G.P. Southern:**

The last time this was tried in any major way was something like £12.5 million of savings made in 2010 with the loss of 67 staff, or posts. How is it this time it is going to be different, or are we going to see statements like cease primary school P.E. (physical education) enhancement initiative? Surely, nowadays, we are increasing the opportunities for fitness and P.E. in schools, rather than the contrary. How will he deliver that and still make savings?

**Senator J.A.N. Le Fondré:**

There are 2 parallel things; one is about improvement and investment in services that have been lacking investment for a long time. In the wider context, we know that Children’s Services desperately need more money put into them. We know mental health services need more money put into them. In terms of the context around ... I am generally in the position of saying it is around proper efficiencies, properly validated, properly put together. In terms of employment, I will just flip it on its head slightly, we have a slightly different challenge ahead of us. Basically, at present, we have around 500 people aged 60 or over. We carry a 10 per cent vacancy rate and we have a turnover rate of staff around 10 per cent, or 11 per cent. The point is, bearing in mind we are going through the whole cultural change programme but, hopefully, ultimately making the States of Jersey an employer of a choice. One of our challenges in the future will be making sure we retain staff, but



going forward we believe that by identifying duplication that can be removed, by eliminating waste, by being more efficient, that it will coincide with either not replacing people as they retire, it will be that sort of approach. If, in some instances, there are jobs that are put at risk, there are very clearly identified processes and we will always seek, if it is appropriate, to put those people somewhere else in our system. Usually that would be to replace things like agency staff, who are more expensive and that in itself would represent a saving. It is a different approach to the approach that the Deputy has suggested, which I accept may have been the case in the past where there has been a cut. If he has got evidence to the contrary, please come and have a discussion and no doubt, as I said, that will come first through to Scrutiny and then to Members over the next few weeks.

### **3.10 Deputy K.G. Pamplin of the Minister for Infrastructure regarding the disability access card for the bus service: (OQ.209/2019)**

Further to the Minister's answer to my Written Question 378/2019, will he confirm that the trial of the disability access card will be continued, or made permanent?

#### **Deputy K.C. Lewis (The Minister for Infrastructure):**

I am pleased to confirm that the AvanchiAccess travel pass scheme for Jersey residents with a prescribed disability will be continued beyond its initial trial period, which has been due to end on 31st December 2019. I will be signing a Ministerial Decision to this effect shortly. The scheme will remain exactly as per the format adopted for the initial trial period and all existing pass holders will be able to exchange their current travel pass at no charge, while new applicants will receive a pass with the extended validity already applied.

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

That is good news and I thank the Minister for confirming that. As he noted, in 3 months' time the passes would have expired, so that is very pleasing to hear. However, will he agree to undertake a meeting with various disability charity groups, who have been supporting Islanders with long-term access needs in the process, just to review how it has gone from that perspective and how we can tweak it and make it better and easier for those with long-term access needs in attaining this pass?

[11:00]

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

Indeed, I believe my officers are doing that very thing. May I just point out the AvanchiAccess uptake, as of August 2019 there are at present 615 passes in operation?

### **3.11 The Connétable of St. Helier of the Minister for the Environment regarding the South-West St. Helier Masterplan: (OQ.205/2019)**

Does the Minister intend to bring the South-West St. Helier Masterplan to the States for adoption and, if not, why not?

#### **Deputy J.H. Young (The Minister for the Environment):**

I thank the Connétable for his very timely question, because the South-West St. Helier framework is out for consultation until 28th September. Of course, as Minister, I will be considering the responses to both those received and also from the public workshop, which myself and the Connétable attended yesterday and I have to make decisions on Amendments before it is adopted. In advance of that decision, a few weeks away, I considered the merits and demerits of submitting the planning framework for a States mandate. My thinking now is that I am minded not to do so for the following reasons. Practical and legal reasons: firstly, these are guidance documents and they are subordinate

to the Island Plan policy. The policy, of course, is decided by States Members. Therefore, the purpose of the guidelines are to give explanations and more detail about what those policies mean, how they may work and be applied. This, of course, is a pretty complex document and there does need to be some flexibility and detail on that and, of course, the key thing I did think, in 2008 the out-of-date Master Plan was approved by the States but that was wholly publicly-owned land. This includes privately-owned land, the majority are privately owned and, in fact, that policy of the current Island Plan gives the option there for the Minister. So, there has been extensive engagement with the community over 2 years, S.o.J.D.C. (States of Jersey Development Company), Ports and previous Ministers and that will continue in detail and so my present thinking is that I will not propose to do so but, of course, consultation goes on until 28th September. I will always listen and see whether there are any major elements that would require me to think again, but that is my current thinking.

### **3.11.1 The Connétable of St. Helier:**

Among the many ideas that came out of yesterday's workshop, one - and it is not a new idea - was that the latter part of the Esplanade Quarter, which is still to be planned, could be the home of a major civic building for the Island such as a national art gallery. Does the Minister not agree with me that kind of decision needs to come to this place to be approved, so that work can start on it rather than being left on a sort of ministerial wish-list?

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

Yes, the Constable makes a good point. I am very pleased to hear that suggestion came out of the meeting. I had to leave and for legal reasons I had to make sure that I was not involved in the final decisions, because I would be seen to endorse them. But, nonetheless, I am pleased that idea came out, because I think very much there is quite a strong push for that. But, of course, the site that the Connétable refers to is wholly publicly-owned and, in fact, there would have to be funding in place from Government in order to secure such a project, which personally I would very much like to see and there is probably a groundswell of opinions strongly in this Assembly and outside. So, I will give that thought. The idea occurs to me as whether, or not, all of the aspects in the huge scope of the framework needs to be approved by the States; it may well be the States-owned parts may need to be adopted. I will give that consideration.

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

I was recently privileged, as part of my Scrutiny work, to be given a briefing on the North of Town Master Plan as part of this South-West Town Master Plan and one of the things that came out was that, of all the privately-owned sites in that North of Town Master Plan, very few had to be changed, or developed, at all. Given that the Minister has just said that the South-West Town Master Plan is a majority of privately-owned sites, or involves a majority of privately-owned sites, does he expect to see, despite the expense of the consultation, the time, the inputs from Government, does he expect that over the years we will see very little change in the South-West Town as a result of this inability to get the private sector to develop the way we would like?

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

I think an important thing to understand in answering that very important, but quite complex, question is that what master plans, or planning frameworks, can do is they can provide guidance. On their own, they cannot achieve the delivery of those objectives. That requires money, it requires willing landowners and so on and, therefore, what it does it guides those landowners and others to pick up the ideas in the Government visions and plan and gives them encouragement that we can do so. If you take the North of Town, for example, it is true that development has been slow to materialise in that area, which is a run-down area of Town, but it is good we are starting to see some movement. What we see, in principle, in North of Town is that investment in public domain, public infrastructure, will lead in the longer term to private-sector investment, so investments for example in the Town

Park. It was predicted, when that proposal first came back in the 1980s, it would lead to £150 million of private-sector development. We have a proposal on the table, Members know about it, for the land at the bottom of Bath Street and obviously that will be determined in the normal way. So, we are already starting to see that and that principle I expect to happen in the St. Helier framework. But it is absolutely right, the Deputy is right, we need to put more resources and organisation behind working with the private sector to achieve that. That is the role of government agencies, such as the S.o.J.D.C. and other Ministers because, obviously, what planning frameworks do is guide. In the past and this is a very radical idea, it is not in accordance with ...

**The Deputy Bailiff:**

Minister, I am afraid I have to ask you to bring your answer to a close.

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

Given what the Minister has just said, would he agree with me that building a new government building on the Waterfront would be the best thing to do; it would give us the ability to build a structure designed for our needs and it would also avoid paying millions of pounds in rented accommodation for our officers every year?

**Deputy J.H. Young:**

As a principle. I cannot commit on a decision on any individual site, but there is no question that the principle of government owning its own office accommodation is absolutely right; it has been done in the past. In a past life, I was involved with the responsibilities for securing 3 buildings through the private sector into States ownership: Morier House, Jubilee Wharf and Maritime House, all assets, which were criticised at the time and are now worth millions to the public purse. That is an example of how things can be done. So, yes, I agree with the principle, whether or not that is the right site, or not, we have to wait and let us see what the responses are in the public framework. But I say one thing, I do not like the centre at La Motte Street, I get a lot of criticism about it and the planning side is not working well. I am very concerned about on-the-hoof, *ad hoc* decisions on our States assets, such as Cyril Le Marquand House and all the rest of it. I want to see a proper property strategy. Chief Executive, listen.

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

It is great that there has been such a take-up with consultees in this project, but there is a responsibility to the consultees, is there not? I wonder, given what the Minister has just said, if he has managed the expectations of consultees by informing them that it does not necessarily fit in with the Island Plan; that it will not come before this Assembly; that there is no money for it, *et cetera*.

**Deputy J.H. Young:**

I do not think I quite said that. If I portrayed that impression I correct it. The funding stream, we rely on S.o.J.D.C. as an implementation arm. Now, I am not privy to the business strategy of S.o.J.D.C. In the past, that body has been required to work with a minimum of investment in the public realm and that is largely one of the factors responsible for some of the things that have not gone well. I am hoping that, in the future, in the new way we work with S.o.J.D.C. as a Government, there will be recognition of the need for public investment. Now, does it conform to the Island Plan? I do not believe there is anything in this framework that discords with the current Island Plan; it follows the visions that are set out in the current plan and have been long there. The community wants to see one area joined up, linked back into Town, a mix of uses and people-centred and, above all, manage the vehicles. The planning disaster of that road has plagued us and a solution has to be found. So those messages, people feel encouraged that things can happen and we have a new chance here and we should take it. But, make no mistake; Government needs to put up some resources. Our Chief Executive has promised us a public infrastructure; I cannot remember what he has called it now in the Government Plan. It is mentioned in there, there is going to be a report coming I hear. I

want to see that. This is about major projects, putting investments into those major projects, public money and this is one such area that I want to see happen. So, if we get it right and we keep the public momentum going, it is not a negative message.

**3.11.5 Deputy R. Labey:**

In which case, I ask the Minister: should revenue raised on the Waterfront from the sale of International Finance Centre buildings not be ploughed back into the Waterfront, back into that area, to improve the public realm?

**Deputy J.H. Young:**

In principle that is the way these urban regeneration bodies work. But I am not privy to the business plans of S.o.J.D.C. What we have is an arrangement where the Minister for the Environment does what I have just explained and it is the Minister for Treasury and Resources at the moment who has the job - and it is a difficult one - of co-ordinating all those business plans. So, there is no question about it; the whole principle of private and public sector is a pound of public money should generate £10 of private money, but over the long run. The public money has to be up front; it needs to be pre-invested, do not leave it until late, because what you get is marginal development and piecemeal and all the rest of it.

**3.11.6 The Connétable of St. Helier:**

Can I preface my supplementary question by saying that Senator Mézec, Deputy Doublet, myself and the Dean, probably take exception to having the North of Town described as run down? We all live there and we enjoy it. The worry I have about this not coming to the States is amply illustrated by some of the questions that have been asked. One Member saying: "Let us put the Government building down on the Waterfront." I do not think the workshops were appraised of that. Another Member saying: "Let us spend all the revenue of S.o.J.D.C. on the Waterfront itself" when the States has time and time again reiterated its pledge to reinvest the money from S.o.J.D.C. in urban regeneration projects, such as the North of Town Master Plan, which has been on the shelf at Planning for years. My worry about this master plan is: will it be implemented?

**Deputy J.H. Young:**

I would like to withdraw and correct my remarks about North of Town. They are probably historic, and I was referring back to before the Town Park existed and I remember the work on that plan because, at that time, it was in desperate need of regeneration. What we have seen and the Connétable and other Members, we have seen it come up and that was my answer to the Deputy; that it is coming up now. The private sector have good confidence and we need to keep that going. So, will it happen? I will do my best planning-wise and policy-wise to help it happen, but it is up to other Ministers and the Council of Ministers and, in the end, this Assembly as to what instructions it gives to Ministers about those priorities and spending decisions.

**3.12 Deputy M.R. Higgins of the Minister for Health and Social Services regarding the recent death of a man who had been under treatment at Orchard House: (OQ.215/2019)**

Will the Minister advise Members what lessons have been learnt from the recent death of a man who had been under treatment at Orchard House and whether he accepts the comments made by the family at the inquest that the environment at that establishment could have contributed to the man's death; and will he state what steps is he taking to ensure that there will be no repetition of these circumstances?

**Deputy R.J. Renouf of St. Ouen (The Minister for Health and Social Services):**

My Assistant Minister, Senator Pallett, will answer this question.

[11:15]

**Senator S.W. Pallett (Assistant Minister for Health and Social Services - *rapporteur*):**

Can I thank Deputy Higgins for giving me the opportunity to respond to the recent sad death of a person who had been receiving care at the Island's inpatient unit? Please can I begin by extending my deepest sympathies to his family and friends; we are a small Island community and a death like this has wide reverberations? I understand from the inquest that this gentleman had a complex and fluctuating response to being cared for at Orchard House. He is described as stating that it made him feel safe and that he wanted to be there and at other times he felt bored. The family, though, had valid concerns about the environment on the ward, which we accept. Orchard House has suffered from historic underinvestment and from staffing issues and our focus has been on prioritising clinical risk management, rather than the therapeutic aspects of care, or the fabric of the building itself. Residents of Orchard House have been in receipt of good, safe, care but this has not been in the best environment. We are learning from the past and holistic care of patients is now the priority. The Mental Health Improvement Board, on which I sit, is overseeing these changes. The proposed Government Plan emphasises the importance of improving the quality of mental health care. Briefly, I would like to outline some of the changes that are already happening. We now have a robust framework for monitoring improvements. The Jersey Nursing Assessment Accreditation system is a vehicle for assessing, monitoring and providing assurance around patient care in clinical areas. A senior occupational therapist has been newly appointed and is going through their induction and will be based on the ward from this month. The Occupational Therapy Service is commencing staff training on Triangle of Care this month. The approach will support better partnership working between service users, their carers and Health and Community Services. H.C.S. (Health and Community Services) is already working with Mind Jersey on well-being and on approaches to peer support with the Jersey Recovery College. Two new *locum* mental health social workers are starting this month and their energies will be divided between the Community Mental Health team and Orchard House. I hope this can assure the Deputy that lessons have been learned and that improvement in all areas is ongoing.

**Deputy M.R. Higgins:**

I would like to thank the Assistant Minister for his answer, one for expressing condolences to the family, secondly for acknowledging that the facilities are not adequate and also for outlining the improvements he hopes to make. I will watch with interest, but thank you very much for the answer.

**3.12.1 Deputy K.F. Morel:**

I just want to ask more directly, really, whether all deaths of patients, even when they are released for the weekend, things like this, or sent home for weekends, whether they are all reviewed by Mental Health Services. I ask this, because I know of one person who was released over the weekend, no relatives, no friends were informed of this and they took their life. They have no idea if this has even been looked at by Mental Health Services. So, are all deaths, even if not on Department of Health property, looked into?

**Senator S.W. Pallett:**

All deaths, certainly unexplained deaths, will be a matter for the Coroner and that is probably the way that Mental Health Services would be involved and any lessons learned from that. In terms of any particular patient, it depends on the individual patient, some have the capacity and they have every right to leave the facility. We do offer the care and support within the community that they need and that support is improving day by day, month by month. But in terms of do we investigate every single death within the department, I think the answer would have to be no, but there are lessons to be learned from when there is an unexplained death, as this was and Mental Health Services have an opportunity to feed into the Coroner's inquest and lessons can be learned from that.

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

Would the Assistant Minister explain how, if the department does not look into the deaths of all patients under their care at the time, how the department will ever learn lessons? Because, in this case, simply phoning relatives, or phoning friends, to let them know this vulnerable person had been allowed home for the weekend would probably have prevented this death, yet, except for the Coroner, why is there no automatic review?

### **Senator S.W. Pallett:**

The Deputy knows that is not what I said. If a patient is under the care of H.C.S., Health and Community Services, there certainly would be an investigation as to why a person had taken his own life, or if there had been an incident. But, clearly, if somebody has voluntarily left, in this case Orchard House, they are under the wider care of the Mental Health Services, but not within the facility itself, then there are other ways, as I have already said, that we can learn lessons. But, certainly, if any patient is in the care of H.C.S., there will be an investigation if there is a death, whether it be in the hospital, or whether it be in an institution. But this particular person was free to leave Orchard House and unfortunately took his own life, of which I have already said I give my deepest sympathies, as we all would. But that is a choice he made to leave that facility.

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

In response to a question I asked earlier this year, it was confirmed there was ongoing remedial works, including pedestrian walkways, enhancing the lighting and signage, replacing staff alarm systems, staff working with patients and improving the garden area to create a more pleasant outside environment; I could go on. Is this on target to be completed by the end of this year, can the Assistant Minister confirm?

### **Senator S.W. Pallett:**

I should just get up and say yes, because the answer is yes. There are safety improvements that had to be dealt with as a matter of urgency; they have been carried out. I know there have been improvements to the aesthetic side of the building, but there is still some more work to do, of which I am pressing hard to make sure it is completed by the end of this year. So, I can give assurances that I am putting officers and all the States bodies that are involved in doing that work under pressure to make sure that we provide an environment at Orchard House that is suitable for patient care. I am also putting pressure on other States departments to ensure that, for example, the planning application for Clinique Pinel is on time and the work at La Chasse, which is equally important, is also run on time. So, I can assure the Deputy that I am not giving up on anything in terms of timelines to make sure that we provide services that are required.

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

My question has been answered and asked by Deputy Pamplin.

### **3.12.4 Deputy M. Tadier:**

First of all, can I thank Senator Pallett for a clear and comprehensive answer and it is a shame, really, that the Minister did not consider making a statement on this issue today, as there seems to be new policy being announced today on World Suicide Day and maybe he will yet consider making a full statement this afternoon, or later, on mental health, so that we can have more of a discussion on this important issue? The saddest case that I have probably come across in my time in here was a youngish man who was also an addict but had mental health issues and he had been asking to get help, to go into Orchard House, because he said that he was feeling suicidal and that he had thoughts. That gentleman did eventually take his life, because he could not get the access; he was told that he could not go to Orchard House, it was not appropriate for him. Is there a way to record, because of course all of these are individual cases and any case is tragic, but we also need to be able to record

these incidents, so that we can know how prevalent they are? So, do we know the extent of people in our society who are asking to access mental health facilities, or other kinds of help, who are being told that they cannot access them and then go on to self-harm, or to commit suicide, as a result?

**Senator S.W. Pallett:**

First, if Deputy Tadier has any information on an individual, I would happily look into that and if mistakes have been made, or lessons to be learned, I will happily learn them, as will our new senior medical team at Mental Health Services. In terms of access to services, we are looking to improve that day by day, so that people do not get in a situation where they need acute services. Every individual is different; every individual needs a service and care that suits them. Unfortunately, there are levels of care that we do not provide in the Island currently and it leads to unnecessary worry and unnecessary worsening of conditions, which could be dealt with at an earlier stage. But again there are some new proposals coming forward, for example around Listening Lounge, which we have all been looking forward to for some time, which will offer opportunities for people to access services when they need them, at the time they need them and not have to wait to get them and their condition worsens. I find it distressing when I hear people have to wait months to see somebody to talk about their mental health, or an issue in their life. That is not acceptable. I know that is not acceptable. But putting it right overnight is difficult and I know with the associate medical director - I speak to him 2 or 3 times a week - we are determined to make sure that people can get the services they need when they need them.

**The Deputy Bailiff:**

A final supplementary, Deputy Higgins?

**Deputy M.R. Higgins:**

No.

**3.13 Deputy G.P. Southern of the Minister for Social Security regarding the ability of mature students undertaking courses at Highlands College to access funding from Income Support: (OQ.202/2019)**

Obviously, I am directing this at the Assistant Minister. What assessment, if any, has the Assistant Minister undertaken of the long-term savings that would be generated if mature students could access degree-level employment after a 2-year course during which funding from Income Support was available, rather than remaining on income support, or in lower-paid employment for a long period?

**Deputy J.M. Maçon of St. Saviour (Assistant Minister for Social Security - rapporteur):**

I thank the Deputy for his question. Income support claimants are free to undertake study at any level and still claim income support, on condition that they continue to meet any work requirements required under the income support legislation, which will vary depending on circumstance. As Assistant Minister for both Education and Social Security, I have a particular interest in this area. Both ministerial teams, along with the Council of Ministers, are committed to supporting the new post-16 education strategy. The analysis requested by the Deputy has not been undertaken, as there are no courses offered by Highlands College, or University College Jersey, that would award a degree after only 2 years. The income support system does support students undertaking 3-year courses that lead to degrees in nursing, teaching, or social work. There is a shortage of local candidates to meet job vacancies in each of these areas and these degree courses lead directly to employment in the chosen professions.

**3.13.1 Deputy G.P. Southern:**

The Education Department lays on courses at degree level and yet there appears to be no communication with Social Services on behalf of these mature students that tells them that they cannot access an education grant, they are dependent upon staying on income support. The demand that they either work 25 hours a week, or 35 hours a week, in order to qualify for income support makes the level of study that they are talking about absolutely impossible. Does he not think it is about time that we had some joined-up thinking between Social Security and Education on this particular sensitive area?

**Deputy J.M. Maçon:**

I would disagree with the assertions made by the Deputy in that the critical skills list held by the Social Security Department is informed by the professionals in the States and from the Education Department itself as well as advice from H.A.W.A.G. (Housing and Work Advisory Group). This is an example of joined-up government policy and not the opposite, which the Deputy is asserting.

**3.14 The Connétable of St. Helier of the Minister for Infrastructure regarding the decision to implement a one-way flow of traffic in Green Street: (OQ.206/2019)**

When will the Minister implement the decision of the States of 4th June 2019 concerning a one-way flow of traffic in Green Street, St. Helier?

**Deputy K.C. Lewis (The Minister for Infrastructure):**

The Constable will have already seen the proposed changes, which have been sent to him for consultation. As the Constable will be aware from his work with the Parish, roads authorities must follow a process of due diligence before implementing any changes to ensure the safety of the public and avoid hazardous unforeseen consequences. Under the proper road safety audit process, it necessarily takes effort and time; I now anticipate the scheme will be implemented within the next 6 weeks, subject to co-ordination with other works in the area.

[11:30]

**3.14.1 The Connétable of St. Helier:**

Could the Minister outline for Members what exactly is being suggested for the street and could he also explain to me why a resident, who recently emailed the department for an update on the scheme, was told that no information was available and so that person is still in the dark about whether the one-way system is going to be implemented, or not?

**Deputy K.C. Lewis:**

I am not sure which resident the Constable is referring to, but if he would like to forward that to me I would be more than happy to deal with that. The revised plan includes a section of one-way northbound, delivering the spirit of the Proposition; however it remains a 2-way exit from the businesses at the southern end. Similarly, the plan retains a 2-way access to the Cedars from the roundabout, with no-entry signs located as the road narrows beyond this entrance. The scheme also has minor technical alterations, which remove the need for an additional 6 large signs, thus protecting the area from further sign clutter. Considering the impact on sustainable travel options, I am exempting buses and cycles, allowing us to maintain the excellent bus service in the area. This limited southbound traffic also mitigates concern over increased vehicle speed and safety concerns about the need for emergency services to occasionally travel southbound, which was not discussed initially when the Proposition was debated.

**3.14.2 Connétable M.K. Jackson of St. Brelade:**

Would the Minister outline the expected, or anticipated, costs of the changes at Green Street?



**Deputy K.C. Lewis:**

I do not have the costs with me, but they will not be extortionate, because basically it is signage and a limited amount of structural work to the kerbs in that particular area, so it is predominantly signage.

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

Could I ask the Minister to please let Members know what the costs might be?

**Deputy K.C. Lewis:**

I will do.

**3.14.4 The Connétable of St. Helier:**

I am grateful to the Minister for his comprehensive explanation, if that had been given to the resident who asked, I probably would not have put the question down. But could he just explain to us how the 2-way system will be retained for buses, which I think we all welcome, whether that will still involve vehicles mounting the pavement, which is one of the original issues that we brought to the Assembly?

**Deputy K.C. Lewis:**

I believe there may be some slight alterations to the paving on either side, but, as I say, the traffic flow will be restricted southbound to buses, cycles and emergency vehicles, so it will be limited traffic.

**3.15 Deputy K.G. Pamplin of the Minister for Health and Social Services regarding engagement with the Island's G.P. practices in relation to patient charges: (OQ.210/2019)**

Will the Minister advise what work, if any, is underway to engage with the Island's G.P. (general practitioner) practices in relation to patient charges, for instance to encourage consideration of establishing standard charges, or the development of guidance, so that there is clarity for patients on the basis on which charges are issued?

**The Deputy of St. Ouen (The Minister for Health and Social Services):**

In answer to the Deputy, we have been very active this year engaging with G.P.s on funding issues. The Minister for Social Security and I and our respective ministerial teams have taken part in a series of meetings with primary care practitioners, including G.P.s, during which these issues and many others have been discussed. Officers from Health and Community Services also have regular discussions with the Primary Care Board, being the committee of G.P.s elected by their colleagues. In addition, officers have met with the majority of G.P. practices individually to discuss a new model of care for Jersey. So, in all this, we have made sure we are talking to doctors about what they see as front line practitioners and where, from their perspective, there are gaps in provisions and improvements to be made and all those discussions do include discussions around charging arrangements.

**3.15.1 Deputy K.G. Pamplin:**

I thank the Minister for his answer. Does that also include looking at the future of the night-time doctor service, which was reported as early in this year as April that, and I quote: "Could be scrapped" unless the option of increasing what is already £150 to £170 or additional funding, any improvements on the service there and the future of it?

**The Deputy of St. Ouen:**

Yes. That service is continuing while discussions are ongoing and it remains the case that discussions are ongoing and are perhaps more fruitful than the earlier indications about withdrawal of the service.

We are certainly hopeful that we will be able to continue provision of emergency service at night, maybe not exactly as it has been done in the past, but certainly there should be some service provided.

**3.16 Deputy R.J. Ward of the Minister for Infrastructure regarding electric buses: (OQ.208/2019)**

What criteria are being used to judge the success of the electric bus trial; and what influence does the Minister have over the decision on whether, or not, to increase the number of electric buses in the Island's fleet?

**Deputy K.C. Lewis (The Minister for Infrastructure):**

The electric double-decker bus, which arrived in Jersey in August 2019, is a demonstration vehicle that its manufacturer is lending to LibertyBus for the purpose of carrying out in-service trials on our bus network. This is so that the appropriateness of this form of motored power can be evaluated in-service on Jersey's roads, traffic and topography. LibertyBus have a contractual obligation to investigate the use of alternative technologies. The electric double-decker bus is a tangible example of how this requirement is being met. The decision as to how and in what combination to invest in which low-carbon propulsion technology is a blending of LibertyBus's operational expertise and how best to achieve the Government's strategic objective to lower the Island's footprint. The contract facilitates partnership working between my officers and LibertyBus to determine how the best effect can be achieved. I am delighted to advise that this is continuing to deliver impressive growth in-service with passenger numbers currently 5.5 per cent ahead of 2018 and forecast to exceed 5 million trips before the end of this year. In terms of my influence therefore, ultimately, as the client, the contract must serve Government's purpose through the powers vested in my office.

**3.16.1 Deputy R.J. Ward:**

I am minded to ask the same question again, to be quite frank, because there was absolutely no answer to how the trial will be evaluated and the influence that the Minister will have over the decision being made and it is very difficult to sit here as a backbencher and not do that. I will continue. How does the Minister envisage electric buses being funded if the trial, by whatever means, is successful?

**Deputy K.C. Lewis:**

At the moment, we just have one electric bus, which is on loan at no charge from the manufacturer to LibertyBus, so there is no cost involved for the States of Jersey, whatsoever. I am not sure who is paying the shipping fees for the bus, whether that is the bus operator, or LibertyBus, but there is no cost to the States of Jersey. Evaluation-wise that will be done between myself, my officers, who are very experienced in this department and LibertyBus, to find the best way forward. There are several alternatives to electric buses, such as hydrogen, which also may be explored in the future, but the costs at the moment are prohibitive. So, it is very much an experiment to see how it runs and, like everything else, when something is relatively new, they are extremely expensive and I believe that the double-decker electric bus is approximately £145,000 more expensive than the conventional diesel model. But this is all being taken into account and when something is new it is more expensive; hopefully, in the not-too-distant future, costs will come down.

**3.16.2 Deputy M. Tadier:**

While the intention is right to get over an electric bus, does the Minister agree that Jersey's similarities with London, in terms of topography and demography, are not necessarily that similar? When 11 of our 12 Parishes in the Island are twins with Normandy and if we go to Normandy and see the smaller electric buses that they have there, would he not consider intervening as Minister, talking to some of our Norman and perhaps Breton colleagues about how they use their small bus services, which are clean and which are frequent and could circulate in the Island and fit on Jersey's

roads for a change, rather than looking to solutions in London, which are completely inappropriate for the Island context?

**Deputy K.C. Lewis:**

I was not aware we were looking at London. We look at the whole of Europe. This is something my officers have been exploring. Optare, the manufacturer of our current smaller diesel fleet, are being approached as to whether the electric engines can be put into their particular vehicles. The Deputy will be aware that we have restrictions in Jersey and we need smaller vehicles. They also need to be disabled-friendly. So, this is the compromise that we are facing, but officers are looking all over Europe.

**3.16.3 Deputy M. Tadier:**

The Minister said he was not aware they were looking at London, but LibertyBus brought over an old electric London bus and parked it in the Weighbridge, so the Minister should have been aware of that. Perhaps I could offer some assistance, wearing my Assemblée Parlementaire de la Francophonie hat, to put him in touch with some of the mayors in France to see if we cannot get a demonstration of a smaller manageable bus to be brought over, perhaps as a trial run as the Town Hoppa; would he agree to that?

**Deputy K.C. Lewis:**

I am well aware of what is happening in France. This bus was badged as a London bus, but it came from the manufacturer as a loan bus, it is on loan, it is badged up in London colours, but it is on loan to LibertyBus to see how this goes. So far it has gone extremely well and it is something we will be monitoring. We are looking at all buses, all shapes and sizes and working very closely with LibertyBus on this.

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

Given that I gather that the contract with LibertyBus obliges LibertyBus to provide the fleet, probably not specifying electric buses, would the Minister, in the future Government Plan, confirm that he has the budget to support a change to electric buses, which would probably compromise the contract?

**Deputy K.C. Lewis:**

We have not got that far down the line yet, but this is something we are monitoring, but we are in close contact with LibertyBus. LibertyBus does have subsidiaries in the U.K., so their existing fleet can be transferred within their parent company to other companies in the U.K. under their control. That is one way of doing it, but we have not got that far ahead; this is very much an experiment, which we are monitoring.

**3.16.5 Deputy G.P. Southern:**

The Minister singularly failed to state to any degree what aspects of this trial they were to monitor. Will he return to the House with a statement about the aspects that he is going to monitor in the near future please?

**Deputy K.C. Lewis:**

Obviously, it is the cleaner air we are going for, so the electrification, which I am encouraging of bikes, vans, lorries, buses, because we all want to breathe clean air. That is the primary driver in everything, to be eco-friendly.

**3.16.6 Deputy G.P. Southern:**

Can the Minister tell us how he is going to monitor that when he does not have a baseline to start from?

**Deputy K.C. Lewis:**

That is being developed; I am more than happy to report back to the Assembly on that.

**3.16.7 Deputy R.J. Ward:**

It is difficult to come up with a supplementary when your question has not really been answered. Will States funding be used to subsidise the electric fleet for a company we do not have a stake in?

**Deputy K.C. Lewis:**

We already subsidise LibertyBus, but we do not have funds at the moment to pay for electrification of the fleet. It is part of the contract that LibertyBus maintains its own fleet at present. LibertyBus owns and operates all of their own buses, as opposed to our friends in Guernsey who own the fleet of buses there. LibertyBus owns all the rolling stock in Jersey; it is a matter for them, but obviously we will look at things when they arise.

**3.17 Deputy C.S. Alves of the Chairman of the States Employment Board regarding the payment of the Living Wage by the Government of Jersey to all cleaners and grounds staff: (OQ.213/2019)**

Following the recent press release regarding the Living Wage Foundation accreditation, in which it was stated that the Government “will now work towards all contracts being compliant, so the cleaners and grounds staff that work regularly on Government premises receive the living wage for their work”, will the Chairman advise what measures will be put in place to ensure this happens with all contractors?

[11:45]

**The Deputy Bailiff:**

The Connétable of St. Ouen is taking this one.

**The Connétable of St. Ouen (Vice Chairman, States Employment Board - *rapporteur*):**

I was a bit worried that I was not going to answer that question. The Government of Jersey is committed to ensuring that all relevant contractor staff employed on Government premises for more than 2 hours a day, or more than 8 hours a week for 8 consecutive weeks, will be paid the Jersey living wage by 2024 at the latest. We are actively working with contractors to identify when we can introduce this into their contracts, hopefully before that date. Two types of contracts identified in the press release - cleaners and grounds staff - are identified as examples only. There are a number of measures being implemented to ensure that the Jersey living wage is and will be paid to Government contracts on review; all Government standard terms and conditions containing a clause requiring that the Jersey living wage be paid to relevant staff. Contract management processes and procedures are in place to ensure the monitoring of performance and service levels and adherence to contract terms. An internal audit will do annual reviews on a sample basis of the tender process and contract management.

**3.17.1 Deputy C.S. Alves:**

In Written Question 182 of this year, it was stated that the contractual requirement to pay the living wage is included in the Government’s standard terms and conditions and only applies to contracts over £100,000. Will this still be the case?

**The Connétable of St. Ouen:**

No.

**3.17.2 Deputy M. Tadier:**

Will the Minister confirm that when he said for any individual being employed more than 2 hours a day, whether that covers zero-hours contracts, so somebody working zero-hours contracts for 2 hours a day, or however many hours, is that included in his answer?

**The Connétable of St. Ouen:**

Yes, it is, because the contract will be with the contractor, not with us, so we may not be aware that they are on a zero-hours contract, but the criteria we set down will have to be adhered to as part of our contractual arrangement with the contractor.

**The Deputy Bailiff:**

I am afraid that brings the time allocated to the questions with notice to an end. We now move to questions without notice; the first Minister to receive questions without notice is the Minister for Home Affairs.

#### **4. Questions to Ministers without notice - The Minister for Home Affairs**

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

Can the Minister explain his understanding of the difference between collaboration and integration in terms of the fire and ambulance services?

**The Connétable of St. Clement (The Minister for Home Affairs):**

I do not have access to my Concise Oxford English Dictionary here but, as the Deputy knows, as Chairman of my Scrutiny Panel, the services are working very hard to improve the excellent collaboration that they have and the working together that they have. We can be precious about the words, but what I am looking for is increased co-operation, improvement to service, by the uniformed services, by the emergency services, to the public of the Island. They are working very hard to achieve this and the services value the opportunity of improving the level of service that they offer.

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

Does the integration of fire and ambulance services create an existential threat to the identity and specialist skills of both services?

**The Connétable of St. Clement:**

Absolutely not. We have been through this a number of times at question times and Scrutiny Panels, the identity of the services; it is essential that they are absolutely unchanged. The specialist skills of each service is to be maintained, but that does not mean that they cannot work together. One of the things I am very keen on is co-locating the ambulance service and the fire service and I know the vast majority of the officers that I have spoken to at senior level welcome this potential opportunity. I would like to see the work on that new building commencing before 2022, because the facilities, the buildings occupied by the ambulance service and separately by the fire service are not really fit for purpose in this day and age. Anyone who has been to see them will know that I am speaking the absolute truth on that.

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

Firstly, I would just like to thank the Minister for appointing a Fire Chief and Head of Customs and Immigration as agreed by this Assembly earlier this year. **[Approbation]** That has ended some disquiet within the services. But it seems to me that the worst-kept secret of the summer has been the external investigation conducted into a member of staff within the Home Affairs Department, although somehow, having spoken to the Chief Minister, it appears to have been kept from him until that point. That prompts my question to the Minister for Home Affairs: when was he told of the

external investigation and is he content that any recommendations made in the final report, if any, are being implemented?

**The Connétable of St. Clement:**

I thank the Constable for her congratulations and I must say I was absolutely delighted that we were able to appoint, not just a Fire Chief and a Customs and Immigration Chief, but both of those senior officers are Jerseymen. That gave me a great deal of pleasure. **[Approbation]** I recognise the incident that the Constable is referring to. I was made aware of the investigation sometime towards the beginning, or middle, of May when I was asked to give evidence. As to the recommendations, I am unaware of any recommendations, because thus far I have not had access to the final report.

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

The Minister tells us he has not had access to the final report of an investigation into a member of his staff; will the Minister tell the Assembly why he believes he has not had access to that report and, if he has, surely as a senior Member of Government, he would have asked to see the report? Has he asked for it and has it been refused?

**The Connétable of St. Clement:**

The investigation and therefore the report was commissioned by the Chief Executive of the States. I have made several requests to read the full report; so far that has been denied to me.

**4.3 Deputy S.M. Ahier:**

As I am sure the Minister is aware, the cost of an adult passport will rise to £85 on 1st October. This will standardise the price of a British passport, which is currently issued by the Passport Office in the north of England. In this time of efficiencies, would it not be appropriate to close the Passport Office and cut out the middleman?

**The Connétable of St. Clement:**

Sorry, does the Deputy mean close the Jersey Passport Office, or close the Passport Office in the north of England?

**Deputy S.M. Ahier:**

Close the Jersey Passport Office.

**The Connétable of St. Clement:**

I am proud to be a Jerseyman. **[Approbation]** I am proud to hold a Jersey passport. I am even proud to have that little stamp in my passport because that means that I am a true Jerseyman. There is absolutely no question, no question on my watch, of the Jersey passport being moved to a United Kingdom passport. Jersey will have its own discrete passport while I remain Minister for Home Affairs.

**4.4 Deputy L.B.E. Ash:**

At the risk of becoming the friend of the pavement, is the Minister aware of the increase in dog fouling? I realise he has to tread carefully on this issue **[Laughter]** as it is only a minority of dog owners involved and the vast majority are very diligent. But I have certainly noticed an increase and many parishioners have brought that in God's own Parish. Would he consider increasing fines for this particular offence?

**The Connétable of St. Clement:**

I really do not think it is a matter of increasing fines. It is one of the most antisocial crimes that we have. Whenever there is a phone-in, or comment, on a radio station the phones go red hot because people are very enthusiastic about it. But the real trick is not the level of fines, but catching

individuals allowing their animals to do this. It is not the animal's fault; it is the owner's fault. But the problem is, if people are watching, these individuals do not allow their dogs to do it, so it is very difficult to catch it. But I do emphasise - and I agree with the Deputy - it is a relatively small minority of dog owners who indulge in this antisocial behaviour and I wish we could do more about it. If we are out policing it, which the Honorary Police together with the States Police have done in the past, it does not happen, because the dog owners see the police around. It is very difficult, but if there are ways that people can suggest that we can improve the situation my ears will be open.

#### **4.5 Deputy M. Tadier:**

I am glad that Deputy Ash has managed to curb his enthusiasm and I will not say anything else; it might be ruled out of order. On perhaps a more serious subject, there was a recent death of a young man, which followed a drug, which was sold as M.D.M.A. (Methylenedioxyamphetamine) in the Island and I wanted to ask of the Minister for Home Affairs whether there exists in Jersey a scheme whereby drug users can hand in their drugs anonymously, in a kind of surrender fashion, to see what is in them if they have any concerns so that they will not be prosecuted, but so that the authorities can be informed about exactly what is in our streets in Jersey purporting to be sold as a type of drug.

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

I am not aware of such a scheme certainly under my department's remit. Whether such a scheme exists, perhaps at Health and Community Services, I do not know. But what I can say for sure is that the police and the authorities certainly publicise as much as they can when they are aware that particularly dangerous substances - as the one that occurred in the last couple of weeks - is about. Certainly the warnings are there and it is so difficult; people have to take responsibility for their own actions, but we have to help them and advise them as much as we possibly can.

#### **4.5.1 Deputy M. Tadier:**

Just as a supplementary, would the Minister give serious consideration and have a conversation with the Minister for Health and Social Services to see what is being done elsewhere, because as long as these drugs remain in the hands of the black market and the supply chain is controlled by them, there is very little protection for some vulnerable people. I accept it is a matter of freedom of choice, but unless you know what is in these drugs then the harm will continue.

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

Yes, very happy to have the conversation and if we could find ways of reducing the harm that this awful substance creates then we certainly should do it.

#### **4.6 Deputy J.M. Maçon:**

Is the Minister able to update the Assembly on the E.U. (European Union) resettlement scheme, how many people have we registered, how many are yet to go?

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

Yes, as we said at the beginning of the scheme, we estimate - and it is an estimate - there will be some 20,000 individuals who should register. Up to very recent times we were very close to the 5,000 mark, so it will be around about 25 per cent of what we anticipate and, of course, they do have up to the end of next year to make that registration.

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

Given the Minister's welcome support for funding for extra police officers in the service, after his recent time spent with the ambulance service, does he agree with me that it is about time that the ambulance service also receive the resources and funding it needs to ensure the service continues to meet the demands of the rising population demands on this service?

**The Connétable of St. Clement:**

I made a commitment when I was elected to this position that all the emergency services should be properly and fully resourced, so that they could provide the service that the Island needs and the Island deserves and the Island expects. That will be true of the ambulance service, the fire service, Customs and Immigration and the States of Jersey Police.

**4.7.1 Deputy K.G. Pamplin:**

On a similar vein, will the Minister undertake to have meetings with St. John's Ambulance, who it is reported now is starting to reach some issues with its financial deficit and agree with me that the Island cannot lose the vital service that St. John's Ambulance provide and can he offer some support and reassurance to this vital charity?

**The Connétable of St. Clement:**

If I can be of assistance to that important charity, then you certainly will not find me lacking.

**4.8 Deputy R. Labey:**

What are the reasons given by the Chief Executive to the Minister for not releasing the report the Constable of St. Lawrence was referring to earlier in this session? Is that acceptable to the Minister? Does the Minister's Director General have the report?

[12:00]

**The Connétable of St. Clement:**

I really feel that question, taking the first part of it, should be asked of the Chief Executive and not me; it is not for me to put words into his mouth. I find this difficult and I really cannot comment on whether another member of the Home Affairs Department has a copy of the report, or not; all I can say is I do not.

**4.9 Senator K.L. Moore:**

Following on from the previous question, what does the Minister propose to do about the situation?

**The Connétable of St. Clement:**

I have had discussions with the Chief Minister and I hope that between us we will be able to resolve the issue.

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

My question follows on neatly from that. The Minister has spoken to the Chief Minister. How does he expect the Chief Minister to resolve the matter that the Chief Executive has refused to give a report to the Minister for Home Affairs?

**The Connétable of St. Clement:**

I have discussed the issue with the Chief Minister and how he deals with it from there on is a matter for him and I cannot say how, or when, what he should do. He knows my position and I expect him to deal with the situation.

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

Does the Minister for Home Affairs believe that the Chief Minister is managing the Chief Executive as he should be doing?

**The Deputy Bailiff:**

No, Connétable, I do not think I can allow that as within a reasonable question within the remit of this particular ...



**The Connétable of St. Lawrence:**

Sorry, Sir?

**The Deputy Bailiff:**

This does not relate to the Minister's responsibility for Home Affairs. It is a much more general political question and it is not for the Minister to answer at this point.

**The Connétable of St. Lawrence:**

Thank you.

**Male Speaker:**

Do we have time for ...?

**The Deputy Bailiff:**

Well, there is Deputy Le Hegarat and there are about 30 seconds.

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

With the move of the ambulance service to Home Affairs, can he please confirm what has happened to patient transport? Has that moved to Home Affairs, or does it remain with the Health Department?

**The Connétable of St. Clement:**

The ambulance service, in its entirety, was transferred to the Justice and Home Affairs ... well, no, about 9 months ago, I believe, yes.

**5. Questions to Ministers without notice - The Minister for International Development**

**5.1 Deputy K.F. Morel:**

Following the destruction in the Bahamas, another island nation, would the Minister advise the Assembly of what steps have been taken to reach out to the Bahamas in a sense of solidarity with other island nations?

**Deputy C.F. Labey of Grouville (The Minister for International Development):**

Jersey Overseas Aid typically gives between 20 per cent and 30 per cent of its budget in humanitarian aid per year to the poorest communities. We are increasingly supporting pooled funding, which means we are on the front line and can give at a moment's notice. Thus far, we have not had any appeals from the pooled fund N.G.O.s (non-governmental organisations), or the usual N.G.O.s that we deal with in these kinds of crises. We are liaising with the Bailiff's Office, as we do in environmental disasters such as this, to see if there is public support for such support. Thus far, we have not had any. We are monitoring the situation very carefully and we are reviewing it on a daily basis. As soon as we receive applications we will consider them, because we have a very quick turnaround when we consider any applications of this nature.

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

Thank you, Minister. While I appreciate the standard process is to wait for a request, in terms of this being an island nation and as vulnerable as Jersey is to disaster and being cut off, *et cetera*, would it not make sense from a solidarity perspective, as I asked in my initial question, to at least reach out from Government to Government to offer, or at least even to provide messages of support, in their time of need, rather than just waiting through what you can see here is perhaps one of the problems with the pooled funding mechanism, is that Jersey does not get to establish its own international relations in that way, establishing its own international identity among other islands?

**The Deputy of Grouville:**

I would have no objection to either the Government, or the Bailiff's Office, sending a letter to support them and saying that we are here, but thus far, as far as the development aid, humanitarian aid from Jersey Overseas Aid, until they have possibly organised themselves and identified where they need the aid ... but yes, I totally agree with the Deputy and it would be a nice thing to do.

**5.2 Deputy S.M. Ahier:**

Will the Minister advise the Assembly of the work the Start Fund is doing in Kenya and what the benefit is to the local community?

**The Deputy of Grouville:**

Jersey Overseas Aid supports the Start Fund. It is pooled funding and we support it, as I have just identified, on the humanitarian aid in emergencies, so that we are on the front line if there are emergencies. So that is the element of the Start Fund that we support. It is a pooled funding for humanitarian emergencies.

**5.3 Deputy R.J. Ward:**

Does the Minister consider that Jersey's commitment to overseas aid should extend to the acceptance of child refugees?

**The Deputy of Grouville:**

That is a very interesting question and I know that there are 2 parties of thought to ... so, what we have done and the bit that I feel very strongly about, is that our budget does not continue to decline. So, I have put in a bid in the Government Plan to put it back to 2015 levels to reverse the decline and from thereon move by 0.01 per cent year on year, so that we at least are going in the right direction. Because I do not feel that we can say that we are not going to take in child refugees, because we are funding the crisis nearer the source, nearer the countries or in the countries, when our budget is in decline. So, to my mind we have to do one, or the other. We either support with a budget that is getting nearer to the O.E.C.D. (Organisation for Economic Co-operation and Development) average and we support at source, which is what Overseas Aid can do. I know the External Relations Department explored bringing in refugees into the Island a few years ago when the Syrian crisis initially erupted and it was felt at the time that because the refugees would be coming via the U.K. they would be entitled to everything here that they would be entitled to in the U.K. That could, especially in the housing market and job market, cause some discourse on Island. So, it is one of those things. As far as Overseas Aid goes and our International Development monies, I am quite happy ... well, I am not happy with this, I would prefer that the refugee camps did not exist, but I prefer that ... well, I am helping them there.

**5.4 Connétable K. Shenton-Stone of St. Martin:**

I would like to congratulate the Minister for the excellent work Jersey Overseas Aid is overseeing and undertaking in Rwanda. Could the Minister outline Jersey Overseas Aid's plans and ongoing projects for 2020 and which countries Overseas Aid will be focusing on in the coming year?

**The Deputy of Grouville:**

We have narrowed our focus of countries down to just 6, because we feel if we have larger, longer-term projects we have a greater impact and we can get to know the communities and their cultures and tailor our projects accordingly. At the moment we are in Nepal, Ethiopia, Malawi, Sierra Leone, Rwanda, Zambia. Our countries are picked by dividing the corruption index ... and I think we are one of the only humanitarian agencies that take into account the corruption index. So, we divide the corruption index and times it by the humanitarian index squared. Out of those countries we then tend to choose the Anglophone countries, because, obviously, we have to evaluate and go

into the country and ask questions, so it is just easier for us that way. So, they are the poorest countries and that is how we identified those. We have narrowed our themes down to dairy, financial inclusion and conservation livelihoods. As the Assembly may know, the dairy project has been very successful in Rwanda. We have moved into Malawi and because it has been so successful we are probably going to start a third project of that kind in Ethiopia. We will probably go in with a pilot scheme and then see if it works there and culturally how it is received.

### **5.5 Deputy L.M.C. Doublet:**

Would the Minister like to comment on the announcement that was made over the summer about C.E.D.A.W. (Convention on the Elimination of all forms of Discrimination Against Women) and the next steps being taken there? Does she agree with me that work in this area should continue to be prioritised?

### **The Deputy of Grouville:**

I am not so sure that is International Development, but yes, I would agree with that. I believe that External Relations is looking at that and, as the Deputy knows, I am very much a supporter of it. It is on my radar. Although the Minister can speak for his own department, I believe his department is working hard to try and get all the other departments and the laws up to scratch so that C.E.D.A.W. can then be accepted, because it could not be without everyone complying with it. Yes, I am a strong supporter of it, but it is not really International Development.

### **5.6 Deputy M. Tadier:**

It is effectively a follow-up to Deputy Ward's question about child refugees. In her answer, the Minister said that it would be good if Jersey could either get to the 0.7 per cent of budget spending on overseas aid, or invite child refugees. It is the case, notwithstanding the good work that Overseas Aid already does, that many countries, if not most countries, in the E.U. will have both the O.E.C.D. target spend on overseas aid and they will welcome not just child refugees, but adult refugees into their countries. Does the Minister think that there is a concern about Jersey reputationally when we are supposed to punch above our weight in so many areas and we do, yet in the area of meeting European standard funding we cannot do that and we cannot seem to find a way to accept even a handful of child refugees, which we know both of which are very important issues?

### **The Deputy of Grouville:**

My budget at the moment has been put in to reverse the decline and then move slowly upwards. It would be nice if we could reach the O.E.C.D. average. I think it would be extremely ambitious to reach the 0.7 per cent. However, other countries do and smaller countries like Lichtenstein. Bringing in child refugees, if they are going to be children, where are they from? Are they just Syrian refugees that we would take on here? I believe recently a question was asked in this Assembly this year about our child services provision, how they are dealing with traumatised children. The answer was that we have a lot of work to do in that area. Now, the children from war-torn countries, who might have lost both their parents will be - make no mistake - traumatised and that is no reason not to take them, but this community has to fully understand the support that we would have to put in place for these children.

[12:15]

I have no doubt, with the generosity of this community, that there would be homes that we could place them in, but there is an argument to be had: do our own Children's Services have the capacity to take this extra work on? I am sure the community can, they can take them in their homes, but having visited the refugee camps ...

### **The Deputy Bailiff:**

Minister, can I ask you to bring your answer to a close, please?

**The Deputy of Grouville:**

Yes.

**5.6.1 Deputy M. Tadier:**

May I have a supplementary? I know it was a 2-pronged question initially, but the Minister also knows that it is entirely possible for a Member to bring a Proposition asking for a fixed percentage budget to go to a fixed cause and to get approval from the Assembly. So, would she consider bringing forward a proposal that Jersey by a certain year, subject perhaps to economic conditions, should meet the 0.7 per cent of budget funding, so that the whole of this Assembly can get behind that and Jersey can finally end up doing what is morally right on the international stage as well as locally?

**The Deputy of Grouville:**

I believe this Assembly has made a commitment in 1996, 1998, 2002 and subsequent Scrutiny reports to say that it should be our aim and certainly we signed up to Agenda 21. So, it should be an aim. It should be an aim of all developed countries. Sorry, I have forgotten the question now.

**Deputy M. Tadier:**

Might she consider bringing a Proposition to get an agreement and a timeline to make that a reality?

**The Deputy of Grouville:**

We have submitted a business plan into the Government Plan, which found favour with the Council of Ministers. It is committing this Assembly, the time of this Assembly, this Government Plan, to increasing the budget year on year. At this point in time, I feel that while I would like to be more ambitious I just think reversing the decline and seeing it increasing year on year for now, for this period, would be an achievement.

**The Deputy Bailiff:**

That brings the time allocated for questions to the Minister to a close. Before we move on any further, could I just say to Members: Members will have noted that there were a large number of oral questions to be answered. We did not quite get through the entirety of it. Could I remind Members - and I am not in any sense singling any Member out - that both questions and answers should be succinct. If people could think about how they can put their questions more succinctly, but also those charged with answering them, the rule of thumb is that an answer should not take more than 90 seconds to deliver and, therefore, those answering should try and avoid answering at greater length than that, if it is at all possible. I will obviously remind Members if the answer exceeds that time as I have started to do to bring their answers to a close.

**Deputy R. Labey:**

I wonder if I might take this opportunity to inform the Assembly that normal service has been resumed on our web-streaming and on BBC Radio Jersey medium wave and apologise to our viewers and listeners for the break in service. It must have been incredibly frustrating for viewers, because we cannot generate a caption saying: "It is our fault, not yours." So, thanks for their forbearance and apologies.

**Deputy M. Tadier:**

I did want to ask a point of order in relation to the questions. I was not in the Assembly, I think, when question 18 would have been asked, but I think given the fact there is only one and I am sure, Sir, that you are also the friend of the backbencher, as President of this Assembly and that ...

**The Deputy Bailiff:**

I am not sure, Deputy. Are you going to hold me in my seat if there is a Proposition to remove me?  
[Laughter] [Approbation]

**Deputy M. Tadier:**

Thank you, Sir. I missed what you said, but I am sure it is clearly funny. **[Laughter]** I know that Hansard will record that. Could I ask that Deputy Morel be allowed to ask his question, because it was the lengthy answers of the Ministers who were responsible for running out the clock in question time? It is good that questions can be asked and ...

**The Deputy Bailiff:**

Deputy, I entirely understand the frustration that comes with that and why you have asked that question. The fact is we are bound by Standing Orders. That sets the time limit for it. It does not provide for the Assembly to increase it, or to put in a supplemental question, other than in accordance with Standing Orders, so I am afraid, notwithstanding the very probable importance of the question, I cannot permit it to be put in that way. That is a matter that could be addressed through Standing Orders, if it is appropriate to do so.

**PUBLIC BUSINESS**

**6. Draft Emergency Powers and Planning (Amendment No. 3) (Jersey) Law 201- (P.76/2019) - proposal to reduce lodging period**

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

Could I raise another matter? I am happy to circulate a written answer to the oral question, which should have been asked. Perhaps, just to follow on from Deputy Tadier, of course, officials and Ministers spend a great amount of time preparing for oral questions, so I think it is to the benefit not only of the listeners, but the whole parliamentary process, if all oral questions can be undertaken. As you rightly indicated, Sir, perhaps all of us could think about brevity. Members will be aware that P.76/2019 is down for debate today and has not met the required lodging period. P.76/2019 is the Draft Emergency Powers and Planning Amendment and Amendment to that Amendment. It is, the Council of Ministers believe, an important pre-Brexit no-deal preparation Amendment and, therefore, I indulge and request the Assembly to foreshorten the lodging period to take the item during this session. I also ask if we could also indulge again the Assembly and take it as the first item of business. Perhaps first, though, I will deal with the taking it up this sitting, please.

**The Deputy Bailiff:**

Do you wish to add to anything you have said, Senator? Obviously, the test to be passed is public interest.

**Senator I.J. Gorst:**

I do not think I do, but I will answer any questions that Members may have.

**The Deputy Bailiff:**

Very well. You propose then that it is taken in a shortened lodging period?

**Senator I.J. Gorst:**

Indeed, I do.

**The Deputy Bailiff:**

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

**6.1.1 Deputy M. Tadier:**

I do not know if it is in order to propose an Amendment to the Chief Minister's Proposition, but it would seem expeditious if we could agree to take both P.76/2019 and P.89/2019 at this sitting.

Because we know that P.89/2019 is also an important issue for local students who are seeking to go on to further and better themselves and we will be asking for ...

**The Deputy Bailiff:**

No, Deputy, I do not think you can amend in that way. It is 2 quite distinct and separate matters. The considerations of the Assembly will be different as to whether they take one ahead of time, or another one ahead of time. You can certainly make a separate Proposition for that immediately following on from that if you wish to, however.

**Deputy M. Tadier:**

Thank you. May I speak then on this?

**The Deputy Bailiff:**

Yes.

**Deputy M. Tadier:**

It would seem to me that I would say to the mover of this Proposition that if he is quite happy for P.89/2019 to also be taken at this sitting, because, of course, what is good for the goose should also be good for the gander and we would not want the Government getting preferential treatment in what they can ask the Assembly to take, but not apply the same methodology to the rest of the Assembly. We have seen what can happen when Government tries to ignore the rest of the Parliament, or the Assembly. Then I would be quite happy to support P.76/2019 but I would be loath to do so if, in fact, we find out later on that double standards are being applied to this. So, perhaps, the Minister for External Relations can give his view on that and his commitment that we should take 2 pieces today on what is, after all, a relatively light Order Paper.

**6.1.2 Senator L.J. Farnham:**

I do hear my colleague, Deputy Tadier, but there are 2 completely different sets of circumstances around the reasons why we are discussing this. One is to deal with urgent supplies of medicines in circumstances beyond our control relating to Brexit and the other circumstances were outlined by Deputy Maçon in an email to Members last night. So, there are 2 different issues. I think we should discuss them separately.

**6.1.3 Deputy K.F. Morel:**

I have noticed, since I joined the Assembly just over a year ago, that the Assembly has been in general sympathetic to all requests to shorten the lodging period, so I personally will support that and also Deputy Tadier's request, as well. But I am very curious as to why it should be first on the Order Paper or should be ...

**The Deputy Bailiff:**

Well, Deputy, the Senator says he will take that as a separate Proposition, so you can ask the question at that point, if that assists you.

**Deputy K.F. Morel:**

OK, thank you.

**The Deputy Bailiff:**

Does any other Member wish to speak on the Proposition to have the matter dealt with during the course of this sitting?

**6.1.4 Senator I.J. Gorst:**

Thank you, and I am grateful for those who have spoken in favour of foreshortening the lodging period. With regard to Deputy Tadier's point about P.89/2019, it is true that P.89/2019 covers important areas for individuals thinking about improving their education and improving themselves and, therefore, improving their employability. But, as Senator Farnham said, there is a slight difference there in that those Ministers, who are directly involved and have, I think, important considerations to make, it may be that they are in a position to accept those proposals, it may be that they wish to amend them and, therefore, I think it would only be right for them to be present and we understand why they are not. So, I cannot, in the summing up on why P.76/2019 should have a foreshortened lodging period, give him the comfort that he has so requested, unfortunately, but I ask Members to approve the shortened lodging period.

**The Deputy Bailiff:**

Those in favour of adopting Proposition ...

**Deputy M. Tadier:**

Can we have the *appel*, please?

**The Deputy Bailiff:**

The appel is called for. I invite Members to return to their seats. The vote is on whether or not the period for lodging for the emergency powers legislation should be shortened so that it can be dealt with. Those in favour will vote *pour*; those against will vote *contre*. I ask the Greffier to open the voting.

<b>POUR: 35</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Martin				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
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 K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Deputy Bailiff:**

Did you wish to make a second Proposition in connection with this matter?

**6.2 Senator I.J. Gorst:**

If I may, Sir, and I offer my apologies to the Assembly. Unfortunately, I have meetings with U.K. Ministers - the Government is still functioning in the U.K. even if Parliament is not - tomorrow and, therefore, I find myself in a position of having some double-booked appointments this afternoon and needing to leave the Assembly early. It is for that reason that I ask that the item might be taken as the first item and started before lunch.

**The Deputy Bailiff:**

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

**6.2.1 Deputy K.F. Morel:**

Without wishing to pry too much, given the extraordinary circumstances around this, I would ask are those double-booked appointments Government matters, or are they matters that rest outside of the States, personal matters, *et cetera*? Because, if they are Government matters, then maybe that is worth leaving the Assembly, which it is our duty to be here to attend, but if they are not Government matters that is a different matter altogether.

**6.2.2 Deputy J.H. Young:**

I am sorry, hopefully I will not over-complicate, but just to give notice as well for Members to be thinking about: I shall be later on in this session asking similarly for another what I think is an E.U.-related matter, which is Proposition 91/2019, to be brought forward to the next sitting on 24th September.

**The Deputy Bailiff:**

Well, Deputy, that is nothing to do with the business of the Assembly and you are entitled to put something back if that is necessary.

**Deputy J.H. Young:**

Yes, Sir, all I was doing was using the opportunity, because I think this one is probably related to the E.U., to give advanced notice for thinking about it.

**6.2.3 Deputy M. Tadier:**

I know Members sometimes find it tedious, but it is important that we do highlight these issues as they occur, because I think, sometimes, they can set precedents, or at least raise what the question of best practice for us should be. I am quite happy to support this, but I think we should highlight a couple of issues. The first is that we do have OneGov now and it is theoretically possible for the Government to propose somebody else to propose this Bill. Given the fact that it is so important that we reduce the lodging time, if the Minister himself were not here - and I am sure he is best placed to deliver and present this particular Proposition - there should and there would be somebody equally competent, either as his Assistant Minister, or representing Government. Now, if something similar



happens either to a backbencher, or to a party, for example, who were bringing forward an equally important Proposition, it would not be possible for that individual then to say: “Well, I have to be out of the Island on States business. Can I, therefore, propose that somebody else takes this in my place?” I think that P.P.C. (Privileges and Procedures Committee) really needs to look at these issues, because it is the subject matter which is being debated which is of utmost importance, not necessarily the person who is bringing it, or sponsoring that particular Proposition. I think we should support this debate for pragmatic reasons, but I would also ask that P.P.C. put it on their agenda to consider this availability for all Members to choose somebody to present their Bills, or their Propositions, when they are not around.

[12:30]

**6.2.4 Senator I.J. Gorst:**

I understand the difficulty in which I am placing the Assembly and, as I said in my opening remarks, for which I apologise. The Deputy has pressed me on what the matters are this afternoon. They are of a personal nature. He will, therefore, decide how he wishes to vote in light of that, but I would be obliged, for all the reasons that Deputy Tadier has just indicated, if Members would agree to take this as the first item of business.

**The Deputy Bailiff:**

Those in favour of adopting the proposal kindly show?

**Deputy M. Tadier:**

Can we have the *appel*, please?

**The Deputy Bailiff:**

The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 39</b>	<b>CONTRE: 1</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst	Deputy K.F. Morel (L)	
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator K.L. Moore		
Senator S.Y. Mézec		
Connétable of St. Clement		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy G.P. Southern (H)		
Deputy 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 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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

## **7. Income Support for Mature Students (P.89/2019) - proposal to reduce lodging period**

### **The Deputy Bailiff:**

Very well, then we come on to ...

### **Deputy J.M. Maçon:**

I wonder if we could settle the issue around P.89/2019?

### **The Deputy Bailiff:**

Well, is someone going to propose that that is dealt with?

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

What are we deciding now, Sir? **[Laughter]**

### **The Deputy Bailiff:**

It is your Proposition, I think, Deputy Southern. I think it is largely up to you.

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

It is my Proposition, it certainly is.

### **The Deputy Bailiff:**

I am not sure if you have been out of the Assembly, but we have agreed to take the Emergency Powers legislation within a reduced lodging period to be dealt with during this session and as the first item of business. During the course of the debate on that, there was discussion about whether your Proposition should also be dealt with at the same time in terms of listed for debate at this session.

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

I am perfectly content for it to stay where it is, but I will be proposing that it is taken, even though it is 2½ weeks and not 4 weeks, the lodging period. It is important, because this is the last time we can effect the content of P.89/2019 ...

### **The Deputy Bailiff:**

Can I just interrupt you? I am sorry to interrupt you, Deputy, but do you wish to propose that now at this point?

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

I did not wish to. I was quite happy to do it later.

**The Deputy Bailiff:**

Because it is a matter for you how you deal with the matter, but Members might benefit from knowing in advance, simply because people know how much preparation they may need to do for an item that is otherwise listed for the end. But it is entirely a matter for you. You certainly do not have to take it now.

**Deputy G.P. Southern:**

OK, I will volunteer to do it now then. The case is that this is our last opportunity. Highlands courses start next week, so we cannot wait until the 24th. This is the reason why it is short on lodging period, not through any wilful intent, but because that is when it came noted to me and that is the first thing I can do to organise what I think is a long-existing little problem with income support for mature students and whether they are better off studying to improve their lot, rather than sitting on income support and just waiting and setting an example to their children, which is not as good as what they might otherwise do. This is the last opportunity to debate that. Whatever the result of the House's decision, there is no point in saying: "Wait until the 24th" because that guarantees that the only change that could be made - and I think the Assistant Minister is minded to make some changes here - would be for next year. It is the last opportunity to get the 3 remaining students, who are mature students, done wonderfully well so far, to give them an opening. It strikes me that we do not have joined-up policy here and that we could start the process of getting some joined-up policy on this particular day. I would want to bring that today.

**The Deputy Bailiff:**

Very well, is that seconded? [**Seconded**]

**7.1.1 Deputy M. Tadier:**

Yes and if I can, while I am on my feet, very briefly say that the test was moved. It used to be that the test for taking and reducing the lodging period was moved from that it should be very urgent and prejudicial to Jersey, to whether it is in the public interest. We are here to debate all sorts of things which are in the public interest and already 620 signatures in Jersey say that this is a matter of public interest to them. Notwithstanding the comments of the Assistant Minister for Social Security, I think we should debate it today. It is an important issue and it is at the end of the Order Paper, so if we have time we will debate it. We are here anyway. It is going to be debated at some point; let us do it now and really take these issues for these 3 students - but others in the future who will be in exactly the same situation - seriously.

**7.1.2 Deputy J.M. Maçon:**

I would like to object to this Proposition being taken at this time, not that we should not have the debate, just not today, or tomorrow. The reasons for that are threefold: one is because the Minister for Social Security, who has been away on bereavement, has not had a chance to consider this particular proposition. She is deciding whether it is in the public interest to do so. I do not believe it is in the public interest that a Minister has not had a chance to consider a Proposition before doing so. The Minister for Education, of course, is also ill. Her contribution to the debate will be very important. She is also not here to be able to do that again if it is in the public interest not to do so. The third point is as a technical matter in that the Deputy's Proposition not only asks for the psychology and criminology foundation course to be considered, but also the childhood studies course. Now, because that was not asked to do so previously, the department is still out seeking various consultations on that particular course and, therefore, we would not be in a position to be able to respond to that part of the Proposition. Therefore, I do not believe it is in the public interest for States Members, who have not been properly informed by the comments, to be able to take the decision on this matter today. Also as a point of information for Members, I have a *communiqué* from the principal of Highlands College that says: "University College Jersey students have their

induction freshers week next week, commencing 16th September, for all degree programmes. They start lessons on 23rd September. They could be enrolled late to the course, but it would mean they are missing induction and some taught content.” So, also I do not believe the urgency is there either, so, therefore, I do not believe it meets the public interest test for those reasons. I hope Members will support not having this debate today, but having it in a timely manner, when the department is in a position to formally respond to the points raised within the Proposition.

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

I am pleased to follow on from Deputy Maçon. It would be a great shame should this Proposition be debated today and rejected, which I think Members might be minded to do, simply because there is not enough information from the relevant Ministers. I would rather see us debate it when there has been time for consideration, even if it means these students have to start slightly late. I think there is more chance in helping these people by discussing it at the next sitting when we have had comment from the Ministers.

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

Really, just to endorse what has been said by the previous 2 speakers, but to make the point that is why there is a lodging period of 4 weeks for most Propositions. It is to avoid making decisions on the hoof. So, we are not asking for anything different, we are asking for it to be processed to run to the normal date. As the Assistant Minister for Social Security has identified, there are very legitimate reasons behind it.

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

Given the new information from the Assistant Minister, would it be possible - I do not know if the Deputy can answer this, or Deputy Maçon can as well - if this is debated at a later date and is passed that these students will be compensated, will be reintroduced and supported if we do it at a later date? With that new information, I think that is important.

### **The Deputy Bailiff:**

Well, you are entitled ... it is done out of sequence. A point of clarification on your speech would have been appropriate at the end of your speech. I do not think it is now within the ordinary rules of debate.

### **Deputy J.M. Maçon:**

If the Member was still speaking could he give way? **[Laughter]**

### **The Deputy Bailiff:**

Yes.

### **Deputy J.M. Maçon:**

Yes, I can.

### **The Deputy Bailiff:**

Do you give way, Deputy?

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

Yes.

### **Deputy J.M. Maçon:**

I thank the Deputy for his question. Again, from what I have just read out from the principal of Highlands College, there is an opportunity for late enrolment should the Assembly make a decision on the critical skills list, so that opportunity is there. That means depending when the decision is

made, it could be 3 or 4 days later, which over the entire life of the course does not mean necessarily for the students it will make that much difference but, of course, that is not ... for us is the key point of the debate but it is something that Members should be aware of.

**The Deputy Bailiff:**

Do you wish to conclude your speech, Deputy Pamplin?

**Deputy K.G. Pamplin:**

I do.

**7.1.6 Deputy R.J. Ward:**

On a point of clarification, I believe, although I am getting lost now, if this is taken later, which means that these 3 students could access the course, only start late and miss induction day - forgive me for going back over it, if I can get my train of thought together – therefore, be reimbursed for what they are doing, does that mean that the Minister will be minded to support it, or is this a delay in order that they can gather their guns in order to not support it, which is what I am concerned about, given that there are a number of officers working on it and the Assistant Minister, I am sure, is more than capable?

**The Deputy Bailiff:**

It is difficult to know if that is a point of clarification, because it was raised very much late in the day. Points of clarification generally follow on from the speech of the speaker, so someone will stand during the course of the speech, or at the end of it and say: “Could I have a point of clarification about what you have just said?” There is no ability to put questions generally to speakers who have already spoken, because that would be simply a mechanism by which speakers could speak more than one time during the course of a debate, which is against Standing Orders, I am afraid. Senator Mézec.

**7.1.7 Senator S.Y. Mézec:**

I think Deputy Ward has made the best point here as what we could risk doing by not accepting the Proposition from Deputy Southern to debate this sooner, is end up extending a limbo period where these students do not know what they can, or cannot, do and at the end of it do not have a guarantee that there will be a solution presented to them. So, I think on that basis it is right to debate this today, as Deputy Southern is asking for. I would just make the point that I do think it is odd that late enrolment could be considered a preferable option. Surely it is never a preferable option and you want students to have that security and stability as early as possible, knowing when they are going to start, knowing what preparation they have to do, not just in preparation for their studies, but for their home life, as well, to make sure that that is organised properly. I say that as somebody who at the start of my university degree was disrupted because of an administration problem and it is very stressful and unhelpful in those few weeks and it is right to debate this as soon as possible.

**7.1.8 The Deputy of St. Peter:**

Should this be deferred, or debated at the appropriate time and then subsequently accepted, can I ask the Assistant Minister for Education to give us the assurances that he will put all his support ...

**The Deputy Bailiff:**

No, I am sorry, Deputy, we must keep to the proper order of debate. The Assistant Minister for Education is merely a speaker in the debate; he is not the mover of the Proposition. The ability to question him arises for points of clarification at the end of his speech, but he is not available to generally answer questions.

**Deputy M. Tadier:**

Can I just raise a point of order here? It must be possible for the Minister to indicate whether he is in favour of what Members are asking quite simply by putting a thumbs up, or a thumbs down. The Minister can give a confirmation, or somebody else from his department, who has not spoken yet can tell us what the government policy of his department is on this particular issue.

**The Deputy Bailiff:**

I am not sure we wish to move to thumbs up and thumbs down within the Assembly, Deputy, but an answer may be that when Deputy Southern is closing his argument, if he wishes to do so, the Assistant Minister for Education could ask him to give way to give clarification during the course of that. That may be a practical way through the particular issue. Does any other Member wish to speak on the Proposition?

**7.1.9 Deputy G.P. Southern:**

I think the case has been made. What has not been focused on is the stress level among these 3 students, who are sitting there waiting to see if certainly the next year is possible for them to study as distinct from having passed gloriously the access to higher education. It seems to me that having the doors opened to that higher education is just contradictory. It is just 2 policies, which run directly opposite each other and that is, in the long term and the short term - by which I mean I will maintain, I think, my request that the House does take this Proposition today - we have to solve this. I think we can start solving it today if we so choose. Obviously, my sympathies lie with Deputy Martin and the Minister for Education. They both cannot attend today. I barely can attend, as you can hear in my voice, but I do maintain the Proposition.

**The Deputy Bailiff:**

Very well, all those in favour of adopting the Proposition ...

**Deputy M. Tadier:**

Can we have the *appel*, please?

**The Deputy Bailiff:**

The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting. The vote is on whether or not Deputy Southern's Proposition should be taken within today's sitting. If you agree that that will be the case, then the vote is *pour*, but if you do not agree, then it will be *contre*. I ask the Greffier to open the voting

<b>POUR: 11</b>	<b>CONTRE: 29</b>	<b>ABSTAIN: 1</b>
Senator S.Y. Mézec	Senator I.J. Gorst	Deputy of St. John
Deputy G.P. Southern (H)	Senator L.J. Farnham	
Deputy M. Tadier (B)	Senator S.C. Ferguson	
Deputy L.M.C. Doublet (S)	Senator J.A.N. Le Fondré	
Deputy R. Labey (H)	Senator S.W. Pallett	
Deputy of St. Mary	Connétable of St. Clement	
Deputy J.H. Young (B)	Connétable of St. Saviour	
Deputy K.F. Morel (L)	Connétable of St. Brelade	
Deputy M.R. Le Hegarat (H)	Connétable of St. John	
Deputy R.J. Ward (H)	Connétable of Trinity	
Deputy C.S. Alves (H)	Connétable of St. Peter	
	Connétable of St. Mary	
	Connétable of St. Ouen	
	Connétable of St. Martin	
	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 S.M. Wickenden (H)		
		Deputy G.J. Truscott (B)		
		Deputy L.B.E. Ash (C)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy S.M. Ahier (H)		
		Deputy K.G. Pamplin (S)		
		Deputy I. Gardiner (H)		

[12:45]

**Deputy J.M. Maçon:**

May I thank Members for their support?

## **LUNCHEON ADJOURNMENT PROPOSED**

**The Deputy Bailiff:**

Very well, the adjournment is called for. The Assembly stands adjourned until 2.15 p.m.

[12:45]

## **LUNCHEON ADJOURNMENT**

[14:17]

## **PUBLIC BUSINESS**

### **8. Draft Emergency Powers and Planning (Amendment No. 3) (Jersey) Law 201- (P.76/2019)**

**The Deputy Bailiff:**

Very well, the first item of Public Business that the Assembly has agreed to take is the Emergency Powers and Planning (Amendment No. 3) (Jersey) Law, P.76/2019, lodged by the Chief Minister. I ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Emergency Powers and Planning (Amendment No. 3) (Jersey) Law 201-. A law to amend the Emergency Powers and Planning (Jersey) Law 1990 to change the constitution of the Emergencies Council, enable the making of emergency arrangements in relation to medical supplies and for connected purposes.

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

There is an Amendment to the Articles which, hopefully, when we get to the Second Reading we will take as amended. It seems over recent days that - perhaps it is all of the excitement in the United Kingdom - some, shall we say, media have been getting terribly excited about this particular Amendment and I just want to take the opportunity to briefly set the record straight. The current Emergency Powers and Planning Law is dated 1990 and it could be argued by a no doubt well paid, but competent, lawyer that the current law enables the Emergencies Council to act in the manner that

these refinements and these amendments give certainty to. Therefore, there is no great extension to the powers of the Emergencies Council that some have been suggesting is the case. What this law rather does is give clarity around the powers that the Emergencies Council have, clarities around the Emergencies Council process and clarity around the creation of competent authorities and, of course, Members will know from reading the Amendment, creates a competent authority for medicines and medical supplies. Any Members that are interested in emergency powers and the declarations of states of emergency, which I think all states have and by necessity need to have, will be aware that the 1990 law is a little bit old, is a little bit creaky and the previous emergencies power individual - I have forgotten his exact title - started quite a lengthy piece of work of redrafting and proposing a newer Emergency Powers and Planning Law. That is not yet completed and the Council of Ministers and the Emergencies Council felt that it was, however, particularly in light of a potential no-deal Brexit, appropriate to make these small amendments while that larger piece of work was undertaken. What this law does is it creates a *quorum* of the Emergencies Council. If we were thinking very hypothetically and theoretically, you could argue that the current law, as it stands without these amendments, means that a Chief Minister acting obviously with the office of Bailiff and the office of Lieutenant Governor could declare a state of emergency just by themselves. What this does is requires a *quorum* of the Emergencies Council, to make sure that that could not take place. What it also requires is those competent authorities, if they are going to take action, need to draft Orders and those Orders need to be approved by the Emergencies Council. Those Orders could be struck down by this Assembly if the Assembly thought it was inappropriate and in any case only are in place for a limited period of time like if an Emergency Council felt the need to declare a state of emergency. That is the thrust of these amendments. The Amendment to this Amendment, which we will come to in the Articles, arises from the good work that Scrutiny have done and asked about the issue of compensation. So, if Ministers were going to act, or competent authorities were going to act, in a manner, let us say, that required *in extremis* a pharmaceutical product be taken from a community pharmacy and delivered to an individual, it is only right that that pharmacy should be appropriately compensated by Government and those goods should not be taken under any other basis than would normally be done so. Rather than being a terribly exciting Amendment and issuing terribly new powers to the Emergencies Council, I hope that the Assembly will recognise that this really is a strengthening and clarity being given to this law, to make sure that this Assembly and ultimately the public can hold the Emergencies Council and the competent authorities appropriately to account in the future should those decisions ever need to be taken. I would remind the Assembly in all of those years since 1990 such decisions have not, in the past, needed to be made and despite all the uncertainty about Brexit, I stand before the Assembly and do not think that they will need to be used in the future either but, they are an appropriate - and I hesitate to use this word - backstop, but an important one.

### **The Deputy Bailiff:**

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

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

May I just ask for something that may help, which is you mentioned that orders can be struck down by the Assembly, which is the words that were used. Perhaps you can explain a mechanism of this to give some reassurance that there is that link with the Assembly if these emergency powers are enacted. I think that is one of the concerns.

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

I just wanted to highlight that the Brexit Review Panel has taken a look at this from a Scrutiny perspective and, as the Minister quite rightly said, it was a matter of interest. There were concerns, they appear to have been listened to and brought in. Emergency powers are always difficult because, as the Minister mentioned, you know, you never want them to be abused in any way and certainly



the lack of *quorum* opened up one theoretical avenue put forward for such misuse and so this does close that down. From that perspective, the Brexit Review Panel - I believe I can speak for all of us, because we have not done an official report - were basically happy with these changes and with this Amendment, so we do not in any way stand with any concerns now. One thing I would like to say, or ask of the Minister, is that he mentions work on the new emergency planning law and it is really to ask when that is likely to come forward. The reason for this is, even this morning, Deputy Ward - and he has referred to it just now - had highlighted one area in which the Emergency Powers Law could be improved. I personally have thought of another area the Emergency Powers Law could be improved, but we are holding off doing anything there. We have not asked for it in this *tranche*, because we understand there is a new law under development. So understanding when that law is likely to be brought to the Assembly would be very helpful. But as far as the Brexit Review Panel is concerned, we were happy with these Amendments.

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

I wonder if the Minister would just clarify the linkage with Ports, because quite clearly Ports are crucial in this process should need arise. Could he just give me comfort by confirming that the Minister for Economic Development, Tourism, Sport and Culture will have a direct input?

### **The Deputy Bailiff:**

Does any other Member wish to speak on the principles? I call on the Minister to respond.

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

If I may take the last item first. If I recall from my days of being Chair of the Emergencies Council, the Minister for Economic Development, Tourism, Sport and Culture sits on the Emergencies Council and has a vote and the Harbour Authority sit on the ... I am not sure whether it is the gold, or silver, command group that would inform the Emergencies Council were they ever in a position of needing to declare an emergency. The Connétable is absolutely right, they are an important part of any process that might be required. With regard to the Chair of the Scrutiny Panel, I apologise I do not have the information about when that new law will be consulted upon. I know that - what are we now? - 18 months ago it was in good draft form, so I suspect that it will be being brought forward in early course. Emergency planning officers, of course, now seem to be spending all their time thinking about day one no deal, rather than, perhaps, the broader, wider picture. So, we need to give them a little bit of latitude before they bring that forward. With regard to striking down a Ministerial Order, the normal process under Standing Orders applies. The Order is laid and any Member can lodge a Proposition to annul it. The convention, in all of my time in this Assembly, has been if an individual did so, the Minister would not act on that Order until the States have given its opinion upon the Order. If we really were in such an extreme case, it was always my understanding - and I am sure it will be the same with the Chief Minister - that one of the most important things that one would do at that point of making these difficult decisions is recall the States, ask the Bailiff, or the President, to recall the States and if we think about all of the day one no deal planning that we were doing in March and then April those conversations between Ministers and the Bailiff's Chambers had taken place and we were in a position to be able to, in short order, do that. There is this process that will be gone through to enable ... because the Emergencies Council would want to act with the full support of the Assembly and with the full support of the community, in the best interests of the community as well. I maintain the principles.

### **The Deputy Bailiff:**

Those in favour of adopting the principles, kindly show. Those against? The principles are adopted. I am assuming, Deputy Morel, your panel does not wish to call this in? Do you propose the Articles as amended in Second Reading, Minister?

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

I do, Sir, if I may and I propose them *en bloc*. I have spoken through the powers in ...

**The Deputy Bailiff:**

Sorry, you wish to take them as amended. Do the Assembly agree to take them as amended? Yes.

[14:30]

**Senator I.J. Gorst:**

Thank you. I have spoken through the powers in the principles and I will endeavour to answer any questions that Members may have. As I have said, with regard to the Amendment to the Amendment I am grateful to Scrutiny's input clarifying the fact that compensation would be appropriate to ... compensation is not a good word, but it is appropriate that if the Government needs to use stocks and supplies from private businesses that those private businesses are appropriately recompensed for any decision of Government in an appropriate market value way. I maintain the Articles in Second Reading.

**The Deputy Bailiff:**

Are the Articles seconded? [**Seconded**] Does any Member wish to speak on any of the Articles?

**8.2.1 Deputy K.F. Morel:**

I will keep it short, but it is just to say that the Scrutiny Panel, where we did have concerns, one was that there was a slight concern that this was not brought to us before 31st March. The problems with regards to lack of *quorum, et cetera*, the lack of compensation, *et cetera*, were all there before 31st March and it would have been preferable had Brexit gone ahead with the day one no deal, then these laws would have been unamended at that point. With regard to compensation, the issue here is that there was a system before where compensation - or recompense I think is probably a better word - could have been sought by a private business that had stock removed by the Government in case of an emergency, but that would have meant travelling via the courts and basically, essentially, as we understood, trying to sue the Government for recompense. What we asked the department to do was to just build into this Amendment the idea that the Government has to think and has to look to provide that recompense at an earlier stage, not forcing business owners to sue the Government for that. They did so, they were very responsive and we are very pleased that they did so. Again, we are quite happy with this as amended.

**8.2.2 Senator I.J. Gorst:**

Again I thank the Chair of the Scrutiny Panel, he is absolutely right, in an ideal world these Amendments would have been brought forward earlier. What we are finding is ... and Deputy Young will address the Assembly later in this States sitting asking for foreshortening of a lodging period for something which is currently being drafted, which is now Brexit day one no deal urgent, which back in March was not foreseen. The more that officials have looked at our preparations, the more that they have reviewed our laws, the more they are looking at potential legal fixes for eventualities down the line, because it is fair to say that things are a little bit at 6s and 7s in the United Kingdom and therefore the information about what we might need to do to compensate that 6s and 7s position has been difficult but we are, I think, largely there, but the Minister for the Environment might be requesting that. Although I will not be here, I would give my support to that, it is a really important issue for our fishing and agriculture industry. That is why this cross-departmental piece of work has taken longer than we would have hoped, that is, I think, an important refinement, that it should be in place for the end of October. Should the Assembly approve it in Third Reading today then it will go straight off to the Privy Council. Of course, we know that the U.K. Parliament is not sitting, but we still expect to make a Privy Council date prior to the end of October for this particular piece of legislation. Therefore, I maintain the Articles in Second Reading.

**The Deputy Bailiff:**

Those in favour of adopting the Articles in Second ... the *appel* is called for. I invite Members to return to their seats. The vote is on the adoption of the Articles in Second Reading. I ask the Greffier to open the voting.

<b>POUR: 39</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
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. Saviour				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy 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)				

**The Deputy Bailiff:**

Do you propose the matter in Third Reading?

**Senator I.J. Gorst:**

If I may, Sir, thank you.

**The Deputy Bailiff:**

Seconded? [**Seconded**] Does anyone wish to speak in Third Reading? Those in favour of adopting ...

**Senator I.J. Gorst:**

May I propose the *appel*, please?

**The Deputy Bailiff:**

The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 39</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
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. Saviour		
Connétable of St. Brelade		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy J.M. Maçon (S)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy 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)		

**9. Draft Aquatic Resources (Jersey) Law 2014 (Appointed Day) Act 201- (P.65/2019)**

**The Deputy Bailiff:**

The next item of Public Business is the Draft Aquatic Resources (Jersey) Law 2014 (Appointed Day) Act and I ask the Greffier to read the citation.

**Deputy J.H. Young (The Minister for the Environment):**

I ask that Deputy Guida acts as *rapporteur* for this item, please.

**The Deputy Bailiff:**

Yes, very well.

**The Greffier of the States:**

Draft Aquatic Resources (Jersey) Law 2014 (Appointed Day) Act 201-. The States make this Act under Article 22 of the Aquatic Resources (Jersey) Law 2014.

**9.1 Deputy G.C. Guida of St. Lawrence (Assistant Minister for the Environment - rapporteur):**

In 2013, it was recognised that the legislation governing the exploitation of certain marine resources, principally seaweed, were no longer in step with the current management and utilisation of the resource. It was agreed that updated legislation was required and this came in the form of the Aquatic Resources (Jersey) Law 2014. As this legislation put in place the framework for the appropriate management of seaweed resources it was necessary to repeal the previous legislation that governed the exploitation of seaweed, namely the *Loi (1894) sur la coupe et la pêche des vraics*. While, in my opinion and those Members who have had the opportunity to read it might agree, it is an eloquently written piece of legislation in very nice French, but it is extremely outdated and does not put in place a regime that is appropriate to manage the resources, or facilitate the exploitation at this time. Nevertheless, however outdated the law was, it provided some protection and therefore it was not possible to bring the 2014 law into force until the necessary Regulations and Order were developed. The department has undertaken an extensive review and assessment of the seaweed resources in Jersey territorial waters that has provided the background to inform the policy that has led to the draft Regulations that have been lodged as P.66/2019. As Members would expect, this report is available on the States website. The lodging of the above Regulations has allowed for the lodging of this draft Appointed Day Act. I would like to thank the Chair and members of the Environment, Housing and Infrastructure Scrutiny Panel for finding the time to meet my officials to discuss this proposal. I urge Members to support the draft Act.

**The Deputy Bailiff:**

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

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

Just briefly on the principles. There is obviously clearly potential for developing the industry in the Island and I would just like the *rapporteur* to confirm that there will be more detailed industry reviews in the oncoming years. The suggestion was that the present status would be reviewed every 24 months. I would just like him to confirm that.

**The Deputy Bailiff:**

Does any other Member wish to speak on the Act? I call on Deputy Guida then to respond.

**9.1.2 Deputy G.C. Guida:**

In terms of industry review, of course the state of the industry of collecting seaweed - and we are not talking about wrack, but actual growing plants - is extremely small in Jersey. So, it is a cottage industry, it is very private rather than commercial and, therefore, what we really needed to do was to make sure that it was controlled, but also that it was in law, which was not the case with the law on *la pêche des vraics*, which, for example, set the season which was not adequate for other products.

We are talking about a very small industry that we are trying to satisfy, but we will, of course, keep a very close look on what they do. Indeed to see whether these licences are used and the quantities that are harvested is quite important at the beginning of the law. I think we can easily accept to review that every 24 months.

**The Deputy Bailiff:**

Do you maintain, therefore, the Proposition, Deputy?

**Deputy G.C. Guida:**

Yes, please.

**The Deputy Bailiff:**

Those Members in favour of adopting the Proposition, kindly show. Those against? The Act is adopted.

## **10. Draft Aquatic Resources (Seaweed Licences) (Jersey) Regulations 201- (P.66/2019)**

**The Deputy Bailiff:**

Very well the next item of Public Business is the Draft Aquatic Resources (Seaweed Licences) (Jersey) Regulations.

**Deputy J.H. Young (The Minister for the Environment):**

Similarly, Deputy Guida as well, please.

**The Deputy Bailiff:**

I ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Aquatic Resources (Seaweed Licences) (Jersey) Regulations 201-. The States make these Regulations under Articles 2, 17 and 20 of the Aquatic Resources (Jersey) Law 2014.

### **10.1 Deputy G.C. Guida (Assistant Minister for the Environment - *rapporteur*):**

The first thing, of course, is that again we are talking about living plants and not, for example, wrack that may be collected on the beach. The Regulation does not stop, or impact, in any way the collection of wrack at the top of the beach by farmers for putting on the fields, or members of the public for putting on their garden. We are not talking about seaweed that is already detached from the substrate and washed higher up on the shore, what many would refer to as *vraic de venu*, storm cast seaweed, this Regulation is not about those activities. Deputy Labey, the Assistant Minister at the time we brought the Aquatic Resource Law to this House, will remember, I expect, a number of Members who sought clarification as to any impact on this traditional activity of gathering wrack and I can tell the Deputy that the assurance she gave on the day in bringing forward the draft legislation there is no change. Similarly, this Regulation is not about green seaweed, the sea lettuce. The systems of management that are in place, together with the ongoing work to reduce and mitigate the impact of the sea lettuce is not affected, in any way, by these Regulations. As I have previously mentioned, in 2013 it was recognised that the laws managing the exploitation of seaweed were no longer in step with the current utilisation and sustainable management. An update was required and this came about in the form of the Aquatic Resources (Jersey) Law 2014. Having carefully considered the range of aquatic resources covered by the 2014 law and identified seaweed as the dominant and most pressing focus, appropriate legislation was needed to manage that important local resource. To support the development of regulation the department undertook a study to assess the seaweed resource in our territorial waters and the potential for exploitation. As I mentioned before, this report is available

online. The draft Regulations will allow for the year-round management of both recreational and commercial seaweed harvesting with individual species of families of seaweed being subject to appropriate daily limits. In addition, there are a number of key components of the draft Regulation. It sets out a daily limit of zero for certain important species, most notably the various species of maerl that we have in Jersey waters. Maerl is a protected species in many jurisdictions, as it forms clean inshore habitats that contribute significantly to species diversity, including a number of commercial shellfish species. It is also proposed that mechanical harvesting of the seaweed resource is not allowed. Many Members will be aware of the gathering of seaweed at present in Brittany, using a vessel and mechanical harvesting arm known as Scooby Doo. The assessment concluded that this type of exploitation was not appropriate from a resource perspective in that despite there being a substantial volume of seaweed the coast and the offshore ridge, it was not of sufficient size to allow for such exploitation. The draft Regulations provide for both recreational and commercial hand harvesting of seaweed. Those wishing to gather recreationally, with no intention to sell for profit, are subject to no licensing but simply the requirement to adhere to the prescribed daily bag limits for certain species. Those wishing to commercialise their activities are required to obtain a licence, but in doing so are subject to a higher daily limit. There is a licence fee, which has been set in line with the current commercial scallop diving permit. While it is acknowledged that the economic impact of this Regulation is not significant, it does facilitate a small cottage industry, but services face big demand at local level. It has the potential to develop in the future.

[14:45]

Seaweed under exploitation and indeed our culture is a potential area of growth that should be considered when developing the future sustainable management of our waters. As previously, I would like to take the opportunity to thank the Chair and members of the Environment, Housing and Infrastructure Scrutiny Panel for finding the time to meet with my officers and discuss this proposal. In summary, the draft Regulations are required to allow for the sustainable exploitation of the Island's seaweed resources, providing protections from over-exploitation while at the same time supporting local scale industry. I ask Members to support the draft Regulations.

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

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

#### **10.1.1 Deputy M. Tadier:**

I think maybe I and other people got really excited when they saw that there was going to be regulation for the harvesting of weed, especially for recreational purposes in the Island **[Laughter]** and then we read that seaweed was the full word and we came back down to earth. It is, nonetheless, I am sure, a very important piece of work and members of the Scrutiny Panel and the Minister's department have been racking their brains over this one. That is probably about the limit of what I have been able to come up with in a short space of time. Perhaps, on a more serious note, it is a great Jersey tradition. We know that we have issues with nitrates in the Island and it is an old tradition to put wrack on the fields, whether it is for a small holding or ... just a local allotment, or whether it is on a bigger scale. That has not always been the case and we know that it does lock it into the ground much more efficiently. I will have a question in a moment about the Articles, but I will save it for that particular point. I know that I have spoken to some Members of the Scrutiny Panel and it is the case that while we generally all come into this Assembly as generalists and certainly through the Scrutiny process, we often find ourselves becoming accidentally specialists in some very niche areas. This is one of them. It is a great Jersey tradition that I think needs to be protected and done in a sustainable way, so I commend the Assistant Minister on this occasion for bringing this.

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

While echoing Deputy Tadier's words of praise for bringing this piece of legislation through, I just wanted to ask a couple of questions. One was: will the department be maintaining a maximum number of commercial licences? Also, is there any system by which they make sure that commercial licences and individual recreational licences do not get mixed up? So, one company has a licence and then individuals within that company hold their own licences and exploit them in that way. It is just those 2 questions, thank you.

#### **10.1.3 The Deputy of Grouville:**

Could I just correct the *rapporteur* in this? He referred to me as the Deputy of Grouville and for Hansard purpose I should be Deputy ... sorry, he referred to me as Deputy Labey and for Hansard I should be the Deputy of Grouville, just to avoid any confusion. Just to say I am delighted it has finally come back here and we can protect the seaweed and still, at the same time, be protecting the ancient custom of collecting wrack from the beaches.

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

I have a question just with regards the table which identifies the different species and the kilograms per day. There are zeros there, are these because they are a protected species not present? Also, if they are there and you are not allowed to take any, if somebody takes some by mistake, as a recreational, because they may not identify well enough, could there be an issue there? Just the reason for the zeros, just some detail really.

#### **10.1.5 Deputy R. Labey:**

I did ask these questions of the Minister during the summer, but my email must have gone astray. Are we talking here ... can I just get clarity on whether *bona fide* farmers - and there are very few who do this still - are still able to go down to the beach and collect wrack that is not having to be cut, that is dead? Are they still able to go and do that at their will, at their leisure, or do they have to apply for licence and if they have to apply for a licence, do they have to pay for that licence? My reading of the law is that everyone is banned from doing it, but those who can do it have to apply for a licence and it might cost them money. I would just like clarity on that. I might be out of tangent, which is why I sent the email earlier.

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

Can I apologise for missing Deputy Labey's email, but I am sure Deputy Guida will point out if the Deputy reads page 3 of the report he can see that is dealt with? The storm cast wrack has, of course, no limits.

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

Like all Members, I think we are here to protect the environment, whether it be land, or the sea, areas. A few things if the Minister, or Assistant Minister, could clarify. The actual cost of the licence, he refers to the scallop licence, I looked that up, it is approximately £90 per year. Impact analysis as well is something that I remember Deputy Southern bringing up in our last Assemblies in the last term. How many businesses locally, whether it be small, or large, are going to be affected by these changes?

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

Does any other Members wish to speak on the principles? I call on Deputy Guida to respond.

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

First to Deputy Tadier, I apologise that the hallucinogenic properties of wrack and kelp are not to stand out for some Members; on the other hand, we do believe that they may have other beneficial properties and we do hope that some local business will find some very good use for all of these. In terms of the maximum number of licences, the whole principle of this is to control the harvest of



those important species in our waters. So, indeed, the department will keep a very good eye on the total, because that is what they estimated, they started with how much could be taken without affecting the ecosystem and considering the number of people already asking for a licence, already in the business of harvesting seaweed, how much we needed to limit them to make sure that this was sustainable. It is something that we will indeed follow on very carefully. I apologise for confusing the Deputy of Grouville with Deputy Labey, I was confused myself when reading the paragraph the first time and when I was reading it here and I apologise for the mistake. I realised at the very last sentence. Indeed, because it has been a very extensive study, we have made a list of all what we could consider seaweed present in Jersey waters and those that were in too small a quantity, or too important in the ecosystem to touch we put a zero limit on. Those are *de facto* protected, but that could change depending on the demand and depending on the sustainability of their harvest. The Deputy will know that I am all in favour of protecting our habitats as much as we can. Wrack, I have repeated it, this is all about harvesting live plants, so you would have to dive, cut them off the floor, or take them off rocks. If it is anything that you can find dead on the beach, or floating, it is not part of these Regulations, or this Law. Finally, yes, the cost of the licence is the same as the cost for the scallops, which is £91.50. We are already very familiar with the people and very small companies in this habit, or business, so we know exactly how much is being taken now, how much is needed and the actual present needs will very easily fit in the limits that we have set. We will, of course, keep looking at how this develops. We would love it to become an important Jersey business but, of course, it will have to remain sustainable at any point. Having said that, I would like to present the Articles *en bloc*, please?

**The Deputy Bailiff:**

We have to adopt the principles first.

**Deputy G.C. Guida:**

Principles, sorry, I thought we ... sorry, I would like to present the principles.

**The Deputy Bailiff:**

Yes. Those in favour of adopting the principles, kindly show. Those against? The principles are adopted. Does the Environment, Housing and Infrastructure Scrutiny Panel wish to call this in?

**The Connétable of St. Brelade (Chairman, Environment, Housing and Infrastructure Scrutiny Panel):**

No, Sir, we have received a comprehensive presentation from the department and are very pleased to support it.

**The Deputy Bailiff:**

Very well. You wish to deal with the matter *en bloc* in Second Reading, Deputy?

**10.2 Deputy G.C. Guida:**

Yes, I would like to propose the Articles *en bloc*.

**The Deputy Bailiff:**

Are the Articles seconded? [**Seconded**] The Connétable of St. Brelade.

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

Just a small point and it is maybe not for the *rapporteur* to respond, but it concerns me a little bit on Regulations 2, 3 and 5, the reference to unlimited fine for miscreants. Maybe it is for ... the Law Officer is not here at the moment to confirm, but I would not wish people to go down to be cutting wrack and then finding themselves risking being deported to the antipodes, or such like. Maybe the Attorney General could confirm whether it is a scale issue, or in fact is unlimited.

**The Deputy Bailiff:**

I will give you a moment to consider that Mr. Attorney if you want; we will see if anyone else wishes to speak on the Articles.

**Deputy M. Tadier:**

Can I just seek clarification? Was the *rapporteur* asked to speak to the Articles, or did he want to?

**The Deputy Bailiff:**

No, he proposed them *en bloc*. He will obviously answer any questions in connection with the Articles that you may wish to raise, Deputy.

**Deputy G.C. Guida:**

I would not mind describing the Articles, despite the fact that they are presented *en bloc*.

**The Deputy Bailiff:**

All right, well, the norm would have been for you to go on straightaway and say: “I propose to take them *en bloc* but to describe them first.” But there we are. Yes, we have only had the Connétable of St. Brelade, so let us propose the Articles. Yes, please do speak to the Articles if you would like to.

**10.2.2 Deputy G.C. Guida:**

Sorry, my mistake. I stopped too early. Regulation 1 provides interpretations, in particular the definition of harvesting, that means the collection of *vraic de venu* collected by farmers and gardeners alike is not included. Regulation 2 prohibits the mechanical harvesting of seaweed. Regulations 3 and 4 prohibit the harvesting of seaweed for commercial purposes without a licence and sets out provision for the application and the granting of such licence by the Minister subject to any conditions of that licence and the limits set out in Regulation 6. Regulation 5 prohibits any person from harvesting seaweed for recreational purposes in excess of the limits set out in the table in Regulation 6. The aforementioned Regulation 6 sets out the daily limits by weight in kilograms applicable to each species that may be gathered. Different limits apply to different species depending on their abundance. The draft Regulations are required to allow for the sustainable exploitation of the Island’s seaweed resource, providing protection from over-exploitation while at the same time supporting local scale industry. I ask Members to support the draft Regulations.

**The Deputy Bailiff:**

They have already been seconded. You do not wish to repeat your injection, Connétable, do you?

**The Connétable of St. Brelade:**

Just perhaps the Attorney General?

**The Deputy Bailiff:**

Yes, I was going to come on and ask the Attorney if he wished to answer.

**The Attorney General:**

I am grateful. I can see the point that the Constable makes in relation to the possibility of unlimited fines being imposed under this law, but in reality the likelihood is that most offences under this law would be dealt with in the Magistrate’s Court subject to a maximum fine of £10,000. I anticipate that, in fact, the court would impose a much lower fine than that particularly in relation to first offenders. Presumably the intention of the existence of an unlimited fine is merely to deal with the possibility that there would be an offence committed for commercial purposes that would be repeated on more than one occasion. Only in that instance could one imagine a very high fine being imposed by the courts.

**The Deputy Bailiff:**

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

**10.2.3 Deputy M. Tadier:**

I do have a question for the Attorney General as well. I am sure and I hope it will be applied in a common sense way, or interpreted in a common sense way, but when it says that commercial purposes means the harvesting of seaweed with a view to financial reward, or profit, does that also include indirect profit. So, clearly, if farmers are using seaweed to put on their fields that is not something that they are selling directly, but it is a form of fertiliser.

[15:00]

Would that be captured under the definition of commercial purposes? That is the question for the Attorney General.

**The Attorney General:**

Of course, the Deputy does raise a very interesting point about the meaning of commercial purposes. One is reluctant, in a way, to give an answer on the hoof because, of course, one might prejudice consideration in detail of this provision when confronted by certain facts at some point in the future. Obviously, the intention is to draw a distinction between those who are harvesting the seaweed for direct gain and those who are not. The difficulty in answering the question with any definition, which I am unable to do today, is that there may be circumstances when this law might be considered for the purpose of action against ... the question gave the example of a farmer who was harvesting seaweed on a very substantial basis, perhaps in breach of these provisions. I am afraid I cannot give a guarantee to the Assembly today that the instance that the Deputy refers to might not be regarded as harvesting seaweed for commercial purposes.

**Deputy M. Tadier:**

I think it is relevant, because I am not an expert in these matters, there are those who are much more familiar with both farming and seaweed than I am, but it would seem to me that the majority of commercial - what I would deem as commercial, or certainly mass collection - and mechanised collection of seaweed from the beaches would be for the purposes of putting them on fields for growing, presumably potatoes, or there may be other crops which require high nitrogen. It seems strange that we would be passing a law today ... because I do not know that there is a big industry out there which commercially sells seaweed directly to farmers. It would seem to me that farmers would have the equipment to be able to collect it themselves and apply it to their fields directly, therefore cutting out the middle man. I think it does pose a big question mark about the efficacy of that part of the law. I know, clearly, there will be a distinction between what is recreational and that the limits are much lower, but I think that needs clarification from the *rapporteur* because we would not want to pass a law today and find out that we are in a grey area. Certainly it would seem to me, as we are all both individually and collectively lawmakers here, that the intention there would be that somebody who collects it in a mechanised way, puts it on their fields and then sells potatoes, or whatever, is a commercial user and commercial beneficiary in terms of the exploitation of this plant. I would certainly be voting for it to be included in that definition, but if other Members do not have that definition and we are passing a law almost blindly today it is slightly concerning. I will leave the comments at that. I am not going to move a reference back, but I certainly think that we need clarity about what the intention of this law is, especially when there is potentially an unlimited fine. People could say: "Well, I am not a commercial user of this" and it could open up a whole can of worms. That is not a pun.

**10.2.4 The Deputy of Grouville:**

If I could try and be of some assistance, because I do know something about this law. The law that the *rapporteur* is bringing forward is for the harvesting of live seaweed, which is being farmed and it is becoming a valuable resource with pharmaceutical companies and that, so it is to protect that. The issue the Deputy has raised, I believe, is for the farmer who wants to collect the wrack, the dead seaweed on the beach, he can collect that. In that case I do not know what other ... he is shaking his head, I do not know what other wrack and seaweed the farmer collects. To my mind, they collect it from the beach and, if anything, the Department for Infrastructure should be paying them, because that is what they do every day, is it not, move the seaweed up and down the beach?

#### **10.2.5 Deputy R. Labey:**

The Deputy of Grouville has clarified the issue and just further to that, I should declare that my brother is an independent potato farmer, but I get no financial interest from his farm. The gathering of wrack by farmers like my brother is really because they take a pride in their work and they take a pride in their product and they want to continue the traditions. We have photographs of my grandfather's and great grandfather's piles of wrack down at L'Étacq and my brother uses a wracking cart as his logo when he sells potatoes at the farm gate. It is not going to get him a higher price with Bartletts, his agents, but it is a bit like the cõtils now, they are not really financially viable, but people keep doing them, because it is keeping the tradition alive and they take a pride in the work that they do. I think the Island is all the better for it.

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

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

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

I think I can offer a little bit of clarity on the notion of an unlimited fine. It is probably something that you will see again when we come back to this Assembly with other Laws, or Regulations, affecting the environment. The size of an environmental crime can be immense. You can imagine somebody leaching dangerous chemicals into the fields and into nature could destroy half of the Island with one tank, depending on the nature of the chemical. The damage done will not fit in the £200 fine given by your Centenier. You need a scale here. We are allowing a harvest of up to 50 kilograms a day of live seaweed that you would probably have to go and dive to fetch. So, if you are not selling it for hundreds of pounds ... a pot of cosmetics, or dedicate some pieces to go with meals or things like that, you are absolutely not going to make a profit. This is not wrack that you pick up with your tractor by the tens of tonnes on the beach to lay on your field. Again, this has nothing to do with wrack and growing potatoes, or any other thing. We are talking about gathering a few algae to put a seasoning on plates, to use in cosmetics and I hope that we will find uses for them in the pharmaceutical industry where, again, we are talking about very small quantities. The difference between commercial and private is a little bit moot, because we have already separated them by quantity, so we really do not care whether you are making money on it, but if you pick up less than 10 kilos a day, you are considered private and it does not really matter what you do with them, we do not need to go and check. You have picked up less than 10 kilos, to us it is not important. If a million people did it, we would start worrying, but right now we know that it is a completely incidental activity. If you want to be commercial then you unload 50 kilos a day and you become commercial by wanting more than 10 kilos. Again, we are not going to check whether you sell them, or you just eat a lot of them by yourself. Just the fact that you are not satisfied with 10 kilos and you want 50 is enough for us to say: "Well, at this quantity it will need oversight and we just need you to be licensed." There might be conditions, depending on what you want, how you want to pick up and how you want to use it and we will keep track of your needs. I think those 2 questions can be answered easily and I would like to again stress that I do not believe any of us has seen this done yet. This is a very small industry, we are talking about less than a dozen individuals in very tiny companies

interested in something that might be important in the future, but it is very small today. All we want to do is to allow it to leave right now. I maintain the Articles.

**The Deputy Bailiff:**

The Regulations. All those in favour of adopting the Regulations ... the *appel* is called for.

**Deputy M. Tadier:**

Could I ask for Article 6 to be taken separately?

**The Deputy Bailiff:**

Yes. Very well, the *appel* is called for. The first vote is on Articles 1 to 5 and I ask the Greffier to open the voting.

<b>POUR: 35</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator S.W. Pallett				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
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 C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Deputy Bailiff:**

We now come to Regulation 6 and I ask the Greffier to reset the voting mechanism and open the voting.

<b>POUR: 34</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Deputy M. Tadier (B)		
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator S.W. Pallett				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
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 C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

### **The Deputy Bailiff:**

The next item of Public Business is the Draft Amendment (No. 39) of the Standing Orders of the States of Jersey ... I beg your pardon, I have missed ... I apologise I have missed a Regulation and the last vote therefore is on Regulation 7. Again, I ask the Greffier to reset the voting machine and open the voting.

<b>POUR: 34</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator S.W. Pallett				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Mary				

Connétable of St. Ouen				
Connétable of St. Martin				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
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 M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Deputy Bailiff:**

The next item of Public Business is the Amendment ... sorry, I have only just come back from a holiday. [Laughter] It does not appear that it had any effect at all. I apologise. Do you propose the matter in Third Reading?

**10.3 Deputy G.C. Guida:**

I do, Sir, thank you.

**The Deputy Bailiff:**

Is it seconded in Third Reading? [Seconded] Does any Member wish to speak in Third Reading?

**10.3.1 Deputy M. Tadier:**

These kinds of law are really important and what Jersey lacks as an overall framework, which some other countries have, is a general ecocide law, so it would look at and deal with issues exactly like this but similarly other issues on land as well. The reason I had concerns and I accept that we come to this fairly late in the day and it has been scrutinised presumably to the satisfaction of the panel, is that I would have concerns, for example, about the nature of the collection. It is quite appropriate to have different limits for different people, but it is entirely possible that you could collect 50 kilos a day, 7 days a week, 365 days a year and I think if and when that did happen, that would move us into a completely different ball park. Somebody, for example, who sets up a company ... and I do appreciate the clarification from those who knew more about the fact that farmers would probably collect stuff that is washed up on the beach and it would not necessarily apply this with, but if there is a commercial exploitation for a new, or emerging, market and we find out that somebody is using their limits of 50 kilos a day, or 350 kilograms a week and we can do the maths from thereon in, you know, we could be in a situation where we are seeing the stocks really being depleted. It is not just about the stocks themselves. We know that these are ecosystems, so any low water fisherperson will know that when you go down the beach and if you are at the low water, in particular, which only gets

uncovered perhaps on the very lowest tides, perhaps 2 times a year, that when you turn your stones over, you put them back, because there is a whole microecosystem that exists under there. If you are removing 350 kilos, for example, a week, then that could have serious consequences for other forms of marine life down there. I do have confidence, I think, in the Minister for the Environment, his Assistant Minister and his department, but it is quite clear that they do not have the resources that they need to even be treading water and keeping up with legislation, let alone aspiring to do the very positive things that they need to be doing. I would hope that when it comes to these matters we do treat them with much more urgency. I do not want to become too general in the Third Reading, but it is clear that we, as a humanity ... and I should have declared an interest earlier, because I am a vegan. I have been doing a lot of vegan fishing this year. I have been going out trying to catch mackerel and I think I caught one at the beginning of the season and I have been catching a lot of seaweed. I have been bringing that up, it is not by hand, so I must be using some kind of mechanical form to do that, because I am using a fishing reel and if you could eat the stuff, which you might be able to do, but we did not, you could have had some really good vegan salads right throughout the summer.

[15:15]

This is a serious issue, the overfishing of the oceans, the way we treat and look after our Island, but the wider ecosystem around it really does need attention and it is right that these kind of laws do get given the resources, but also the scrutiny, that they deserve.

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

Yes, I think the Deputy is right that we are on a journey here. I think, over time, we are upgrading our environmental laws and obviously what we have had to deal with here is we have had a situation where the law that covered this area was, in fact, an 1894 law and with new commercial interest and interests in these type of products, we have had to take a pragmatic, focused approach and deal with this. I am sure this, along with all the other raft of other Regulations, which concern aquatic matters and so on, are always kept under review and we will have to do the same with this and see how this works out. But, of course, in the fullness of time maybe we will have an all-empowering environmental law, covering the whole aspects. We do not have it yet. I would very much like to see that. The Deputy is right. But I think this is definitely ... I think Deputy Guida and his team have done a very pragmatic and sensible job in trying to produce a decent basis of control and it is important for all the reasons that the Deputy says, so I very much hope this does secure the Third Reading.

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

I want to add my support to this, as well. Deputy Tadier described scenarios to us just a couple of seconds ago about how we may, in the future, have potential exploitation of seaweed and that is exactly the reason why it is so good that the Assistant Minister has brought this to us today. In the old days, we had a Department for Agriculture and Fisheries and these days we have a Department for Marine Resources and I think that is an important distinction to make. This is about sustainability. Everything moving forward in our oceans and on our seashores these days we should be thinking of in a sustainable manner and these new Regulations, licences and this new Law is going to help us to do that and I would give it my absolute full support. We have a most excellent top team in the Department for Marine Resources at the moment, a team like we have never had before. They are so knowledgeable and enthusiastic about their subject and I give them all my full support.

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

I would just like to congratulate the Department for Marine Resources on being very proactive in this and being ahead of the game, unlike very often when Government is caught on the back foot, so I say congratulations.



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

I would like to thank Deputy Tadier and Deputy Young for their support. It is very welcome. It is worth noting that we have a fantastic Department for Marine Resources in Jersey that is extremely knowledgeable and hardworking. The Regulations that we set out now help an anecdotal cottage industry, which could grow and there are many marine resources that can be used if we farm them. We cannot just go out and pick them up, but there is a lot of scope for farming and if we find a good use for some of the species present in Jersey, there is scope for farming them and we would certainly not allow them to be used beyond what is sustainable. I maintain the Proposition on Third Reading.

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

Those in favour of adopting in Third Reading kindly show. Those against? Very well. The Regulations are adopted in Third Reading.

## **11. Draft Amendment (No. 39) of the Standing Orders of the States of Jersey (P.67/2019)**

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

The next item is the Draft Amendment No. 39 of the Standing Orders of the States of Jersey lodged by the Privileges and Procedures Committee and I ask the Greffier to read the citation.

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

Draft Amendment No. 39 of the Standing Orders of the States of Jersey. The States in pursuance of Article 48 of the States of Jersey Law 2005, have made the following Amendment to the Standing Orders of the States of Jersey.

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

I welcome this Amendment, which began in 2017, prompted by a question from Deputy Tadier in February 2017. Deputy Tadier might think that a mackerel is part of a vegan diet, but as regards this he was bang on the money regarding declarations of interest stating the business of any investments, or subsidiary companies, held through holding companies. Work on this Amendment hit the buffers with the previous Committee, because of the complexity, but was revisited by my Committee in January 2019, prompted by a question this time from Senator Mézec and by this time it had become necessary in other jurisdictions for elected Members to provide information about the nature of holding companies and the business of the subsidiary companies of those holding companies. So templates began to exist in other jurisdictions and we found the Scottish Parliament's law in this regard, or regulation in this regard, very useful. It should be said that no complaint, as far as we know, has ever been made about Members in this regard, but my Committee considers that it is wise to act now, before that might occur. This is about, of course, being open and as transparent as possible and to ensure that a Member is not unwittingly or otherwise conflicted when going about the course of their duties in office because of their investments. The degree to which shareholdings must be registered in other parliaments varies from jurisdiction to jurisdiction. We took a look at 10. Only in Canada do they have no register of interests at all for Members of their legislatures, or assemblies. On the specific question: "Is information required about the nature of a holding company?" for once we are, if we pass this Amendment today, ahead of Westminster. It is not a requirement in the House of Commons, nor in Northern Ireland, nor in the Republic of Ireland, although a holding company is a sufficient description of the nature of the business. It is not a requirement in the Isle of Man either. The main business activities are required to be declared in New Zealand, but in practice, if you look through the register of Members' interests, holding company seems to suffice again and again, without explanation, but it may be that these jurisdictions have yet to catch up, as this is quite new. It is a requirement in Scotland, as I said and it is in the Welsh Assembly and it is in Guernsey. The criteria and detail are all in this Proposition in detail but, in general terms, if a Member has £25,000

or more invested through a holding company, or subsidiary, then Members will have to declare the nature of that business, whether it is oil, insurance, property, the everlasting candle, a cure for baldness, whatever and that is the nub of it. The pension provisions, or where pension funds are invested, is not within the scope of this Amendment. I make the Proposition.

**The Deputy Bailiff:**

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

**11.1.1 Senator S.Y. Mézec:**

Just very briefly, I very much welcome this Proposition and it is something that I argued for during the last term when I served on P.P.C. as I had noticed that this was something that was possible under our system. While it is the case, as the Chairman has described, that there are not that many other jurisdictions that do this, I do think it is right to be leading the way in transparency here. Making it as clear as possible for the voters of this Island to know what interests their elected representatives have is important and I think there have been instances in the past where Members have tried to do the right thing and be as transparent as they can about their interests that have not necessarily been facilitated that well, or that clearly, from the point of view of the public. This will be clear and transparent with the public and that has got to be a step forward, so I urge Members to support this.

**11.1.2 Deputy M. Tadier:**

It is just to thank the Chairman and his Committee for taking this up. It is nice to know that you can submit a written question 2 years ago and then you can completely forget about it and then be reminded that P.P.C. have done it and they have run with the idea, so thank you to the Committee for doing that.

**The Deputy Bailiff:**

Does any other Member wish to speak on the Proposition? It is for the Chairman to respond.

**11.1.3 Deputy R. Labey:**

I maintain the Proposition, Sir.

**The Deputy Bailiff:**

The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 34</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				

Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy 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)				

## **12. Draft Air and Sea Ports (Incorporation) (Miscellaneous) (Jersey) Regulations 201- (P.68/2019)**

### **The Deputy Bailiff:**

The next item is the Draft Air and Sea Ports (Incorporation) (Miscellaneous) (Jersey) Regulations 201- lodged by the Minister for Economic Development, Tourism, Sport and Culture and I ask the Greffier to read the citation.

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

The Draft Air and Sea Ports (Incorporation) (Miscellaneous) (Jersey) Regulations 201-. The States make these Regulations under Articles 33 and 53 of the Air and Sea Ports (Incorporation) (Jersey) Law 2015.

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

These Regulations are essentially a piece of housekeeping that will enable us to finalise the transfer of 2 members of staff from the Ports of Jersey to the Department for Justice and Home Affairs. These people are our experts in the TETRA 2-way radio system that our emergency services use and rely upon. The 2 staff were transferred to the employment of the Ports of Jersey in 2015 as part of the incorporation and from there they maintained and supported the TETRA system. Over the period since incorporation of the ports, it has become clear that it is more appropriate and cost-effective for the TETRA staff to be in-house. The staff are already operating from Police Headquarters and the equipment is now based there. The police, ambulance and fire service are the main users of TETRA in Jersey, along with some other public services. It has limited commercial use, so this is a logical move. The original transfer of staff out of the civil service to the incorporated Ports of Jersey was achieved by Regulation. This was to ensure that the terms and conditions of the employment of the people concerned, including their pension arrangements, were not adversely affected. The Regulations I am asking the Assembly to approve today simply reverse the transfer in a way that keeps the staff terms and conditions exactly as they are.

### **The Deputy Bailiff:**

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

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

Simply to say that it is quite refreshing to see that we can live and learn and see that something is not working and put it back to the way it was. It is refreshing and I thank the Minister for bringing this.

**The Deputy Bailiff:**

Does any other Member wish to speak on the principles? Do you wish to respond, Senator?

**12.1.2 Senator L.J. Farnham:**

Can I thank Senator Moore for her comments? They are taken on board, especially in light of my recent decision on the lottery.

**The Deputy Bailiff:**

All those in favour of adopting the principles kindly show? The *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

<b>POUR: 33</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of St. Mary				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy 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)				

**The Deputy Bailiff:**

Does your Panel wish to call this in, Deputy Morel? How do you wish to propose the Regulations in second reading?

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

I would like to propose the short Regulations are taken as presented in the Proposition *en bloc*.

### **The Deputy Bailiff:**

Very well. Are they seconded? **[Seconded]** Does any Member wish to speak on either of the Regulations?

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

I apologise to the Minister. I should have given him notice of this. I have been looking at this and I see he has got these acronyms in it, P.O.J.L. (Ports of Jersey Limited) which I assume is dealt with in the main Law, but I also see it refers to the Director General of Justice and Home Affairs. Is that a position named anywhere in the Law and is that part of the target operating model that has been embodied in the law? Does it exist? Can I have a little bit of clarification on that role, just for the avoidance of ambiguity when we pass these laws? It may be being pedantic but I would quite like to know about that.

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

Less pedantic, more annoying. It was just to ask the Minister whether he had got this increase in head count past the Chief Executive.

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

I will start with Deputy Morel's question first. Yes, it does change the head count of the States of Jersey. It decreases the head count of the Ports of Jersey by 2 and increases the head count of the States by 2 and the Chief Executive Officer was informed and instructed accordingly.

[15:30]

The question from the Ports of Jersey Limited, P.O.J.L. is Ports of Jersey Limited and I have a copy of the Air and Sea Ports Incorporation (Jersey) Law, 41 pages of it. I will just have a look through it and get back to the Deputy, if I may, for the second part of the question; the Article 3 and Article 2 definition. **[Aside]** I was just about to say that, thank you. **[Laughter]** I maintain the Proposition and ask for the *appel*.

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

The Director General position, the Minister did not deal with that. I missed it, did I?

### **The Deputy Bailiff:**

Was that not in the definitions that the learned Attorney referred to? I am not sure.

### **The Attorney General:**

No, Sir; merely the defined term P.O.J.L.

### **The Deputy Bailiff:**

All right. Very well.

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

The short answer is I do not know if the Director General is referred to in the Law, but I will check. As the Law was written in 2015 it is unlikely, but I can check, so I will send a copy of the Law over to the Deputy and he can have some reading this afternoon. I maintain the Proposition, and ask for the *appel*.

### **The Deputy Bailiff:**

The *appel* is called for in Second Reading. I invite Members to return to their seats and ask the Greffier to open the voting.

<b>POUR: 35</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Mary				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy 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)				

**The Deputy Bailiff:**

How do you wish to deal with the matter of Third Reading?

**Senator L.J. Farnham:**

As presented, Sir.

**The Deputy Bailiff:**

Is it seconded in Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading? Those in favour of adopting in Third Reading kindly show. Those against? The Regulations are adopted in Third Reading.

**13. Draft Amendment (No. 40) of the Standing Orders of the States of Jersey (P.70/2019)**

**The Deputy Bailiff:**

We now come to Draft Amendment (No. 40) of the Standing Orders of the States of Jersey and I ask the Greffier to read the citation.

**The Greffier of the States:**

The Draft Amendment (No. 40) of the Standing Orders of the States of Jersey. The States, in pursuance of Article 48 of the States of Jersey Law 2005, have made the following Amendments to the Standing Orders of the States of Jersey.

**13.1 Senator K.L. Moore (Chairman, Chairmen’s Committee):**

It is timely that today the responses from the Chief Minister to the Gender Pay Gap Review Panel have been published and I must commend Deputy Doublet for her excellent work in leading that Panel. This is a simple and modest set of Amendments to our Standing Orders, to enable Review Panels to be a more standalone and distinct body. This is really good to encourage inclusivity among those who partake in scrutiny of Government and I think it is a positive step for the Assembly. I do apologise in advance if it might cause somewhat of a challenge to those who might preside over the Assembly in terms of keeping across who is in charge of which Panel, because it will potentially, if Members agree, stretch that memory a little. However, I hope that Members will support it and I look forward to hearing their views.

**The Deputy Bailiff:**

Is the Proposition seconded? **[Seconded]** Does any Member wish to speak on the Proposition? All those in favour of adopting the Proposition kindly show. Those against? No questions to answer, then.

**14. Draft Amendment (No. 41) of the Standing Orders of the States of Jersey (P.72/2019)**

**The Deputy Bailiff:**

The next item is Draft Amendment (No. 41) of the Standing Orders of the States of Jersey (P.72/2019) lodged by the Privileges and Procedures Committee and I ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Amendment (No. 41) of the Standing Orders of the States of Jersey (P.72/2019). 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.

**The Deputy Bailiff:**

As Deputy Labey is down as the *rapporteur* he should be here.

**Senator L.J. Farnham:**

If I may, Sir, I have just done a quick word search of the law for the question that Deputy Young answered before, so filling in a bit of time.

**The Deputy Bailiff:**

We do not appear to be doing anything else, Senator.

**Senator L.J. Farnham:**

I can find no use of the words “Director General” in the law. That is the question the Deputy was asking.

**The Deputy Bailiff:**

This is a social interlude, I think, of Deputy Morel's ... **[Laughter]** it has nothing to do with the business of the Assembly, but as Deputy Labey was not here to conduct the business of the Assembly we had to do something.

**Deputy R. Labey:**

A very enjoyable interlude, Sir. Thank you to the Senator.

**The Deputy Bailiff:**

Deputy Labey, you will not mind, I am sure, that I remonstrate with you. If someone has a Proposition to bring before the Assembly, it is incumbent upon them to be present and to present it in a timely manner.

**Deputy R. Labey:**

My apologies, Sir. I thought it would take a little longer. I am sorry about that.

**The Deputy Bailiff:**

Yes, so would you like to propose the Amendment? The citation has already been read.

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

This Amendment to Standing Orders would replace any reference to "Chairmen" or "Chairman" with the term "Chair" or "Chairs". It brings a gender neutrality ... just bear with me, Constable of St. Saviour, I have good news. It brings a gender neutrality to Standing Orders appropriate for the times, but there is, however, no reason why any Member cannot title themselves as they wish, as, for instance, plucking something out of mid-air, Chairman of P.A.C. (Public Accounts Committee). He, or she, may retain that title if he, or she, is comfortable with it and we want our Chairs to be comfortable Chairs in this Assembly **[Laughter]** and it is already in common parlance. We often refer to the group as Scrutiny Chairs, do we not? We know and respect all our Chairs for the difficult job they do. There are no easy chairs in this Assembly. In all seriousness, this is just one more move away from terminology considered by some to be pejorative and a hangover from the all-male days of old. In this year, in particular, the centenary year for women getting the vote, it is appropriate to do so and I make the Proposition.

**The Deputy Bailiff:**

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

**14.1.1 Deputy M. Tadier:**

There may be no easy chairs, but there are some armchairs and I am wondering whether this Proposition does more 'arm than good? I think in trying to tackle what is a serious issue, and people will know that I try and also use non-gender specific pronouns when I speak, probably to the annoyance of some listeners and some Members in the Assembly, I think that they have come up with a solution that depersonalises completely the very important part of the role that somebody plays, so we are replacing "Chairman" with just "Chair", which is and hence the jokes, a piece of furniture. One has to argue whether we are playing musical chairs here, or whether, in fact, we are rearranging the furniture on the Titanic, because it seems to me just call it a Chairperson and that is what you put in the Law, because we are people. It may sound like a very small thing, but if we are making a change to our Law, we should be acknowledging the fact that we are here to serve people. Do not try to get round the non-gender specific, by replacing it with an inanimate object. Was this issue not raised at P.P.C. level? I am not sure that I can support this today. I would ask that it be referred back to P.P.C. and that they just put in the word "Chairperson" and then if people want to call themselves the Chair, Chairwoman, or Chairman, that is fine, but let us come back with something sensible that acknowledges our humanity, our shared humanity rather than a move towards being inanimate objects. In the eyes of the public some wish that we were more inanimate.



**The Deputy Bailiff:**

Deputy, I am working on the assumption that you are inviting the Chairman to withdraw the Proposition in its current form? You are not asking for a reference back, which obviously would invoke the various procedures.

**Deputy M. Tadier:**

If he would wish to. I suspect he is not minded to withdraw it, but if he were minded to withdraw it, discuss with his panel whether it is more acceptable and better to put “Chairperson” in there rather than just “Chair” I am quite happy for him to do that, but if not, maybe it is for the Assembly to determine it. We could, of course, just reject this. That might be a retrograde step, but it could be referred back to the Committee for them to come forward with something that I think is more progressive.

**The Deputy Bailiff:**

It seems to me that you may be considering the question of a reference back, so I had better ... well, the Standing Order provides: “A Member of the States may propose without notice during the debate on a Proposition the Proposition be referred back in order that (a) further information relating to the Proposition can be provided”, well, it clearly is not within that, Deputy, and: “(b) any ambiguity or inconsistency in information relating to the Proposition, which has already been provided, be clarified” and it does not appear to fit within that subcategory of a position for reference back. Accordingly, I do not think the proposal for a reference back would be in order in the current circumstances, so the correct move, if you are not satisfied, would be to vote against the Proposition.

**Deputy M. Tadier:**

Sir, could I ask, in that case, that we move on to the next item?

**The Deputy Bailiff:**

Well, an hour has to ... no, I beg your pardon. Yes: “The Presiding Officer shall not allow the proposal if it appears to him, or her, that it is an abuse of the procedure of the States, or an infringement of the rights of a minority”. As there has only been one person who has spoken thus far, Deputy, I do not think I can allow the proposal to move to the next item at this point. There must be a significant number of people who have had the opportunity of speaking, which may well bring the matter to a conclusion in any event.

**14.1.2 Senator S.C. Ferguson:**

I suppose, firstly, I would like to congratulate the sub-editor of the *Jersey Evening Post* who invented the headline: “Will the *chaise longue* close the meeting?” Similarly, as Members will know *ad nauseam* I consider terms such as Chairman to be generic and changing to Chair is the height of political correctness. What is more important is the actions being taken, not the names. A rose by any other name, *et cetera*. Alternatively, such august organisations as the Women’s Engineering Society, which is an international organisation, have neatly sidestepped this problem, because their head honcho is a President. Certainly, in the days of Committees in the Assembly, the head of each of the Committees was a President. Perhaps I will be the President of the Public Accounts Committee. When I was a recent graduate, I was elected Chairman of the north-west graduate and student section of the Institution of Electrical Engineers. My colleagues were more enthusiastic about promoting women than worrying about nomenclature. Alternatively, when I was studying in New York, in the height of the original feminist revolution, Germaine Greer, *et cetera*, the important thing was the actions being taken to improve diversity, not the cosmetic change of changing names. In those days, 7 per cent of my study intake were female. Today, it is around 50 per cent. Now, there is progress. One of the things I have discovered is that in lesser developed countries, where there are shortages of qualified professionals, there is far less bias against employing women and for a clincher,

I am on the board of a local hotel where the current ratio is 2 men and 3 women, so never let it be said that Methodists are not gender neutral. I consider it more important that female school leavers should be encouraged to consider the whole range of careers available, not just the traditional female careers. The U.K. Comptroller and Auditor General has recommended that students be given better careers advice, which I presume is shorthand for careers advisers should undertake refresher training, from which the Assembly may gather that I cannot support this Proposition. I am, as Members know, neither a Chippendale, nor a Queen Anne, not even a *chaise longue*, but perhaps I should go for being a throne.

[15:45]

**14.1.3 Deputy S.M. Wickenden:**

I do agree with what the Senator is saying, in the fact that it is about outcomes, it is about delivery and that is the most important part when you are leading any Committee, or Panel, is making sure you are doing an effective job, but this Proposition does no harm; it was lodged on 29th July, so Deputy Tadier had plenty of time if he thought that it needed changing in any way to bring a simple amendment to change that word “Chair” to “Chairperson”, without too much hard work, or too much deliberation. That could have been an easy amendment if it was so strong in the Deputy’s mind. This does no harm and it has been brought to the Privileges and Procedures Committee by Members of the Assembly that would like to see a slight change, because they feel it is important to them. It does no harm to anyone in this Assembly and I think we should be supporting it and just then getting on with it.

**14.1.4 Connétable C.H. Taylor of St. John:**

When I saw this Proposition, the first thing I did was reach for the *English Oxford Dictionary* and I looked up the term “Chairman” and it says: “A person who chairs a board of directors, a committee, or other formal meeting.” It is gender neutral. Why are we having this debate? The only reason I can come up with why we are having this debate is because of a degree of ignorance in understanding the English language. The English language is quite clear. “Chairman” is gender neutral. Are we to have other words that have got “man” in it, such as “mankind”, do we change that to “personkind”? Or should we refer to our lady friends as “wopersons”? I think the sooner this is thrown out the better and I urge Members to reject it.

**14.1.5 The Connétable of St. Martin:**

I would just like to say when I was on the Art Fund I was Chair of the Art Fund. I am now Chair of OneGov. I am very proud to be a Chair and I know it has been quite frivolous saying what type of Chair, is it a Chippendale, or a Queen Anne, or whatever, but nobody ever assumes that a Chairman is a man carrying around a chair with him, so for me, yes, I do work hard, I like to get on with the job and I would prefer to be called a Chair and I know my daughter’s generation prefer that as well.

**14.1.6 Deputy J.M. Maçon:**

Not to make heavy work of this, but just for Deputy Tadier’s information, we did have that discussion around P.P.C. about whether Chairperson would be more appropriate than Chair, but we decided that because it was a recommendation from the Chairmen’s Committee, who no doubt had a lengthy conversation about this, we decided that we would support them in their wishes and, of course, if we are all at fault and if we disagree with this, we could have brought an Amendment, but we did not. All I wanted to say is to welcome the change to the Scrutiny Liaison Committee on behalf of Senator Vallois, who long thought that it should have been called the Scrutiny Management Committee, so again it is funny how things eventually come around, so on her behalf I just wanted to mention that that change is welcomed, because it does make more sense for that name change and that is all I wanted to say.

**14.1.7 Deputy K.F. Morel:**

I just wanted to add and I will rarely say this, in support of it, these changes bring us basically in line with Westminster, to be honest with you. The heads of Select Committees in Westminster are referred to as “Chairs”, they are not referred to as “Chairmen” or “Chairperson”, they are referred to as “Chairs” and the Committee that liaises between the Government and the Scrutiny and backbenchers is called the Liaison Committee as this one will be called the Scrutiny Liaison Committee. So, while I rarely want to model the States of Jersey on Westminster, I think in this case we are doing the right thing by ... and I know from the thinking that went on behind this, it was not about what they did in Westminster, but it happens that that is what they have done over there as well and I would have thought that if the Parliament that governs 60 million people can call their Select Committee heads “Chairs” then I am sure we can too.

**14.1.8 Senator L.J. Farnham:**

Just very briefly, I am not really in favour of “Chairs”. They go against everything I stand for [Laughter].

**The Deputy Bailiff:**

I think the President might have to start imposing a fine system.

**Senator L.J. Farnham:**

I do not want any Committee to have exclusivity. I just wonder what this means. If this Proposition is adopted what does it mean? Does the word “Chairman” or “Chairperson”, do those words disappear from any States official paperwork, document, minutes? I am not quite sure, so could the Chairman of P.P.C. explain exactly what it means?

**14.1.9 Senator K.L. Moore:**

It is always very good to be reminded of some of the trailblazing experiences that Senator Ferguson has had in her life and I am really grateful to her, because she truly is a champion of womankind [Approbation] and that must not be forgotten, however time has passed. It is 2019 and we are still having to look at the gender pay gap. We are still having to champion equality in the workplace and diversity, as well, is a big issue; therefore, we do need to take some modest action to help redress those balances, to encourage greater diversity in our community. I do really ask the Assembly to consider this very seriously. It is a simple word. Perhaps “President” would be a better one and as President of a Committee I would very much be happy to share the term with any others but “Chair” is a commonly recognised, de-gendered term. Sir, you will be most aware that the statute book in this Island de-gendered its use of language in 2004. We are now 15 years after that and so it is a simple thing to ask the Assembly, that sets legislation for the Island, to de-gender itself too. Deputy Maçon, I am grateful to him for his comments about the name of the, hopefully soon to be renamed, Committee. He is absolutely right; the Scrutiny Liaison Panel simply does what it says on the tin and I shall leave it at that.

**14.1.10 Deputy R.J. Ward:**

I was not going to say, but I must say I think Scrutiny is about accuracy. It is important to use gender neutral terms whenever you are referring to something that includes both men and women, or a job that could be done by either man, or woman, because it is the most accurate description of reality and so, therefore, Chair is the simplest and most accurate description of reality and I think one might call it a no-brainer in a modern society. We are in 2019, remember.

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

I believe it was Senator Moore that championed this among the Scrutiny Chairmen’s Committee and I wanted to thank her for that, because I did try. During my first term of office, I raised this with the other Chairs of the Scrutiny Panel and I was not able to get very far with it, so it does show how far we have come in 3 years and I think that Jersey is moving on in this area and I am really pleased that

we are. I can understand there are differing views on this and I think perhaps it is because women that have struggled to reach higher levels and struggled a lot more than women today, because it was a lot harder then, I think and they have done that without some of these things to help them. I have so much respect for women who did that, who came before, but I think we should be making it as easy as possible for equality to be a reality for boys and girls. I want girls in primary school, who have politicians coming in to see them, to know that they can go and be a Chairwoman and that it is not just a job open to men. We all know the impact of branding. If a job is called a “Chairman’s job”, the assumption is that only a man can do it and that is not the case. The reality is that we do have a problem with representing the public, because we only have 28 per cent women in this Chamber at the moment, so it is something that we do need to take action to address. As the Senator has mentioned, it is a small thing, but it does make a difference, because using gender terms such as “Chairman” has the effect of rendering women invisible when they are doing those roles. I understand that people will be able to choose “Chair”, “Chairperson”, “Chairwoman”, “Chairman” and I would urge the women Members, who hold these positions, to use the term “Chairwoman” and to help make those roles visible for girls who might be aspiring to come and do what we do one day and just to champion that. I thank P.P.C. for bringing this forward. It is long overdue and I hope we can pass it today.

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

I have to say I have no problem with the word “Chairman”. I have no problem with the word “Chairwoman”. I do have a problem with the word “Chair”. I find it ghastly. To suggest that we have to follow Westminster I find fairly ghastly as well at the moment and the other thing that I find, I do not notice anywhere in the report, is the cost of doing all this in terms of man or woman hours to achieve this, changes to the laws and all the rest of it will not be inconsiderable and perhaps the Chairman of P.P.C. would like to elaborate how much he does anticipate it would cost Jersey to do this.

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

Does any other Member wish to speak? I call on Deputy Labey to respond.

#### **14.1.13 Deputy R. Labey:**

I did wonder if we would hear the phrase: “This is political correctness gone mad”. We did not, but Senator Ferguson came quite close to it. I would not ask Senator Ferguson to call herself a Chairperson. I think that is making a bigger meal of it. It is an ugly word. It is not a proper word; it is not a real word; it does not exist as a word, like “proactive”. That annoys me too. So, I think I could not possibly go away and bring back a Proposition with that. It would irk me very much more than this. Can I just say that this was a request from the Chairmen’s Committee that we do this and here on P.P.C., as you have seen from another Proposition that I brought this afternoon, which was prompted by questions by Deputy Tadier and Senator Mézec, we on P.P.C., unlike some Ministers, unlike some departments who are a bit snobby about taking ideas from backbenchers, we are here to take ideas from all Members and we enjoy doing that and we welcome it and we act upon it and we are happy to do that. That is how this came about. The Constable of St. John is right; “Chairman” is, in fact, gender neutral, if you want to be completely purist about it, because it is like human. You do not say “human race” or “human being”. It is the human race, the human being. It is gender neutral and I believe the same is true with “Chairman” so as I say and I repeat, any woman wishing to title themselves as “Chairman”, if they have got that position, is entitled to do so, but officially this discussion would be more interesting, would it not, if 50 per cent of this House was made up of women. It is not. We also, I am afraid, or not afraid, it is important and right, have to be sensitive to those who do not identify with any specific gender and this certainly helps with that. So, I am proud and happy to maintain the Proposition, and I ask for the *appel*.

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

The *appel* is called for and I invite Members to return to their seats. I will ask the Greffier to open the voting.

<b>POUR: 29</b>		<b>CONTRE: 10</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Senator S.C. Ferguson		
Senator K.L. Moore		Connétable of St. Clement		
Senator S.W. Pallett		Connétable of St. Saviour		
Senator S.Y. Mézec		Connétable of St. Brelade		
Connétable of St. Helier		Connétable of St. John		
Connétable of St. Peter		Connétable of Trinity		
Connétable of St. Ouen		Connétable of St. Mary		
Connétable of St. Martin		Deputy K.C. Lewis (S)		
Deputy G.P. Southern (H)		Deputy L.B.E. Ash (C)		
Deputy of Grouville		Deputy of St. Peter		
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
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)				

## **15. Draft Amendment (No. 42) of the Standing Orders of the States of Jersey (P.73/2019)**

### **The Deputy Bailiff:**

Well, the next item is the Draft Amendment (No. 42) of the Standing Orders of the States of Jersey (P.73/2019) lodged by the Privileges and Procedures Committee and I ask the Greffier to read the citation.

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

Draft Amendment (No. 42) 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.

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

These Amendments to the Standing Orders change the provisions in relation to the day on which a document is taken to be lodged ‘*au Greffe*’, or presented to the States and would allow for a Proposition to be lodged, or a document to be presented, on the day it is distributed, regardless of whether, or not, the Assembly is meeting on that day. Of course, this is all about the change in the word “publish”. When something used to be published, it used to be printed on paper and available in hard copy. Now we can publish digitally. We can publish immediately online, in an email, or on

a website. So, this continues the modernisation of our practices and procedures, bringing them, dragging them, into the digital age. So, some words of caution. While it may be possible for a Member to bring an embryonic Proposition to the Greffe at 9.00 a.m. on any day of the week and have it published, lodged, later that day, there is no divine right for that.

[16:00]

Process that a Proposition has to go through, the verification, the financial implications, *et cetera*, plus the approval, that is not going to change. That still has to work through its course, but there might be occasions where a Member can get it all done in one day and it is certainly going to speed things up. However, if there is any kind of hitch, what I am saying to Members is do not expect the Greffe now to suddenly be turning around your Propositions in a day. If they cannot get it approved until 6.30 p.m., it is not going to be lodged, or published, that day. It will have to wait until the next day. Also, another note of caution. This is a positive move and a positive step and it is good, but I think this applies to Ministers and departments more than, probably, backbenchers, just be aware of the date that you want to have your Proposition lodged in regards to whether you want States Members to see it first. If you want an embargo of a few days, if you want it published to States Members but not lodged until the following Monday, or what-have-you, the Member must make that specific to the Greffe, otherwise it will be lodged and published on the same day, unless you specifically say: "Can you distribute this to Members and I would like to lodge it 5 days later?" so just 2 words of caution there. Other than that, it marks an appropriate and good step forward. I make the Proposition.

### **The Deputy Bailiff:**

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

#### **15.1.1 Deputy M. Tadier:**

To seek clarification; this is a broadly progressive step and I think it is one that is welcomed. I am worried about the Greffier and the Greffe staff being put in an invidious position, which I think the Chair referred to himself. Could he clarify that there will be strict parameters around this? For example, something lodged within the normal working day should be considered lodged even if it is not physically printed then, because it would seem to be unreasonable for something at 6.30 p.m. to be given leeway, whereas something at 9.30 p.m. might not be. That is not to suggest that the Greffe staff do not necessarily check their emails late, I know that they do work late when they need to, probably more than they should for their own good and also Members do similarly. But I think it would be helpful to have that for clarification. There is also a consideration which might be an unintended consequence and it could be a consequence for the good, the bad, or the neutral depending on which way you perceive it. I am sure I am not the only one who comes into this either at the beginning of a term, or you are in bed in the morning, or evening, and you have a list of Propositions that you want to potentially lodge in your head. The thing that stops you doing it, perhaps when you come to the end of your 4-year term, is simply the fact that you have to sit down and write the report and do the research. So, it is easy to come up with Propositions, which might be super, but you have to find the time in your busy schedule to sit down and do that. That is the same for Amendments of course, you cannot always amend everything that comes, though it does not mean that you should not speak to it, if you think it is relevant. So, my concern is that you could find a scenario whereby people whack in a Proposition, but with a skeleton Proposition in terms of a report accompanying that and that they say: "But do not worry, the report will be circulated as an appendix at a later date." That is certainly something that I would consider doing, because if I know it can be lodged on the same day why not lodge something straight away and then you have got a 4-week period in which to write the report, or maybe a week, or 2 weeks, so that Members can then digest it. This could well be something that becomes common practice. You could argue there is nothing to stop people doing that already, but I think what we normally see is that you would have a tendency to do your report

and submit it at the same time as that. So, we could see a change in practice. It might be, in fact, very much more efficacious in terms of pushing through a personal, or collective, agenda to that, but I wonder if the Chair of that particular Committee could give some clarification.

**The Deputy Bailiff:**

Does any other Member wish to speak on the Proposition ? Deputy Labey to reply.

**15.1.2 Deputy R. Labey:**

As the Deputy said, there is nothing to stop people doing what he says; they could do already and I would be very careful about starting to ask the Greffe to work to rigid parameters. They do this, as far as I can tell, with questions submitted; if you get your question in one minute after midday I am afraid you have missed the deadline. But other than that, the Greffier, the Deputy Greffier, the Assistant Greffier, will work as hard as they can to get your Proposition out as soon as possible, if that is what you want. I do not think we should start trying to put rules and regs in, in case somebody gets a bit more advantage over me. That is not going to be intentional, that might happen accidentally, or because of circumstances. So, I largely reject what Deputy Tadier has to say on this and I maintain the Proposition and ask for the *appel*.

**The Deputy Bailiff:**

The *appel* is called for. I invite ...

**Deputy M. Tadier:**

I did ask a specific question and it was for a specific reason. Can he clarify what the definition of the working day on which it will be lodged will be? That is really important and I do not think it should be dismissed. The reason being is that if you get your Proposition in one minute after the working day, whether that is midnight, or 5.30 p.m. and you do it, for example, during a holiday, you could have to wait a whole summer for your Proposition to be debated and somebody who sends it one minute before - if there is Greffier discretion - could have theirs debated for the sake of one minute. Does he not see that as an important differentiation to save the Greffe being put in an invidious position?

**Deputy R. Labey:**

No, I do not and that could happen now. That could happen now. The working day is defined as long as a member of the Greffe staff are working in the Greffe. That is the working day. It will work to your advantage more than it will work to your disadvantage.

**The Deputy Bailiff:**

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

<b>POUR: 41</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Deputy M. Tadier (B)		
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. Saviour				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of Trinity				

Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy 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 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)				

**16. Draft Sanctions and Asset Freezing (Amendment of Law - Reporting Obligations) (Jersey) Regulations 201- (P.74/2019)**

**The Deputy Bailiff:**

The next item is the Draft Sanctions and Asset Freezing (Amendment of Law - Reporting Obligations) (Jersey) Regulations, lodged by the Minister for External Relations. I ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Sanctions and Asset Freezing (Amendment of Law - Reporting Obligations) (Jersey) Regulations 201-. The States make these Regulations under Article 39 of the Sanctions and Asset-Freezing (Jersey) Law 2019.

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

The Minister for External Relations is unfortunately called away from the Chamber on business, so I assume you would be happy for me to act as *rapporteur* for this?

**The Deputy Bailiff:**

Yes, I cannot see any difficulty with that. Please do.

**The Connétable of St. Ouen:**



These Regulations would, if passed by the Assembly, make amendments to the information and the provisions contained within the Sanctions and Asset-Freezing Law, to include a legal obligation on the Jersey Financial Services Commission to share relevant information such that is related to suspected sanctions breaches with the Minister for External Relations. Under Jersey's existing sanction law, the reporting obligations in respect of Jersey sanction orders flow directly from the E.U. sanction report regulations that the orders are giving effect to and implement. This obligation is not limited to relevant financial institutions and applies to everyone, including the J.F.S.C. (Jersey Financial Services Commission). However, it is our intention later this year to amend our sanctions orders so that they rely on the information provisions contained in the Sanctions Law, rather than those in E.U. sanctions regulations. This will be a significant improvement, as the information provisions contained by the Sanctions Law are much clearer about what the reporting obligations are and to whom they apply. It will also bring reporting obligations from sanction orders into line with those already in place for terrorist asset freezing designations and U.N. (United Nations) asset freezing designations that apply under the without delay provisions. However, as drafted, the information provisions apply only to relevant financial institutions, which does not include the J.F.S.C. Amendments are, therefore, necessary so that one of the legal gateways in which the J.F.S.C. rely on to share information related to the suspected sanction breaches with the Minister is retained. Proposed Amendments would also enable the Minister, by Order, to apply the reporting obligation to other public bodies after consulting with them, if the Minister was satisfied that they might hold information that facilitate the performance of his duties under this Law, or the investigation, or prosecution, of an offence under this Law. I move the Proposition.

**The Deputy Bailiff:**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Those in favour of adopting the principles kindly show. Those against? Deputy Morel, does your Panel wish to call this in? How do you wish to propose the Regulations in Second Reading?

**16.2 The Connétable of St. Ouen:**

I would ask that the House oblige me and take them *en bloc*.

**The Deputy Bailiff:**

Did you wish to speak to them?

**The Connétable of St. Ouen:**

No, only to thank Deputy Morel's Panel, who made some very useful comments on the original legislation, as drafted.

**The Deputy Bailiff:**

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

**16.2.1 Deputy K.F. Morel:**

Just to continue from where the Assistant Minister left off, which is just to say the Economic and International Affairs Panel did scrutinise this, we had a briefing, we did discuss it and we were satisfied that everything was in order and it would be useful, so we support this.

**The Deputy Bailiff:**

Do you wish to respond? Very well, all those in favour of adopting the Regulations in Second Reading kindly show ... the *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

<b>POUR: 38</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
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. Saviour				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy 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)				

**The Deputy Bailiff:**

Do you wish to propose the matter in Third Reading?

**The Connétable of St. Ouen:**

Yes, Sir.

**The Deputy Bailiff:**

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Those in favour of adopting the Regulations in Third Reading kindly show. Those against? Very well, the Regulations are adopted in Third Reading.

**17. Draft Amendment (No. 43) of the Standing Orders of the States of Jersey (P.75/2019)**

**The Deputy Bailiff:**

The next item is the Draft Amendment (No. 43) of the Standing Orders of the States of Jersey and I ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Amendment (No. 43) 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.

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

Well, there were a few raised eyebrows when the Chief Minister's nominated members of P.P.C. brought this to the Committee as an idea. There was not a little resistance and scepticism until we talked it through and understood the *rationale* for it, which is for better legislation and better ideas. So, this draft Amendment to Standing Orders alters the lodging deadlines which apply to the Government Plan and to Amendments to the Government Plan. The minimum lodging period currently is 12 weeks. Amendments must be lodged for a minimum of 2 weeks before the debate, and Amendments to Amendments for a minimum of one week. One week can present difficulties for officers and others in preparing an appropriate response and we were given examples, I think it was in the last Budget debate, that an Amendment to an Amendment got snuck in late and was approved. The officers did not have the time to mount a comprehensive response, or rebuttal, to it. I think it is the vehicle emissions thing that is doing the reverse of what it set out to do, I am told. So, this is an initiative from the Council of Ministers to prevent that from happening. Once explained, I and the rest of my Committee could understand the reason for it. So, this Amendment prescribes a minimum of 2 weeks before the Government Plan is debated for an Amendment to an Amendment to be lodged, so it used to be one week, now it would be 2. Amendments have to be lodged 3 weeks before the debate; it used to be 2 weeks, now it is 3. We thought, as payback, we should extend the minimum lodging period for the Government Plan from 12 weeks to 14 weeks, so Members are not getting a reduction in the number of weeks that they can scrutinise and prepare Amendments.

[16:15]

They are getting the same amount of time. So, it is just that. This is really to prevent - in a big document like this - somebody slipping in an Amendment to an Amendment with only 7 days to go before the thing is debated. I make the Proposition.

**The Deputy Bailiff:**

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

**17.1.1 Senator K.L. Moore:**

Deputy Labey has done an excellent job today in raising a number of issues, but I really do have to speak against this Amendment in the strongest of terms. While I do accept and understand that the thought process behind this is in order to make this a simpler process for officials, I have grave concerns with the situation that we are in this year and for this particular Government Plan. It is put to us that we have had many weeks since this has been lodged but, in fact, although the Government Plan was lodged at the end of July, it has been next to impossible to have any engagement with Ministers, or their departments, throughout the summer period. [**Approbation**] This has led to a complete lack of any answers to questions. We are only now receiving the business plans that have been requested almost a month ago and today the Chairs of the Scrutiny Panels have had all had to write to the Chief Minister to point out that there is a lack of detail still in the Government Plan. As it was published in July, that Government Plan does not contain really important facts, facts such as £20 million worth of efficiencies. It is simply unacceptable that in the situation that we are in, when we are promised that those efficiencies will be given to us publicly by the end of October, that would be the exact same week that Amendments would have to be lodged to the Government Plan, if this Amendment was passed. That is simply unworkable and unacceptable. It is as if Scrutiny is being

closed down on this issue and it is not democratic, it is a workaround that leaves a very poor taste in the mouth, I do have to say. That may sound a little strong, but I do think this is very important. Yes, Scrutiny needs to have time to look at the facts, to assess it, question, to challenge, because that is our job. If the Government Plan stands up to challenge, then we can have confidence in the Government Plan. As it stands at the moment, we are struggling to have that confidence and we have a great deal of questioning to do. We need to receive those facts in good time, so that Amendments can be considered in good time and they can be lodged for debate. If the Assembly does wish to go on in this way, I fear that simply I would have to ask for the deferral of the Government Plan itself, so that we could have that acceptable time period between receiving all of the information that Scrutiny needs in order to properly look at the Government Plan and to put in any Amendments if we feel that it is necessary to do so.

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

I rise to my feet to support the previous speaker as forcefully as I can. I heard the Chair suggest that when they had looked at the proposal they understood it. Well, he did not explain that to me and then, when he did, he said because some of the officers say that is going to be a bit hard for us to get a response out in a week. Well hang on, here am I, poor backbencher, my 20 strong officers ... no, oh dear, I do not have them, just me and I type with 2 fingers and I need every minute of that. It is no good saying: "Yes, but we will stretch the other end to 14 weeks; that will do it." Well, hang on, I do not know about how other people work, they may be totally rational and totally organised and you get things done 14 weeks in advance; 14 weeks in advance I had not even started to understand the plan and what it was trying to do. I think I have got some grip on it now and how many weeks have we got now, maybe 10 weeks to go and I am now focusing on: "This is what we can do." So, this basically is a measure which will shackle the backbenchers and shackle Scrutiny from doing a proper job. I am sorry if the officers find that a little difficult at the time. Get on with it; there is more of you than there is of us, so you can surely do that and we should be expecting that officers should be able to do that and if they are aware that there is a week that they have got to produce a report in, they do it. We can expect that, quite legitimately. Otherwise, I could not possibly vote for this and I urge all backbenchers not to vote for this, because you are just shackling yourself, if that is what you want.

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

There is a well-known phrase: "Work expands to fill the time available." Interestingly, we did discuss lead times at the Public Accounts Committee yesterday. It was clear from the discussion that the times being allocated for Scrutiny would be considered generous in the commercial world. As a matter of interest, it was also considered that 100 per cent details of efficiency savings would not be available immediately when looking at the figures, probably about 70 per cent is more usual. So, I wonder, perhaps, if we are getting a little overenthusiastic about this. As I say, work expands to fill the time available.

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

As Members I am sure know, I am committed to Scrutiny, I am committed to my role in Scrutiny and they will not be surprised that I stand to speak strongly against this Proposition. There are 2 reasons for speaking strongly against this Proposition and the first reason is quite simply that the Government Plan has been lodged, Scrutiny has begun. We are working to a schedule that has already been set. This Proposition changes that schedule and that in itself is deeply unfair. If this had been lodged, discussed, debated, passed before the lodging of the Government Plan, that I could accept. If this was talking about next year's Government Plan, that I could also accept. But to change a schedule halfway through, that is wrong and it is unfair and it does speak to the idea that Ministers are scrambling around just trying to get things through that they, for some reason, are scared of what Scrutiny may offer. Only yesterday, I was sat with my Scrutiny Officer looking through the schedules

again. This will change all of that work that we have set at the moment and it is correct and I do reiterate the words that were said before, Ministers dropped this Government Plan and ran. We have been scrutinising throughout the summer and in case people think it is just rhetoric, I have here a letter from one of the Ministers that our Panel scrutinises and I chair the Panel. This is dated yesterday, 9th September. The first line reads: "Thank you for your letter of 16th August 2019." That is how quickly the Ministers have been getting back to us in our requests for information, because that is what this letter is, it is a letter requesting information. That is the second reason why I so strongly object to this Proposition. It is because Ministers - despite their good words and regardless of what they say - that is the truth. It has been 4-week waits for responses and if I was to read the rest of this letter, you would find out that this letter gives no information. The business cases that I requested are not included. Why? Because they said: "It will all be sent through by the Chief Minister's Department." That had not, as of yesterday, arrived. None of that information had arrived. I went through with my Scrutiny Officer: "Right, so where is this piece?" I do not want to identify the Minister in this case, it is the only reason I am not saying which specific business cases I was looking for. But again and again my Scrutiny Officer was saying: "No, we do not have that, no, that has not been lodged in this central drop of information." So, I cannot possibly condone this Proposition. It worries me that the Government of Jersey is so desperate to avoid Scrutiny that it is wanting to cut the lodging periods for Amendments, the lodging periods which we have built into our timescales. If I could just pick up on something that Senator Moore said and something I am about to tweet, because this is my personal favourite page in the Government Plan Appendix. This page is £20 million worth of spending. It has 7 words to describe £20 million worth of spending. We have not yet received the business case behind this £20 million worth of spending, but that is the level of detail we are dealing with. It is page 176 of R.91 for anyone that would like to see my personal favourite page in the Government Plan. I will be so disappointed in this Assembly if they pass this. Pass it for next year. By all means, P.P.C., bring it back after this Government Plan's period is done, bring it back, debate it, I will be happy to vote for it. But to say the Government is worried about the demands on their officers' time, you should try looking at the demands on our Scrutiny Officers' time. That is the flipside of this. **[Approbation]** I do not have a team of officers, we have one officer. My panel scrutinises 3 Ministers; one officer, 3 Ministers. Now, I imagine those 3 Ministers have a lot more than one officer at their disposal so, no, this should have been brought before the Government Plan was lodged. Had it been done so, I do not have a problem with it, but as is, no and I really do request all Members of this Assembly to roundly reject this Proposition for no other reason than it is unfair and the Government is constantly dragging its feet in delivering the information, the detail, that throughout August we have been asking for. Why? Because they were on holiday, that is the only reason I can believe, because otherwise the information should be with us now and it is not and it is still not today with me. I still have no business cases to scrutinise. Islanders want to know that when their Government Plan commit them to over £1 billion of spending by 2023 that it has been properly scrutinised and that every penny of that £1 billion is known and understood as to why and that it is not for the Government just trying with 7 words at a time to pass things through. For them to have confidence, as Senator Moore said, they need to know that the Scrutiny process was appropriate and it was done diligently and I try at all times - and I pride myself as a new Member of this Assembly on the way that I scrutinise and the depth of scrutiny that I will give every business case that comes my way. So, yes, Ministers, if you are concerned that this Government Plan is going to be scrutinised deeply and diligently then you are right to be concerned, because it will. But I ask that you withdraw this Proposition, it is the only way. If not, I ask all Members to vote against this Proposition, because it is an avoidance of Scrutiny. I see the Chief Minister throwing his eyes back, cringing, but I am sorry I did not write the Government Plan. I did not try to justify £20 million of spending with 7 words. I though expect Ministers, the Ministers of this Island, to be able to answer for everything in depth, in detail. To do that, we need the schedules that we are already working towards, the schedules that were already set, the schedules that were set before everyone disappeared for holiday in August, the schedules that need to be delivered in order

for us to do proper scrutiny. So, yes, I ask everyone here to firmly reject this, if not, preferably, I ask the Chairman to withdraw this Proposition.

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

I just want to speak briefly to this, because the Chairman has not convinced me in his opening words that I should be supporting this, but neither has Deputy Morel convinced me that if it was brought at some future date I should support it, because, as an experienced scrutineer, I see it as clearly tying the hands of all scrutineers, be they experienced, or otherwise, be they just learning the ropes.

[16:30]

The debacle that is taking place in the U.K. at the moment with the Government and Parliament, from that the buzzword that is coming across to me is scrutiny and all politicians are saying that scrutiny is what should be taking place of everything that the Government is trying to do in relation to Brexit. We do not hear the word scrutiny very often from within the U.K. Parliament, or the Government there, but we hear it here, because it is part of our system of government. No way should we be trying to hamper the scrutiny of what the Executive is undertaking. I am not going to repeat what Deputy Morel has said about 7 words and I think £20 million worth of savings in the Government Plan. It will be a shameful day, in my opinion, if we support this today, because we will be tying the hands of Scrutiny, we will be hampering the scrutineers, who are there to act not only for us, but for Islanders as a whole. There is no way that I can support this and I urge Members to not support it.

**17.1.6 Deputy J.M. Maçon:**

Members know I have been knocking around this Assembly for a little time now and I have been on Scrutiny for 9 years. I was a Chairman of a Panel and I remember with Senator Ferguson the time when we had to scrutinise not one year of financial planning, but 4 years, over the M.T.F.P. Now that was a mammoth task, which we had to do in less of a timeframe, but of course we had to get on and it had to be done and we brought Amendments. I am willing to give way.

**Senator K.L. Moore:**

Thank you. I just would like the Member to address the fact that the Government Plan, as published, is incomplete on at least 5 matters.

**Deputy J.M. Maçon:**

On those counts, of course, if Scrutiny requires more information, of course that will be forthcoming. There is also the ability, of course, for the Council of Ministers to amend the plan should a recommendation come from Scrutiny that more information would be required. It is also a living document, as the Senator will know. Though what I would say, going back to this particular proposal, is knowing that my time on Scrutiny ... well you do lodge Amendments and it is apace, I appreciate that, it is always a challenge. When you have time on Scrutiny, there is an issue of rushing to get Amendments in, trying to get things done and part of the reason why the Council of Ministers wanted the ability to have this little bit more time - it is only a week - was to allow Ministers to be able to engage in Scrutiny, to engage with backbenchers, on the ethos of the Chief Minister trying to be more inclusive. So that on technical matters, when technical Amendments come forward, it just gives the time for the Council of Ministers ... not even to say: "We agree/disagree with your Amendment", but just to say: "Technically it should look like this just so that we can go forward and have the debate, so at least technically it is correct and it is not going to fall on the grounds of technicality." Which is why, when we brought this to P.P.C., we asked that to go ahead. It was more of an opportunity to help Scrutiny and backbenchers. I absolutely appreciate, I have been a backbench Member and I am one of few who have brought Amendments to the spending plans, because not every Member does that and I absolutely appreciate Deputy Southern's point: as a backbench Member, it is a huge amount of work when you are there on your own. But, also, because you are there on your own, it means that when you are drafting something it is not always in the correct

format that it should be when you are trying to amend the M.T.F.P. So, the idea was to give that little bit of time for Ministers to clear their diaries, have that chance to speak to Scrutiny, speak to the backbench Members to say: "Let us sit with officers, let us just get your Amendment in order. We can still reserve a position about whether we can support it, or we cannot, or perhaps, even, can we bring a counter-Amendment to achieve what you want to achieve, but maybe in a different way." Which I know has happened in the past. But I do not know if Members were here, but with the short lodging periods that sometimes we have, if Members who were here can cast their minds back to the 2011 Island Plan debate where we had Ministers running in and out of the room doing different Amendments at the time, trying to do deals in the corridors, things going back and forward. It led to an absolute dog's breakfast of a debate and so what the Council of Ministers were trying to achieve was just having that little bit extra time, which was the week, so that they could clear their diaries. It is not to undermine the ability of Scrutiny, it is not trying to stymie backbenchers, but it is just trying to have that little bit of breathing space, so that when Scrutiny, or backbench Members go: "You have got a good point here, you have got a case here, so let us see if we can work with you to achieve what should be achieved." It was just to give that extra bit of breathing space. If Members do not want that, that is fine and, of course, there is nothing to stop Members and Scrutiny lodging things early in order to help the Ministers into that position, which we would welcome because it gives us that opportunity. But it was trying just to be that little bit more inclusive, that little bit more helpful. We are sorry if it has come across in a way that looks like it is trying to restrain Scrutiny, or stymie Scrutiny. That was never the intention. But that is what we were trying to do, trying to be more inclusive of the Assembly, because we have all got things which we want to achieve. No one in the Council of Ministers is going to say they are perfect and we have got absolutely everything right in the Government Plan and we know we have got other minds here, who have good ideas to contribute. So, that is what we were trying to achieve, and I am sorry if I keep hammering on that point, but I just want to tackle ... if Members feel it is coming from a place of malice, it really is not. I just want to put that on the record, thank you.

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

I listened with very great interest to the Deputy of St. Lawrence, Deputy Morel, because he more, or less, copied the speech I made 4 years ago when the M.T.F.P. was lodged, because the M.T.F.P. was lodged with many blank pages. They did not even have 7 words on it, they were blank pages. There are, however, several differences. First and foremost, the M.T.F.P. was lodged with a 12-week lodging period. This has been lodged with well over 14 weeks, a significantly longer lodging period, giving Scrutiny extra time. What we ask is that Scrutiny recognises that we have given additional time and that they will still have additional time even by extending the lodging of Amendments. Because giving extended time to the Council of Ministers for the Amendment lodging period will enable us to give a more considered response, but also to try and work in a non-confrontational way, so that we can agree the bulk, or most, of the Amendments. Indeed, this was exactly what happened 4 years ago when I asked for funds for the sea cadets and the building of the new unit. It gave me the opportunity to sit down with the Chief Minister and with the Minister for Treasury and Resources and work through and I was able to come to an agreement without having to labour this Assembly with an amendment. This is what we are trying to do, is to work together co-operatively and not confrontationally. So, give us the extra time to do that and that way you will be able to reap the benefits of bringing Amendments that might otherwise lose favour in the Assembly, but at least give you the opportunity to make some gains, which at the end is beneficial to all. So, please do not bite the hand that feeds you; please work with us.

#### **17.1.8 Deputy M. Tadier:**

Bizarre speech. So does Government feed us now? Because, certainly, when it comes to the information that Senator Moore and her Scrutiny Panel have been seeking, they have not been fed the information that they required and, if they are fed it, they are fed it in little bite-sized chunks

presumably so they do not get too fat politically; whatever that analogy means, I am not sure. I mean, this is the reality, we already know that there is an asymmetric distribution of powers between the Government and the Assembly and we have seen that the last Assembly signed away so many of their own powers and they even gave away ministerial power to the Chief Executive and to unelected officials, which we are going to struggle to get back. We have seen a consequence of that in the wider public, who do not necessarily know all of the ins and outs of politics and all of the nuances, but they get the general impression that the States Assembly has significantly lost its powers and that the Ministers are not in control. Certainly, privately, even today I have been told that certain Ministers do not even know what is going on in their own departments, because they have not properly seen the figures. If we get a Proposition being put to us today which says that lodging periods essentially are going to harm backbenchers, because Ministers can lodge Amendments on the day - and they will, I would put money on it that when it comes to this Government Plan you will see Amendments being brought forward on the day by Ministers - and they could be Amendments to other Amendments. Despite all these fine words, that they want more time to prepare, they will still leave their homework until the last minute and that this Assembly will grant them the leave to take those Amendments and they will win those Amendments due to the Assembly and the parliamentary arithmetic that goes on in this Assembly. The Constable of St. John said that Deputy Morel gave virtually the same speech that he gave not so long ago in the M.T.F.P., but he said there are key differences. This argument is a political one, it is not personal in nature and I will address similar comments to a person who I have got respect for, the other Member, Deputy Maçon. He said there were key differences, but he forgot to mention that one of the key differences is that he is a Minister now. Before he was on Scrutiny and when you are on Scrutiny you will stand up and defend the rights of backbenchers and the Scrutiny function and I think I know, in my heart of heart, that Deputy Maçon would have been one of the first people on his feet to say that this is an absolute outrage what is being proposed here and he has delivered a very competent speech, if you like. It seemed to lack a bit of heart and a bit of his usual bluster, because I think he is just doing the party duty as a loyal Minister that he is; but we have to work beyond that and we have to look after the Island interest and also Members' and backbenchers' interests in this Assembly. How can you ask for the lodging period to be increased and then say: "But it will give you more time." It is complete nonsense, because if you wanted to, you can put an Amendment in 3 weeks before, you do not have to wait for the 2-week lodging period, you do not have to wait for the one week, but it does become an issue when you are not being given the information and when you get to that bottleneck towards the end, when everything is becoming clear and the political realities are coming home and you get the phone calls perhaps from certain organisations saying: "What is going on here? I have not got my money" and you find it is too late to put the Amendment in, or too late to the third Amendment to the Amendment, which has already been amended - and we will see lots of those. Then we do get into a territory, which is very risky and I say: why bring this at this late stage, to amend a process which has already been started. We do not need to change this. If the argument genuinely is that there is not enough legislative scrutiny, which the Chairman was saying when he moved this Proposition, then why is it we still have situations where we move the first, second, and third readings within the space of minutes on certain occasions? If we want genuine legislative scrutiny - and I have said this before and I have said it publicly and privately - you build in automatic lodging periods. So you lodge it, you debate the principles and the Articles if you need to and then you have a third reading, which might be 4 weeks or 6 weeks later. You accept the fact that when you make legislation sometimes it does need to take time and there needs to be a cooling off period. That is recognised in business that you have cooling off periods and wisdom can come at a later stage, to make sure we get the very best laws. I think we all know, in our heart of hearts, we pass laws sometimes when we do not fully understand the consequences that are being put to us. To say that simply it has been lodged for 12 weeks, of course, but how many of those weeks were over the summer recess period, where not all of us were here, or those who were here did not have access to all of their colleagues, or necessarily all of the officers? So, I think let us see this for what it is, it is an attack on the rights of backbenchers



and the cons must far outweigh any pros to this. Let us not vote among Government whip lines and backbenchers; let us try and do what is best for the Assembly as if we were all backbenchers and not knowing where we might end up in the future.

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

Talk of the Island Plan debate in 2011 has got me to my feet. Not many Members will have been around in those days, but it was a very lengthy debate and, at that time, the ability of backbenchers to bring Amendments at a week's notice was there. I have been concerned for many years; indeed if I was still a Minister I would be doing something about it and I hope the current Minister for the Environment will do something about it, before we get to the next Island Plan debate.

[16:45]

If, for example, you decided to bring forward an Amendment which might rezone part of the green zone for building houses, that normally would be subject to a massive public consultation, probably a public inquiry and a long process whereby lots of advice and recommendations would be given to both Ministers and Members of this Assembly. But to have the ability to do that at a week's notice is just not fair to anybody. Officers do not have time to prepare the case for and against and because they do not, whether States Members do not have time to appreciate and take on the recommendations and the advice. So, I have great sympathy with this Proposition as it comes here today, because I feel that where we have large important documents, plans, schedules, whatever you want to call them, it is right that there is a breathing space between the last date for Amendments to be lodged for officers to prepare the case one way or the other. But - and of course there is always a but - the one thing you do not do is change the rules of the game after you have kicked off and that is what is happening here. **[Approbation]** The principle of this Proposition is absolutely right and, as I said, with the Island Plan debate, I very much hope we are going to get a longer period than 2 weeks. I would like to see a number of months between the cut-off time for Amendments and the debate itself, so those experienced policy officers in the Planning Department can come back, do the research, do the consultation and tell the States Members what they feel, before we make a recommendation. But what you do not do is set the game off and then, as you are going through it, change the rules to make the timing worse for Scrutiny and for backbenchers to analyse it. So, yes, P.P.C., great idea; timing not so good and I will not be able to support this.

#### **17.1.10 Deputy I. Gardiner:**

Very briefly, 2 practical points and if I have got my numbers wrong please correct me. We know that as a Scrutiny we will receive numbers of efficiencies by end of October, it does not matter, after 20th October. If we amend this Proposition it means that we will have approximately one week for Scrutiny to respond. Where is the fairness in this? If we have a week to respond to what information we would be receiving and allowing 3 weeks for the Government to respond, it is really imbalanced. Second point and it follows Deputy Maçon's speech, I do believe we have to work together to bring the best Island Plan. If we need to work together it means that Deputy Morel, as the Chair of the Scrutiny Panel should receive an answer back in August, so we have enough time to prepare the Amendment and maybe some Amendment would be put already, so we would have enough time to have this conversation, but not to give us only a week to scrutinise efficiencies that we will be bringing. So I will be voting against this Proposition.

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

There are times I do despair at some of the comments made by certain Members and I am afraid I am going to focus particularly on Senator Moore and Deputy Morel, because it is not a conspiracy, it is not a disrespect of Scrutiny and you should know fully well, as a former Chair and President of the entire scrutiny process, that I would never do that. I have really emphasised that from day one. Let us talk about timing and then we will talk about process, but what I really want to emphasise -

particularly to Deputy Morel as a new Member - just because somebody whispers in your ear all the time and talks about conspiracy, does not mean it is true.

**Deputy K. Morel:**

A point of order, sir.

**Senator J.A.N. Le Fondré:**

No ... OK, because potentially somebody is suggesting it is conspiracy.

**The Deputy Bailiff:**

Chief Minister, if a point of order is raised, I have to hear it.

**Deputy K. Morel:**

I did not use the term “conspiracy” once and I believe, therefore, the Chief Minister should retract that term and stop accusing me of saying I used the word “conspiracy”.

**The Deputy Bailiff:**

That is not a point of order, because I cannot make a ruling, but you would like the Chief Minister ...

**Senator J.A.N. Le Fondré:**

Sir, if it is not Deputy Morel ... but the inference has been that this is a conspiracy, if it was not that word used, the inference has been there in this debate that this is a conspiracy by the Council of Ministers to stifle Scrutiny and the point I am making is it could not be further from the case. Now, in terms of a new Member, I want to go back over a little bit of history in terms of past experience. If we had stuck with a 12-week lodging period, which is what, for example, the previous Council of Ministers - of which Senator Moore was a Member - it could have been lodged last week. We lodged it in July and, in fact, as part of that discussion ... so there was a significant amount of time, because precisely for the reason that has been raised that people generally tend to go away in August for holidays, because that tends to be family life, that gave Scrutiny the time to get their heads around the document before then needing to drag everyone in and having this issue around absences. We had exactly the same problem back in 2015 and 2016. We are fully aware of that and what drives me absolutely nuts - and apologies, that is maybe mad, or crazy - is this fact that we do not respect Scrutiny. Every time around Council of Ministers that something significant comes to the table, a number of us are saying: “Have Scrutiny been briefed? What is their view? Are we giving time for them?” We have deliberately given 18 weeks, as much time as we could humanly give, but by doing that - and we have said the point - it means that sometimes not all the information is there together. We could have waited and lodged it last week roughly and that would have been the period of time. Also, Deputy Morel said he had had no information at all. My understanding from an email I have just received is that we have checked back on all the business cases requested last night, they were all there and provided. I had promised myself that they would be there for 6th September. Most were there then and all were there by the end of the day on Monday, 9th September. That is around 160 pages of detailed supporting documents for the projects in the Government Plan that had been requested. So, the information from our end has been sent. If the Deputy has not received it, we will have a discussion afterwards, we can find out where that hole is, because my officer is saying it has been sent, the Deputy is saying he has not received. It has obviously disappeared into the black hole between Broad Street and Morier House. I am not giving way. The principle was on this and again the Deputy of St. Martin was correct, it was partly about trying to be helpful and to bring coherence to a debate. The Island Plan is a classic. For those of us who were there, I think I still have the scars; it was something like 60 to 80 Amendments were lodged in that document. It had the dubious pleasure, or privilege, of being the Proposition that had the most Amendments ever in the history of this Assembly. Now, hopefully - says he optimistically - the Government Plan will not displace that

honour, for want of a better expression. The point about that is we have seen, in differing times, unintended consequences from late Amendments, when things have been brought through in a rush. By that I mean they are lodged to date, no question, they are lodged within time, but if it is an Amendment to an Amendment, for example, one literally has a week and in practice it is less than that, to turn it around, understand it, get the comments out. So, one is suddenly on a conveyer belt, particularly if there are another 10 Amendments going in parallel. To try and demonstrate the point that we are not in a conspiracy to try and muzzle the Assembly, because this Assembly would not allow us to, hopefully some Members - and it is a shame Deputy Wickenden has just stepped out - would remember in the C.S.P. (Common Strategic Policy) that we tried to sit down and accept as many Amendments as we possibly could. That was about not being confrontational, it was about working with Members and sometimes it required some tweaks. The principle behind that ... and for example I will praise Deputy Wickenden, at that point - and he was not an Assistant Minister at that point - he took the step, what the Constable of St. John did many years ago, was to come and speak to us, talk through what he was thinking about: "Does this work? Does this not work?" Other Members do not do that, they just drop it in. Sometimes it can be a really good idea and sometimes it can have unintended consequences. I will not identify exactly the individual, but there was an Amendment put in 2 or 3 Budgets ago, it was to do with V.E.D. (Vehicle Emissions Duty) I think; it was held out to be relatively neutral, but had unintended consequences and certain parts of the industry affected and no one identified it, because of the short period of time. I can think of another one going right back where the Ministers themselves - and I was an Assistant Minister in those days, it shows how long ago it was - the way it was rephrased was completely ... when I say illogically, it was the wrong way around. In other words, you had to vote for it if you wanted something to carry on, if you voted against it and people had misunderstood the consequences, it took out vehicle registration duty in its entirety. That is why we have vehicle emission duty these days. If one goes back to that debate, in I think the third reading, or whatever it was, you will find a number of people voted against the third reading, because of the sudden realisation of what had gone through. So, what I am trying to say is that if time is compressed one leads to unintended consequences and sometimes bad decisions. Now, the Deputy of St. Martin has made the point slightly that it is about we are changing the timetable and is that fair. That is not an unreasonable remark, but to be also clear, the difficulty with the summer recess, this was lodged on 5th August. It has been there for quite some time. We raised it at the Council of Ministers, representatives from the Council of Ministers went to P.P.C. at the next meeting which I am guessing - I am looking at Deputy Labey - was probably the end of July. So it was around the time of lodging, so it was not a case of changing the timetable particularly, that this was first raised. Now, if P.P.C. had come back and said: "You have got to be joking" well then we would not have gone with it. But the understanding from the point of view that we assumed that they had properly understood the matter, which I think the Deputy did and felt that from the point of view of the Assembly - do not forget, that is P.P.C. - that this was worthwhile having the debate. So, we have gone through one check already and the Council of Ministers' representation is in the minority, we do not control P.P.C. Let us knock that one on the head straight away. If anyone could try and control Deputy Labey, I think they would be on a hiding to nothing. Then, obviously, it comes to this Assembly to see where it is going. The point is, as I said, it is not conspiracy, let us please knock that on the head, or take out any inference of it. It is not disrespect to Scrutiny, it is trying to say: can we bring our coherent approach and try and do something slightly different to the way we have done things in the past? That is about working together, that is about giving us all a bit more time to work together, because at the moment what will happen is Propositions will be lodged 2 weeks before the debate. The Council of Ministers, if we want to try and do something that works for Members, will have to decide which ones we support, which ones we reject and which ones we can amend. The Council of Ministers will be meeting ... it depends when the Amendments are lodged by, but probably within 24, 48 hours. That is the amount of time the officers will have to turn that around. But do not forget, one correction, this is not about the officials. It is about Ministers, it is about Members and it is about this Assembly. It is trying to produce a coherent

decision-making process. That is what this is about. To be fair, I do not really mind, because we can roll up our sleeves and we will do it. But if that timeframe comes down, there is still the risk of unintended consequences and there is the risk that: “Well, we have not got time to deal with this properly, we are just going to reject a backbencher’s Amendment, we will have the debate on the floor.” Whereas, with that little bit more time, one might be able to find a way through and produce something that achieves the objectives of that Member, but does it in perhaps a slightly different way. I do not know. Going back, as I said, to the Island Plan, it was carnage. I think I brought 8 Amendments in that particular debate from what I recall. I can recall that one of them and oddly enough it was an injunction of Deputy Gorst in those days, the Assembly had to stop and regroup the following day because of the legal advice that came through. As I have said, previously, to the Deputy of St. Clement, if that had not happened there was a risk that a significant part of what was left of green in St. Clement would have been left green and St. Clement would have potentially been open for rezoning as an unintended consequence of the way things had been phrased, both in the Island Plan and the Amendments we received did not quite achieve what we were trying to do. So, there are 3 examples straight away from the Island Plan and from Budgets where things can be done at haste because the process that it goes through and all we are trying to do is seek to improve matters.

[17:00]

Now, if the Assembly turned around and said: “OK, fine, let us take it on board and we will sort it out for next year” or: “Fine, that is a separate argument” ... but I will make the point, in terms of ... I answered part of Deputy Gardiner’s comments as well. A minimum of half, I expect significantly more, of the efficiency information, as I have written to Scrutiny already, will be going to Scrutiny next Thursday roughly. The reason I say that: the Council of Ministers meets Wednesday, that is when they are considering them. Provided that all goes according to where I think it will go, it will go to Scrutiny the next day. That period is over 9 and a half weeks if it goes on the Thursday. That is more time than we have ever had to look at the entire Budget, so I am putting that into context. Now, at the very end, I absolutely agree, what we said ... and we are accepting Deputy Morel’s Proposition, because we think that is sensible, because that is about holding people to account and making sure that abuse does not take place in the process, is that a minimum period of 4 weeks for the efficiencies and all that detail should be in. We are aiming to try and exceed that if we can in October, but the minimum period of 4 weeks will be adhered to and that is why we are accepting that Proposition. What we are trying to do is get as much information up front and our expectation is over 9 weeks which, as I said, is more than we have had for the entire Budget review in the past. Apologies if I got angry at the wrong point, but I do get very frustrated when people say this is ignoring the Scrutiny, this is - for want of a better expression - an offence to the nature of Scrutiny and all that type of thing. We have gone out of our way to make sure we give as much time as we can humanly do within that process. New Members may not appreciate, but I have been through a number of these, on both sides of the argument, where the time periods have been a lot less than what we are dealing with here. It does not feel like it. It is just that the debate date is later. That, in all, has an impact. It will depend on the mood of the Assembly, but this is not about a knee-jerk reaction. Members may say: “Fine, let us do that next time round, not this one.” Maybe that works, but the experience of a number of us, from the Scrutiny perspective, having been on Scrutiny in the past, or even on all sides, is that that final week is not the best way to get to an informed decision-making process. To then add the debate and potentially add the ambitions of individual Members, irrespective of whether they are the Executive, or non-Executive. That is what we are trying to address. That is in the nature of the Assembly. I really want to clarify that. I am obviously supporting this. If P.P.C. come back and say: “No, you have to be joking. This is ridiculous”, we would not have pursued it any further. It was a request, or a suggestion, to say: “Would you look at it? Do you think this is worthwhile?” That is the background. I hope that will knock any hint of any inference, not necessarily from particular individuals, that we are trying to malign, or anything else. It is trying to achieve a proper and considered validated outcome. I hope that helps.

**Senator K.L. Moore:**

Could I make the point of clarification now?

**The Deputy Bailiff:**

A point of clarification of what?

**Senator K.L. Moore:**

Of the Chief Minister's speech. I did put my light on and he did not give way.

**The Deputy Bailiff:**

You could ask the Chief Minister for a point of clarification.

**Senator K.L. Moore:**

I am just trying to clarify the business cases that the Chief Minister suggested have been shared with Scrutiny were only uploaded today. Members will not be aware of that. I thought that might be helpful.

**Senator J.A.N. Le Fondré:**

Can I just clarify from that? Does that mean uploaded by the Scrutiny Officer? My information is that they were delivered between the 6th and 9th.

**Senator K.L. Moore:**

They have been uploaded to our system today, having been received by officers in dribs and drabs over a period of time.

**Senator J.A.N. Le Fondré:**

Therefore, what date was the information received by the Scrutiny Officers? The dates I am giving is when it was received by Scrutiny Officers.

**The Deputy Bailiff:**

I am not sure we can have it toing and froing. We have gone as far as we reasonably can with that particular aspect.

**17.1.12 Deputy R.J. Ward:**

An awful lot has been said. I will try and keep this brief and try and get it in a coherent form. I am reassured by the Chief Minister that he has support for Scrutiny. That is very good to hear formally. Sometimes, however, what happens is we take actions that are not intended and they have unintended outcomes. I was going to make a comment about me intending to stay thin all of the time, but unfortunately one of the unintended outcomes of me eating too much is it does not quite happen. But my intentions are good. That is quite an important point to make here. There is some context for us on Scrutiny who are going through a process. First of all, I have mentioned this so many times, but I will mention it again and I will keep on mentioning it until something changes. There is a massive shortage of resources for backbenchers to perform the professional role that we want to perform. There are not facilities, there are not offices, there are not meeting places that are available when and if we want them. There is nowhere to leave materials in one place, where we can go to. That is not the fault of the Greffiers, who work incredibly hard, or our Scrutiny Officers, who work incredibly hard. That is a fault of the system of government that we have set up. That does pose a problem for Scrutiny in terms of the quantity of work that has to be undertaken. Let me give you some examples of that. Things were uploaded yesterday for us to get access to. That is the key thing: we now have access. I have just looked at some of them from one of the Panels that we are looking at and not all of the business cases have arrived. One business case, which by the way froze my machine when I first tried to open it, when I finally got it, it was 46 pages alone. There are at least 12 business cases

there and they have arrived in dribs and drabs. The quantity of the business cases that we are having to look at is significant. My point would be that if the Government Plan was detailed enough from the early stages, then we would not have the concern over continuous Amendments, because it would be coherent and to the point and Scrutiny could have happened. I was here in the holidays with a number of my colleagues, who started the Scrutiny process and we thought we had got ahead. But there were delays in us receiving the information that we wanted. What we tried to do, which was enter into that process in good faith as early as we possibly could, did not work as well as we wanted it to, because there were delays, which we could not do anything about. It was not because of the Scrutiny Officer. I reiterate a point: we have one Scrutiny Officer dealing with at least 2 panels. There are significant amounts of pieces of work to be done over huge areas of spend, which at times are not coherent. I want a Government Plan to work, that does the sort of things that we talked about in the Common Strategic Policy, about reducing income inequality, about putting children first. We certainly should be, for example, building a youth centre in the north of St. Helier, *et cetera*. But the Government Plan has to be at a place, so it can be accepted in this Assembly after genuine scrutiny. The other real kicker for me here is that this process has started. I agree with the Deputies, who have spoken about the rules being changed halfway through the game, if you like. We really cannot do that. It does not work. We do have a timescale that we have sat down and discussed as on Scrutiny Panels: "This is where we want to be at these stages. There is where we should be." To stick to that timescale would give us time for the Amendments at the end. If that period is lengthened, in terms of when we have to put them in, it makes a significant difference to the actual workload and the workstream that we have developed in the professional way and in the co-operative way that we talk about. I will say as well - you may say paranoia, others may say justified concerns - that it was let slip a little when Ministers and Assistant Ministers talk about Amendments to Amendments that are designed, I would say, to neutralise Amendments. We see this in this Assembly all the time as a backbencher, when you bring Propositions and a number of Amendments and the Amendments to those Amendments are brought and then voted against in the end, anyway. So your Proposition is absolutely destroyed by a Minister, or Assistant Minister, who has the facility of a whole office full of staff who can work with them and for them, while you have come along on your own, or with the assistance of the Greffiers alone, in order to try and bring a Proposition. In terms of that: "Well, discuss it with us first" it is not as easy as you are imagining to get that sort of communication line going. After all, as a backbencher, I am not allowed into the new Government of Jersey building. **[Approbation]** That does not set up the right standard for me. The efficiencies are absolutely vital to the success, or not, of the Government Plan over the next 4 years, by the Government Plan's determination itself. Therefore, we need to understand those. We need to understand the impact and the effect of these efficiencies on our workforce. Plus, I will say, that we owe it to our public sector workforce to take away the fears, the concerns and the worries they have about their own structures, their own jobs, their own livelihoods and their own futures in a Government Plan where what is happening has not been detailed. There is a responsibility there that is being missed as well, which is a wider point. Also, the information we are getting on those efficiencies early, I believe, is in confidence, so we cannot use it in public hearings, anyway. I am not so sure how useful that is in terms of the external scrutiny process, anyway. There is a little bit of movement of reality there, an interpretation of what is happening, which needs to be considered. Scrutiny, as a process, is vital for government. We all know that. We are trying to go through that process as quickly and as efficiently as possible. I, for one, will give an assurance to the Chief Minister: we will not bring Amendments for the sake of Amendments, just to wreck a Government Plan that we hope will work. Therefore, there has to be some trust in Scrutiny, as well. When we are concerned about a Proposition, it is for genuine reasons. We should not be changing that period in which Amendments can be lodged at this stage. This is not good for this Government Plan, or for this Assembly. I would urge people to reject this Proposition.

**17.1.13 Deputy M.R. Le Hegarat:**

It is very interesting to listen to a number of people who talk about their time in Scrutiny and the fact that they were Chairs in all these various Committees and how terrible it all was in those days and how long ago it all was. We are now in 2019 and we are with a new system of a Government Plan. So, how about moving forward and looking at the Government Plan and forgetting about where we were in the past. I do not know about other Members, I am quite tired of being told: "You are a new Member. You are a new Member." When do you become an old Member? Is it when you have been elected again for the second, third or fourth time? I think the 17 new Members are a very good and broad spectrum of people, so treat us with a little bit of respect. Now, in relation to this particular Proposition, I will vote against it. The reason I will is because we had a Government Plan and, yes, it was lodged a number of weeks ago, but it has no detail. It did not have business cases, it does not show the efficiencies and it does not show the things that we need to be able to say whether we agree with it, or not. We need to do that work. Yes, we have now got some of those business cases. Yes, we now can have a look at it. I believe that we still have some missing. I have seen, in some of the other areas of business, where people are asking for huge amounts of money and they have 5 words in that business case. It is clearly not good enough. Maybe this is an opportunity for 2020, because we have a new system, to go back and get the people to do the business cases before the Government Plan comes out, so that we have a full thing to look at before we scrutinise it. You cannot scrutinise something half measured. At the moment, the Government Plan is half measured. We do not have business plans. We do not have efficiencies. When we have got all of that, which hopefully will be by 31st October, we can finish out job of scrutiny. Until such time as we get all that information, how do we know how long it is going to take? Yes, we will have had 14 weeks. But 14 weeks of not much, does not give us much.

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

When I was doing my homework, as I do my homework, I sit at my desk and I read something and I think: "I am going to put a big P on that, because that will not take very long." Got that one wrong, did I not? We are here, as an Assembly, collectively to deliver for the benefit of the Island and Islanders. I am going to let my naivety - and I am sorry Deputy Le Hegarat, I am a new Member still - because I have not been through one of these massive debates, where we sit down for days on end. I gather they are torturous, but they are the most fundamental debates that we have to do and we have to take them seriously and do everything we can within our power to represent our Parish. Now, one thing I will tell you is, in a previous life, as if I have not told you in the past, I used to sell stuff.

[17:15]

I used to be part of a large team of people selling very complex software sales. The biggest deal I did, I remember it, was JP Morgan Chase: "Thank you very much, you have paid for an extension." It was a \$60 million contract deal. That involves a massive consolidation of all parties from finance, technical, legal, co-ordinated together to get that deal done. The point I am saying here: this is not about timing and lodging periods. The number one criteria for success, when you are trying to close a deal, is a willingness from all parties - I am saying all parties, not both parties, because I do not want to segregate - to get the deal done on behalf of the Island. Can I just ask for that collective attitude, can do willingness to succeed, knuckle down and do everything we can in our respective roles to make sure we get this delivered for the benefit of the Island?

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

Again, like the last 2 previous speakers, I am without much experience in all this. But I have been a witness of how the Government works for the past few months. I must follow on what the Chief Minister has said, in the sense that we instinctively integrate Scrutiny in everything we do. We do not start thinking about any new process without saying at what point is it the best for them who inform Scrutiny on this. We just tell immediately that we are vaguely considering this. We have an A4 piece of paper to show them and start them on. We really integrate Scrutiny in everything we do.

The other thing that may not be apparent, unless you are in it, is that whenever we see Amendments come in, I have been in a few consultations with Ministers, the first thing we do is: "Can we use this? Can we integrate this? Is this useful? Does this bring anything to what we are trying to do?" If it is 10 per cent off, let us call the person who presented it and try to have a chat, say they could massage it a little bit so that we can integrate it. We really do not look at this as: "What an annoyance. How can we get rid of them?" We look at everything as: "This is a different way of looking at the same problem. Are they bringing something that we can use?" The Government Plan and the C.S.P. are huge. They are massive. They are way beyond where the single brain can compare with. There are so many opportunities for unintended consequences. We want to use everybody. We want collaboration. We want to make sure that everybody can bring something in. If we have the time to see a little bit in advance what people want to bring into the process, we can integrate it. We can use it. If we do not have the time, the only thing we have left to do is fight it. I am very interested in Scrutiny saying: "We need time to do this. We need time to study it." It is true. It is massive. You need a massive amount of time to do this. You study it, you find fault, you bring the Amendment into it, we look at your Amendments, we do not like them and we amend them. Now you have 3 days to figure out something. How are you going to scrutinise an Amendment to an Amendment to the plan? Do you want 4 days to scrutinise that? You need 8 weeks to scrutinise the plan, but 4 days are fine to scrutinise our Amendment to your Amendment to the plan? It is silly. We are giving more time to everybody to work on the finished product. It is a collaborative effort. I hope everybody can bring to it.

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

I rise to my feet, having come into this Chamber today with an open mind to this situation, because my concern is growing that all that is happening is having a deleterious effect on the process of what we are all trying to achieve. I just want to pick up what other Members have picked up on, as a new Member as well. This sort of polarising thing that is happening between us, that got quite confrontational today. For the first time, I saw a real heated confrontational exchange. I get that that happens in debating and that is what we are here to do. But nobody whispers in my ear, good luck if you do. I am my own man, who keeps my own counsel and talks to everybody to get a basis opinion. I am not part of any team, or gang. I just want to do my job to the best of my ability, to be thoughtful and mindful and listen to arguments. It just concerns me a little bit when things get thrown around without evidence to provide, conspiracies and things. It is dangerous territory to step into. I have to say, looking at the here and now, I am somebody who promotes mental health. I am somebody who promotes a good way of practice. We have no control over the past. We only have the control of the here and now, what is in front of us today. What is in front of us today is, as billed at the briefing we had at St. Paul's before the recess and was hammered into us, that this has never been done before. This is new. We took that on board and said: "OK. We are going to have to roll up our sleeves and get to work pretty quickly. There is no time for us to go on holiday." Yes, we have to have breaks. I get that. But if we are going to succeed and get this through in November, we are, to quote the Chief Minister, going to have to roll up our sleeves. We saw that the House of Commons last night sat to what time, 1.00 in the morning? If we have to be in here long hours to get this job done for the benefit of the Island, maybe we should be thinking about that, because this is really important. I do not want us to get to November and think: "Oh, it is 5.30 p.m., we have had enough for today. Let us wind everything up and go home and come back tomorrow." This is really important. We have to come together and get this done. Another point that was picked up by me today is hearing: "You have to work with us." Yes and Scrutiny, we say, you have to work with us, as well. If Scrutiny is saying: "We are telling you we have concerns. We are bringing forward issues that we are having" you have to listen to us, as well. I am hearing a collective will from my Health Panel - interestingly I am hearing things that I have not heard before from other Panels - that says to me that we are all thinking the same thing. We want you to just step back and work with us, so we can get this right. Those are my observations today. This is why, coming to the end of the conclusion, I say we all need



to take a step back. We do not want to end up mirroring what is going on in the United Kingdom. I agree with the sentiment that is being said: we have to work together. Let us not pull ourselves further apart. That is not going to get this job done. However, we have to listen to what Scrutiny is saying here. It is really important. That is why I also will not be supporting this.

**17.1.17 Deputy J.H. Young:**

Like Deputy Pamplin, I started off being completely neutral on this. I thought it was entirely a procedural matter. Of course, I have been listening carefully and doing a little bit of research into this. I agree very much: we should not be drawn into a divisive process here. It is absolutely essential that we do not, whichever part of government we are in, whether we are holding Ministerial, or Assistant Minister, positions, or in Scrutiny. What we are all trying to do is to produce a plan that works for the Island. We have thrown out, under our target operating model and our new changes, the old structures and we are into new ones. We are finding out how those processes work, where they work well and where they do not work well. So, certainly, as Ministers, it has been quite a learning curve for our first Government Plan. Some of the processes we design will improve. Members have spoken about and there is no question in my mind, within the interaction between Ministers and Scrutiny in production of key policy documents, Amendments play a very useful part. They offer the raw material of good ideas, that then provide a process of dialogue, which can ultimately, at its extremity, result in Members, if you like, being dog in a manger and forcing a debate on a no-hoper Proposition, sometimes even with a good one and lose it. Quite often what happens is that an Amendment comes and as a result of changes and discussions the changes are taken on board or that Amendment gets withdrawn and some of the principles get adopted. The idea of having an Amendment as a process within government is a good one. Now, also much has been made of the Planning Law and the Island Plan. Of course, I was not in the Assembly when we had this horrendous 68 Amendments to the last Island Plan, but it does smack to me that the processes in producing a plan maybe were not quite right, or were not as good as they could have been. Now, I look back and I saw the law had been changed. In response to that what was done is that the law was changed. So, a new Island Plan requires a 12-week lodging period and Amendments are required 8 weeks and the Amendments to Amendments are 6 weeks; this was under the Law. That is Article 4A, which was added around that time. I cannot be sure at what time it was added, but it is a recent addition. The idea is to allow those ideas of Amendments to be tested and potentially go to planning inquiry, if necessary. So, that is an example where one process, the Island Plan, needed some Amendments to the Law. It may well be that as we learn from this year's Government Plan, we need to change the processes, possibly in the Public Finance Law, the new Law we have adopted that deals with the Government Plan. We may need to refine that as we go. There is no question that the Government Plan is much bigger than the previous Budget. In other words, there is so much more content in it. I personally have seen myself how difficult it was, in the past, to deal with the Scrutiny of an M.T.F.P. It is much bigger than that. I do sympathise strongly with the Scrutiny team trying to progress this material. Rather than: "Let us have a divisive, conspiratorial confrontation now..." I do worry about changing the rules late in the game. We are pretty well now getting right into the final run-up of considering the Island Plan and I would hope that if there is a will, that we can find some way of having that dialogue between Scrutiny and the Executive and taking on board those things which need to be changed and so on. I forgot to mention in this Island Plan, in the Island Plan rules, there is the facility there, despite the long lodging periods that I have added, there is the opportunity for the person holding Ministerial responsibility to ask the States to debate something in a shorter period. That is the same sort of thing we might well have had ... I do not know whether it is in the new Public Finances Law, but if it is not, it is something we should look at. Personally, I am going to struggle to support this Amendment, because it is late in the day, but the principles of having longer, as Members have said and having proper, good processes, are right. I look to our Executive. I do not mean our Ministers. I mean our civil servants and our Chief Executive, to help us refine these processes in the Government Plan, to allow this process of Scrutiny and Ministers to work well. I

am hoping my colleague Ministers do not take my lack of support for the Amendment there are being against them. No, it is about accepting that we are on a journey, on a learning curve and I think we need to make sure we avoid that confrontation, pick up the lessons and adjust it for the future, as required

**Senator L.J. Farnham:**

I am wondering, as we are approaching 5.30 p.m., if I may test the mood of Members and suggest that we continue to the end of the Order Paper this evening.

**The Deputy Bailiff:**

I do not think there is any harm in testing the mood of Members, but could I ask: does any other Member wish to speak in this debate? Senator Mézec has indicated he would like to speak. Do any other Members? It looks like, after the Senator has spoken, then the Deputy will be winding up this debate. Can I suggest then that we deal with continuation, or otherwise, at the end of this debate so Members will know?

**Deputy R. Labey:**

Unless I propose the adjournment now.

**The Deputy Bailiff:**

We are slightly beforehand. It is open to you to propose the Amendment at this point. We are pretty well at 5.30 p.m.

**17.1.18 Deputy R. Labey:**

We have come to a hiatus and we are discussing it.. I know it is 2 minutes early. It seems to me that there is quite a lot left on the Order Paper, is there not?

**The Deputy Bailiff:**

There is this, which should involve 2 more speeches: yours and Senator Mézec's. Then there are 2 more items following from that.

**Deputy R. Labey:**

I will withdraw that Proposition to adjourn.

**The Deputy Bailiff:**

Very well. There is no Proposition currently before the Membership to adjourn. We therefore, in the absence of any other procedural Proposition, continue with the debate.

**17.1.19 Senator S.Y. Mézec:**

I will try and keep this under a few hours. I slightly regret putting my light on now, just not necessarily having had time to collect my thoughts in the way I might otherwise have wanted to.

[17:30]

I am one of these geeks who have been glued to BBC Parliament in recent weeks, watching until the late hours of the evening and trying to assess what is going on there and trying to compare it to our system. I have been seeing the flaws in the U.K. system versus what we have here. I am certainly somebody who finds myself falling on the side of the principle of parliamentary sovereignty. While being a Member of the Government here, I completely support the principle of this Assembly being the sovereign decision-making body of the Island. That means that the Government absolutely must respect this Assembly as an institution, be open-minded and be prepared to work with and support backbenchers and Scrutiny, to enable them to play an active role in the decision-making for those things that will support Islanders. The point that Deputy Young has made about this process with

this Government Plan being new and with a new Public Finances Law and this new process we are discovering that some of it is difficult and some of it is not going as smoothly as we might want it to. It is obvious to everybody who is observing this, that there is some real tension right now between Scrutiny and the Government. Speaking as somebody who served on Scrutiny for 4 years, I have quite a lot of sympathy with some of the points that are being made by Scrutiny. I have less sympathy for certain other points that are being made, as well. We just need to have a cool head here and understand that this is the first time we have gone through this process. If mistakes are being made in terms of how we engage with Scrutiny, then I, for one, if there is any part that my Ministerial office is playing and making any of that difficult, then I wholeheartedly apologise for that and endeavour to learn from it, so that it does not happen in future rounds of the Government Plan. I am sure other Members will be prepared to do the same, once we have had time to reflect on this process and how it has been. It is in our interests, as an Assembly, to end up with a Government Plan that meets the aspirations of the public that we represent, which is fit for purpose, which does what it is meant to and, most importantly, meets those aspirations that we all unanimously set out in the Common Strategic Plan, which is a very good plan in my view and that has some brilliant principles that we ought to be working towards in there. It is in our interests for this Government Plan to work. That is going to be difficult, because we have competing visions of what a Government Plan should look like. If I were singlehandedly writing this Government Plan, it would not look what it looks like; it would certainly, politically, be a lot further in one direction - Members can guess which direction that would be - and I certainly know that members of my party will want to bring Amendments to that Government Plan, to reflect some of the manifesto commitments that we made and we will have to work hard on that, to make sure that they work and are fit for purpose. I know that other Members that have manifesto commitments will want to do the same. We may well end up in a situation, not necessarily out of incompetence, or bad motivation, with an Amendment that people want to support, but does not quite work, or may well have worked if there was a bit of tweaking. So, that is a situation that we may well end up in and so to shut the door on any thought about how we improve this process in the future would be the wrong thing to do. I have entered this debate again with an open mind and when discussions have taken place with this Amendment previously, I did not, at that point, have any strong views but, having listened to what Members have said, I have come to the view that the strongest argument against this proposal is the timing; the fact that Scrutiny will have its timetable in place for trying to arrange their work. If that were not the case, then this would have been a very different debate, but that point is a strong one. So, perhaps, once we have been through this first round of the Government Plan and have had a bit of time to reflect on it and think about how we can improve this process, to make sure that the Government is able to produce a good strong document that meets our aspirations, but which also does not infringe on the ability of backbenchers to represent their constituents and which does incorporate Scrutiny, because Scrutiny have an incredibly important role to play in this, then we may want that discussion. But the point that has been made that the timing is not great now, because Scrutiny has its timetable that it needs to work to, is a very strong point and on that basis I would not be able to support this Proposition. But I just ask Members, because some of the contributions towards the start of this were quite heated and made some good points - some points that I have less sympathy with, I will admit that - that to have a cool head when we come back to this after the Government Plan, look at our Public Finances Law, make sure that it is fit for purpose, but because of the timing I do not think this is helpful for either Government, or Scrutiny, in terms of getting to a good Government Plan that can take us forward as a community.

**The Deputy Bailiff:**

No one previously indicated, but I must ask, does any other Member wish to speak on the Proposition?

**17.1.20 The Deputy of Grouville:**

Sorry, I do not want to speak for long, but I was just wondering, because I take on board what the previous speaker has just said, because I feel this is a good Proposition, but it is the timing, the timing when the timetable has been set. I was just wondering, rather than P.P.C., win or lose, if they could take it back and then move on to the next item if we are going to debate something else and then bring it back in a few weeks' time. They can still do that, can they not?

**The Deputy Bailiff:**

It is open, with the leave of the Assembly, for P.P.C. to withdraw the Proposition at this point. I do not think I would allow any Amendment, because we have reached the closing speech, so I do not think I could allow any change to the process, it must either be withdrawn, or the debate must be concluded and it must be voted on.

**Deputy R. Labey:**

Can I seek the leave of the Assembly to withdraw this Proposition?

**The Deputy Bailiff:**

You are entitled to do so. **[Approbation]** I take that as an indication from the Assembly that the Assembly agrees that the Proposition may be withdrawn. Very well, the Proposition is withdrawn. We now are just past that time where it is incumbent upon me to ask the Assembly whether it wishes to adjourn until tomorrow, or to continue with business.

**Senator L.J. Farnham:**

Sir, may I propose that we continue and reassess at 6.00 p.m.?

**The Deputy Bailiff:**

There is a Proposition before the Assembly. Is that seconded? **[Seconded]** Does anyone wish to speak? The Proposition is that we continue and reassess at 6.00 p.m. So, we continue at least until 6.00 p.m.

**Deputy M. Tadier:**

I do want to speak if that is all right briefly. The concern I have and, in standing up, I am not representing myself, because I could probably happily stay here quite late tonight, it would not bother me. My family situation is such that I do not have children, for example, to get back to. But there is at least one Member of this Assembly, who has had to leave, because she has made childcare arrangements and we work on an understanding in this Assembly that we work from 9.30 a.m. until 5.30 p.m. I am not going to go as far as to say this is a feminist issue, but I think there is an argument that it can disproportionately affect the already small minority of female representatives that we have in this Assembly; I think that is just a matter of fact. Although this might be a pragmatic step to take, because there is only a little bit left on the Order Paper, the argument has been made that if we even lose one representative from this Assembly that they are doing a disservice to their constituents and, by way of aside, the argument has been given as a reason not to elect one of our own Members, because the representation they give to their constituents, on whatever matter and it could be that today we are debating a relatively minor Proposition, or piece of legislation, but in the future it could be something very important and, if people do not have the ability to plan around that, then I think it sets a precedent. We said that we did not want to become like the U.K. Parliament in many of its less-desirable ways. They have, historically, had a system of sitting very late. They have tried to move back to more family-friendly legislation and I think in Jersey we work under a different system, we are a smaller Island and I think that we should stick to the principle that tomorrow was scheduled for a debate. Who knows, we could come in and maybe spend 20 minutes debating the further items, we might spend an hour and a half, but after that we could all start to work on Amendments to the Government Plan during the rest of the day, so that we can submit them nice and early.

**The Deputy Bailiff:**

Does any other Member wish to speak on the Proposition to work until 6.00 p.m. and then reassess? I have the Deputy of St. Ouen, the Connétable of St. Clement, so it is up to Members, but we will reach the point where we filibuster up to the end; not that that will be the intention, but that will be the result.

**The Deputy of St. Ouen:**

I have not spoken in any debate today, but I feel I must rise to support the last speaker. We are meant to be a community and family-friendly legislature. We should be in the habit of keeping to a working day, so that we can take care and consider our families. If we get into the habit of just extending that bit further, because we want to finish the business then we are not being family friendly. That is all I can say. I think we should get into the habit of finishing at 5.30 p.m. in that way.

**The Connétable of St. Clement:**

I am sorry to waste the time of the Assembly, but those last 2 speeches have really annoyed me. We meet once a fortnight, once a fortnight, during 2 sessions. Occasionally we sit a bit later than 5.30 p.m. There are people out there working until 6.00 p.m., 7.00 p.m., 8.00 p.m., 9.00 p.m., 10.00 p.m. and we think we can only work until 5.30 p.m. and it is only occasionally. Come on, States Members, let us get real.

**The Connétable of St. John:**

We are, of course, self-employed and I have been self-employed virtually all my life. When I get up in the morning I go to work, I work until the work is finished and then I go home. We have not finished our work and, therefore, I have little intention of going home.

**Deputy G.P. Southern:**

Can I say to the 2 speakers, welcome to the 21<sup>st</sup> century?

**Deputy K.G. Pamplin:**

I rise to my feet as a father of a young child. It quickly dawned on me 45 minutes ago we could be possibly later, quickly nipped out, made arrangements for my daughter. I am also moving house. As we speak, I have removal men waiting for me. I have to just nip out there and organise that. This takes precedent. This is what we are elected to do. Totally concur with the Constable on his speech. Let us just get on with this.

**Deputy M.R. Le Hegarat:**

The Assembly needs to remember that we are looking to get a diverse Assembly. I do not, at this present time, have childcare issues, or anything else; however, we do need to remember that others may and it is not only childcare, somebody might have to go home for an elderly relative, so we do need to start to consider how our working day is going to be.

**Senator L.J. Farnham:**

Could I just ask for the *appel* on this and move on as quickly as possible?

**The Deputy Bailiff:**

Yes. The *appel* is called for. I invite Members to return to their seats. The vote is on whether we continue until 6.00 p.m. and then reassess the position. I ask the Greffier to open the voting.

<b>POUR: 30</b>		<b>CONTRE: 11</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Connétable of St. Brelade		
Senator S.C. Ferguson		Connétable of Trinity		
Senator J.A.N. Le Fondré		Deputy G.P. Southern (H)		

Senator K.L. Moore		Deputy of Grouville		
Senator S.W. Pallett		Deputy M. Tadier (B)		
Senator S.Y. Mézec		Deputy of St. Ouen		
Connétable of St. Helier		Deputy K.F. Morel (L)		
Connétable of St. Clement		Deputy M.R. Le Hegarat (H)		
Connétable of St. Lawrence		Deputy S.M. Ahier (H)		
Connétable of St. John		Deputy R.J. Ward (H)		
Connétable of St. Peter		Deputy C.S. Alves (H)		
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
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 L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**Deputy K.G. Pamplin:**

A point of order, my esteemed colleague to my right has 3 flashing buttons so he was unable to vote, if you could confirm?

**The Assistant Greffier of the States:**

The Connétable of St. Mary, no vote is registered.

**The Deputy Bailiff:**

It will not have made a difference to the outcome, Connétable, so if you are content to move on.

**Deputy J.M. Maçon:**

But for the Connétable's voting record, it might be worthwhile for the Minutes of the States that you are made aware of what the vote is, how he would have voted.

**The Deputy Bailiff:**

Do you wish to indicate what your vote would have been, Connétable?

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

Yes, I would have voted *pour*.

**18. Draft Amendment (No. 44) of the Standing Orders of the States of Jersey (P.77/2019)**

**The Deputy Bailiff:**

The next item is Amendment 44 of the Standing Orders of the States of Jersey and I ask the Greffier to read the citation.

**The Assistant Greffier of the States:**

Draft Amendment (No. 44) 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.

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

This is going to make it much easier for Members to ask oral questions throughout the sitting of the States. It is going to enable Members to seek the leave of the Bailiff to ask an oral question not less than 30 minutes before the start of not just the first day of a meeting, but also a continuation day. So, you can put in a request for an oral during the Tuesday sitting for Wednesday, or indeed at the top of the Wednesday sitting.

[17:45]

But even more, we are going to give the Bailiff power to grant leave to ask an oral question without the requisite notice, provided that it is a matter of such urgency that the question must be asked before the end of the meeting. So, that speaks for itself. I do worry sometimes and I am working on this with P.P.C., that because of our rules and regulations we sometimes are not as topically responsive as we should be in the Assembly with the various rules and regulations, I am quite sure. I have some ideas on how to change question time, so that we can respond to events of the day, or of the week and those will come before the Assembly in due course. So, this comes from the Constable of St. Helier, who faced a bit of difficulty when he tried to ask an oral question and he was not able to and so there we are. It has come from a Member's experience and this time the Constable of St. Helier and previously ... I have brought Propositions today that have been sparked by questions by Deputy Tadier and Senator Mézec and another Member, the Chairmen's Committee spurred another one and the Council of Ministers spurred another one. I am very happy to go into battle for the Council of Ministers, we thought it was the right thing, we did not think it was an assault on the Scrutiny, nobody came up with that, but Deputy Morel made a brilliant speech and a passionate one on that. But I do not think it is plausible for P.P.C. to go into battle when there is not more consensus among Ministers themselves. They should have had that discussion. I just wanted to explain why I withdrew the Proposition. I make this one.

**The Deputy Bailiff:**

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

**18.1.1 Deputy M. Tadier:**

Have to work a bit late now and again, because there are people out there who have to work until 8.00 p.m. or 9.00 p.m. at night, but they are usually told that they are working until 8.00 p.m. or 9.00 p.m. at night. I just wanted to ask the Chairman, because this seems a particularly contrived option here and I know it is being done for the right reason. I think that clearly there are situations where the deadline for oral questions with notice is Thursday lunchtime and then sometimes this really strange thing happens that the Communications Unit will put out a piece of news on Thursday afternoon at 12.00 p.m. and it can be quite a big story - I will not give any specific examples - but it could be a really contentious issue and then it falls to the President of this Assembly and a willing Member to then take up that subject. I know the Constable of St. Helier has tried to do it fairly recently, Deputy Southern does it fairly often as well and there may be other Members who have tried to do this in the past. Then, of course, there has to be a test, so it is up to the Bailiff, or the Deputy Bailiff, ultimately, to decide, perhaps with some guidance from the Greffe, but ultimately it is the Bailiff to do that. It can put them in a difficult position, because what is the definition of a matter of such urgency that it deserves to be granted as a question? You do not have that problem if

you submit an oral question with notice. But, similarly, you do not have that problem at all when you have questions without notice. Questions without notice have an even smaller lodging period, if you like, than an urgent oral question, which in this case can be submitted 30 minutes before the start of play. You have to then wonder, which is the optimal lodging period for those types of questions, because questions without notice are essentially a way for us to be able to talk about topical issues. The problem is that our system of questions without notice is not broad enough. We have a very strange system where we have the Chief Minister on a rota for 15 minutes every other sitting and then we have almost a random selection, albeit on a rota basis, for other Ministers. So, today, we had the Minister for International Development and we had another Minister before that, which was the Minister for Home Affairs. That is fine, but what if you really want to ask a question about economic development and education on those days, you cannot do it. You could, of course, put in a question half an hour before and maybe that is what we will all start doing, we will start putting in questions on a whole host of things that have happened over the weekend and it is then up to the Bailiff to decide half an hour before a sitting whether, or not, he thinks that is the right thing to do. Now, I am not sure about you, but I certainly have other things on my mind half an hour before a States sitting in the morning, it is usually about the logistics of getting to the Assembly, but it might be that if you get in here earlier I am sure you are getting yourself ready and you have much more weightier matters, not just to do with this Assembly, but to do with the court, on your mind perhaps and that is not necessarily a best use of time. What I would like to ask the Chairman and ask Members to consider is whether there is a better way, because I think this could be one of those unintended consequence moments where we do this ostensibly and on the surface of it, to make things easier and to give backbenchers more power, but we create an unwieldy system, which creates lots of bureaucracy and a headache. What happens, of course, when all these Members find out that their question is not quite urgent enough? It is not urgent enough in nature, it is a good question and if only you would have lodged it on Thursday lunchtime and if only the information that made you want to lodge the question had been available on Thursday lunchtime, you could have done it. The question is and I have put this to P.P.C. in the past, is a much simpler way is that you reform question time to allow the Chief Minister, who is now the head of OneGov - and we have this idea that we want to break down silos within Government and between departments - the Chief Minister should be able to answer questions across all portfolios. So, he may not have an in-depth knowledge, but once every 2 weeks, when he comes to the Assembly, he should be sufficiently briefed about what is going on in all of his departments to be able to answer those questions. My suggestion has been to P.P.C. that either you have a half-hour session every sitting for the Chief Minister to take questions without notice on anything. So, there are 2 options, you either have the Chief Minister who can be grilled for half an hour on any subject, including that press release that just came out on the Thursday afternoon, or the emergency that occurred over the weekend, or that thing that happened just the day before and if it is an urgent matter it will be of interest to the Chief Minister, it will be of public interest anyway and there will not be the need for the President to make that decision about whether the question is urgent, or not. That is a much better way to do it. The other option and I still think there is merit in having the Chief Minister held to account every week anyway, it is what happens in most other Parliaments around the world and in the Commonwealth, the second option is that you allow questions without notice to be put to any Minister, because the argument, of course, is the Chief Minister might, in an ideal world, theoretically be briefed on everything, but that is not realistic. But at least we expect every Minister to be on top of their portfolio and we might not want to just wait another 10 weeks to be able to ask the Minister for Economic Development, Tourism, Sport and Culture a question; we might want to do that. So, we simply say that during this 15 or half an hour period you can ask whichever Minister you want the question and then you do not get this argument about that is not relevant; that is not in his portfolio. Because, as we know, the reality is that many subjects are cross-cutting and that is why we have individuals like Senator Pallett, who works very hard for the Government and works very hard in this Assembly who has been put in charge of Health and he obviously has a really important role on Economic Development, because he knows that the



2 to do with Sports and to do with Health are cross-cutting. We know that a healthy mind and a healthy body go together. We also have Deputy Maçon, who shares expertise in Education, Social Security. Are there any others, Deputy? I can give way if you want to intervene.

**Deputy J.M. Maçon:**

The Deputy will know my portfolios.

**Deputy M. Tadier:**

I thought I did at one point, but I have lost track of all of them. I think he is the General Secretary and General Assistant Minister to all Government departments.

**Deputy J.M. Maçon:**

It certainly feels like it sometimes.

**Deputy M. Tadier:**

I am sure it does.

**The Deputy Bailiff:**

Could we not have this as an exchange between Members please, Deputy? I know you are speaking to the point as to whether, or not, this particular Amendment to Standing Orders should be adopted by reference to question times, but it should not turn into a discussion between 2 Members.

**Deputy M. Tadier:**

I will be drawing to a close shortly, but I would not want Members to feel that they could not contribute on what I think was an important Proposition, simply because it is getting to 5.55 p.m., we have had to stay a little bit later and, therefore, rather than saying whether they agree with me, or disagree with me, or if I am speaking complete bunkum, or if I am speaking quite a few interesting and sensible points, I would like to think that they would take the time to stand up and speak to this Proposition, which they voted to stay behind for to have a debate on, otherwise we are doing a disservice to the public that put us here. But my concern - and this is a genuine one - and I am not just making these remarks because it is the last item on the agenda ...

**The Deputy Bailiff:**

No, it is not the last one.

**Deputy M. Tadier:**

Or the penultimate. There you go, so we have another crack of the whip later for another Proposition. But I think this is a really important one. The P.P.C. have identified a problem, they found a solution, I do not think it is the right solution, there is a much better solution, which offers the flexibility, puts the *onus* back into Members' court, does not involve the President's valuable time and no doubt great discernment by making him ask to be brought into play when it does not need to be. The correct methodology would be for this either to be rejected, or to be withdrawn and for P.P.C. to consider that new model, which offers greater flexibility of topical questions being asked to a wider range of Members and Ministers on a wider range of subjects.

**18.1.2 Deputy J.H. Young:**

Deputy Tadier raises some important points, but clearly now is not the time to go into it. Certainly, many of those ideas are worthy of debate and I am concerned, because the time is running out fast and I have to raise important matters as the Minister for the Environment about the vital future of our fishing industry and E.U. legislation that I want to raise under public business and I fear I am going to be timed out, which would have a draconian effect, so can I ask the Chairman of P.P.C., put this off to another day, the important discussions about the questions, so we can clear the agenda properly

and I can certainly and I promise Members, when you hear the detail of what I have to ask about E.U. legislation in the Brexit situation that I have to ask them.

**The Deputy Bailiff:**

Deputy, first I should point out this is not the last debate of the day, there is a further Proposition in any event, which would fall to be dealt with prior to your submission relating to when the future debate is taken. Secondly, the Proposition passed by the Assembly is that we review the position at 6.00 p.m., not that the Assembly's sitting comes to an end.

**Deputy J.H. Young:**

I am grateful for that clarification. My fear was that Members would pull the plug without me getting the chance to do that, which would have serious effects for the industry.

**The Deputy Bailiff:**

The only thing that will happen is that there will be an adjournment until tomorrow morning.

**Deputy J.H. Young:**

Anyway, I have flagged it up; we still have 5 minutes to go.

**The Deputy Bailiff:**

Thank you very much, Deputy. Does anyone else wish to speak on this Proposition?

**18.1.3 Deputy R. Labey:**

Can I just address Deputy Young? We have just spent 2½ hours of complete futility, because the Council of Ministers fell apart in the last debate. Why did the Council of Ministers not get together, decide if this was a good thing, back it, or do not ask P.P.C. to take it? So, that was a waste of time and it was not my fault. I am ahead of Deputy Tadier. I have a paper in, at the moment, with the Chief Minister and the Council of Ministers to do very much what he says with questions along those lines, interestingly enough. I will reveal it to all Members now, there is no reason why everybody should not know what I am thinking, which is 10 minutes of questions to the Chief Minister at every sitting, every Tuesday, every 2 weeks, and 20 minutes of questions to any Minister and those are the times I am looking at. We could add them, or subtract them. So, instead of the 15 minutes for a Minister, anyone can ask any Minister a question. The thing about the urgent oral, in contrast with the question without notice, is the urgent oral you can ask and you have 10 minutes of supplementaries, or more, if you need it. So, it is a really good tool; it is like asking a prepared question, but in an urgent situation. So, yes, I am on to that, I say to the Assembly and the Deputy, but in the meantime let us take this little quick win and be able to ask more urgent orals and in a more urgent way than we do currently. So, I will not withdraw it; I will take it and I think it is a sensible and quick win. I maintain the Proposition and I ask for the *appel*.

**The Deputy Bailiff:**

The *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

<b>POUR: 34</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Senator S.W. Pallett		
Senator S.C. Ferguson				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Peter				
Connétable of St. Mary				

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

[18:00]

**The Deputy Bailiff:**

We are now at the point where the Assembly indicated its desire to review the position. As Members will know, there is one Proposition, which would take place in-camera, left on the Order Paper and then there is the discussion relating to future public business.

**Senator L.J. Farnham:**

I would like to propose we finish tonight and take that Proposition in-camera now. **[Approbation]**

**The Deputy Bailiff:**

Is that Proposition seconded? **[Seconded]** Does any Member wish to speak on whether we continue tonight and deal with the last Proposition?

**Deputy I. Gardiner:**

Just a quick note, I would vote today to continue, because it does make common sense. As a mother for a young child and self-employed, I do not have any problem to stay longer. I am repeating my request from the previous sitting, please let us discuss it at lunch time, so we can make an arrangement to stay here longer.

**Deputy R.J. Ward:**

I think we are confusing ourselves here. Staying longer at the end of the day, at the end of the business time, if it was Thursday evening, it is completely different from being prepared to come back tomorrow. I wonder whether some Members are just thinking it will be a lot easier not to come back tomorrow and have my journey in, so therefore just extend the day and have a lower-quality

debate, perhaps, when everybody has been through the entire day, when we are not in any way time-sensitive; we have 2 days if we need to be.

**Senator L.J. Farnham:**

I would say I understand where Members are coming from about continuing the next day. We are going to be more productive if we finish tonight, we will not have to open the Assembly, many members of the Greffe and States Members and other members can get on with other business. There are a number of important meetings tomorrow that can be held, if we finish tonight. I am due to be participating in opening a new Digital Academy at 6.30 p.m. and I might have to choose whether I stay here, or go away to finish it. Members cannot be forced to stay here. If they have to leave for other reasons they are free to go. I maintain the Proposition. I say we get this over and done with.

**The Deputy Bailiff:**

The *appel* is called for. I invite Members to return to their seats. The vote is on whether we continue and finish the business this evening. I ask the Greffier to open the voting.

<b>POUR: 26</b>	<b>CONTRE: 11</b>	<b>ABSTAIN: 0</b>
Senator L.J. Farnham	Connétable of St. Lawrence	
Senator S.C. Ferguson	Deputy G.P. Southern (H)	
Senator S.W. Pallett	Deputy of Grouville	
Senator S.Y. Mézec	Deputy M. Tadier (B)	
Connétable of St. Helier	Deputy of St. Ouen	
Connétable of St. Clement	Deputy K.F. Morel (L)	
Connétable of St. John	Deputy of St. John	
Connétable of St. Peter	Deputy M.R. Le Hegarat (H)	
Connétable of St. Mary	Deputy S.M. Ahier (H)	
Connétable of St. Ouen	Deputy R.J. Ward (H)	
Connétable of St. Martin	Deputy C.S. Alves (H)	
Deputy K.C. Lewis (S)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
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 L.B.E. Ash (C)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

**19. Greffier of the States: consent to extension of term of office (P.78/2019)**

**The Deputy Bailiff:**

The last item of Public Business is Greffier of the States: consent to extension of term of office brought by the Privileges and Procedures Committee and I ask the Greffier to read the Proposition.

**The Assistant Greffier of the States:**

The States are asked to decide whether they are of opinion in accordance with Article 41(3) of the States of Jersey Law 2005, to consent to the extension of Dr. Mark Egan’s term of office as Greffier

of the States for a period of 5 years from the date of the expiry of his current contract, namely 6th December 2020.

**The Deputy Bailiff:**

This is a matter, which takes place *in camera* and I have to ask, in accordance with Standing Orders, that all strangers now withdraw from the Assembly.

**Deputy M. Tadier:**

While that is happening, can I ask, I do not know if it is a point of order, or process, given that this is *in camera*, if we need to pop out for a moment and still want to be able to listen to the proceedings, will it still be broadcast throughout the Assembly rooms, which only States Members can access? If not, why not?

**The Deputy Bailiff:**

Deputy, I think the position is no and the reason for that is because of the technical problems; it would be difficult to isolate the feed into those specific rooms alone.

**Deputy M. Tadier:**

I am going to have to pop out for a little while. I will come back in and I will try and follow the debate as best as I can. I think it is a really important debate and I will be around, but not necessarily for all of it. Sorry if I miss any speeches.

**The Deputy Bailiff:**

I am assuming that everyone who is meant to have left the Assembly has done so.

**[Debate proceeded in camera]**

**The Deputy Bailiff:**

The *appel* is called for, I invite Members to return to their seats. But the vote must be taken in public, so, firstly, under Standing Order 82 you must take the vote in public and I ask we invite all strangers back into the precincts of the Assembly. It occurs to me we might have to telephone him at home. We must allow a reasonable period for people to come back.

**Deputy M. Tadier:**

Sir, a question, does the live-streaming come back on automatically at this point?

**The Deputy Bailiff:**

Yes, it does, well it is back on now, in any event. The live-streaming is back on and we will deal with the vote. Very well, if all Members are ready to take the vote, I ask the Greffier to open the voting.

<b>POUR: 32</b>	<b>CONTRE: 1</b>	<b>ABSTAIN: 2</b>
Senator S.C. Ferguson	Deputy J.M. Maçon (S)	Connétable of St. Lawrence
Senator J.A.N. Le Fondré		Deputy of St. Peter
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. John		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy K.C. Lewis (S)		

Deputy M. Tadier (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
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 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)				

## ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

### **The Deputy Bailiff:**

Very well, that concludes Public Business. We come on to the arrangement for future business and I invite the Chairman of P.P.C. to deal with the arrangement of future business.

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

I did not get in quick enough to thank Members for their support on the last vote and Proposition. I did want to record my thanks to the Bailiff, who has been an incredible help to me over this process. But I do not know what I would have done without him and I wondered if you might convey my thanks to him when you next see him.

### **The Deputy Bailiff:**

Yes, I shall.

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

Thank you, Sir. There has been only one addition to the arrangement of public business, as shown on the Consolidated Order Paper. The Draft Employment (Amendment No. 11) (Jersey) Law 201-P.100/2019 has been listed for 22nd October 2019. I think the Minister for the Environment gave notice earlier that he is likely to ask for some matters to be brought forward for the next meeting, including P.91/2019. Even with those additions, if agreed, it is quite possible that we could complete business in one day.

### **The Deputy Bailiff:**

Thank you very much. So that Members have a full picture, do you wish to make an application, Minister?

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

Yes, please. As the Minister for External Relations mentioned earlier and in fact it records it in his written answer, his answer to Written Question 13, I am going to make a request to bring forward proposition P.91/2019, which was lodged on 29th August, which at the moment is listed for debate

on 8th October. In fact, there is a little note that says it cannot be discussed until the 10th. I am going to ask, please, for the Assembly to move that to 24th September, the next meeting. The reason is, is that this is one of 2 pieces of legislation which are required to deal with the situation of food safety in the question of aquaculture and the fishing industry, to ensure that we continue to be able to export those products into the E.U. We are in a process now of applying for third-country status, which will enable us to do this. The U.K. is dealing with that on our behalf. We need to be in a position where we do have those food safety arrangements in place. One of them, I am slightly embarrassed about this, but that is what I am asked to do, P.91/2019 has been lodged and is there for all to see. But I am also being asked and give notice that a further set of Regulations, which will deal with crabs, lobster and wild fish, will be lodged next week. According to my calculations, I do not think it could be discussed until 12th November sitting, which, of course, puts us after the anticipated Brexit date. I do not know how procedurally I do this. On the agenda we have got one piece of legislation, I think and clearly we can ask for that, that is P.91/2019 to be moved until the 24th, but I think I give notice that ... in fact I am not sure how to do it, because it will certainly be lodged by 8th October, which is the new sitting, but that would definitely need to be in place as well. I am being asked if Members could give flexibility, to ensure we can lodge that at short notice. I understand the Scrutiny Panel have been informed about this. It is technical and procedural, but without it there is a possibility that we will not, in the event of a no-deal Brexit, be able to maintain that continued trade and export of those products into the E.U. I rather need your guidance on this, Sir, how we could deal with that.

**The Deputy Bailiff:**

I think the position is it is quite open to you to ask the Assembly to take P.91/2019 earlier, but I do not think you can ask the Assembly to take unseen legislation earlier, or you can ask at the time, as soon as it is lodged on the first date of sitting after its lodging. But it is taken there and then and the Assembly will either feel able to agree with that, or not. But I do not think it would be appropriate to put unseen legislation and ask the Assembly to deal with it under a truncated timescale. That may be entirely possible and it may be within the will of the Assembly but, equally, that is impossible to say at this point.

**Deputy J.H. Young:**

I understand, Sir. Could I ask, I assume because this is what I am advised that the second piece of legislation will be lodged by the time we are at our sitting on 24th September? Can I be given some guidance as how I might try and get that debated at the earliest opportunity, because I am told it is important that these 2 pieces of legislation are together, otherwise we will only have part of the story in our application for third-country status?

**The Deputy Bailiff:**

I think the position is, if it is lodged and, therefore, appears on the Order Paper under a particular date, it is open to you to ask the Assembly to take it on the date of the sitting that the other one is taken and the Assembly will agree with that, or it will not. If you ask for it to be listed, subject to the permission of the Assembly, I am sure it can be listed for that sitting.

**Deputy J.H. Young:**

I am in the Assembly's hands about the move.

**The Deputy Bailiff:**

You made the Proposition to move P.91/2019 to the next sitting.

**Deputy J.H. Young:**

Please, yes.

**The Deputy Bailiff:**

Is that seconded? [**Seconded**] Does anyone wish to speak upon that?

**20.1.1 Deputy J.M Maçon:**

I just wonder if there is a representative from the Scrutiny Panel who could just give us an update as to where they are on this particular Proposition.

**20.1.2 Deputy I. Gardiner:**

The Scrutiny Panel, we do need to have an understanding of this Proposition. It did not come to our attention yet.

**Deputy J.H. Young:**

Sir, may I clarify that and would I ...

**The Deputy Bailiff:**

You will get a chance to answer at the end, if anyone wishes to speak; perhaps somebody else wants to speak. Does anyone else wish to speak on this Proposition?

[18:45]

**20.1.3 Deputy K.F. Morel:**

I am with Deputy Gardiner on the Environment, Housing and Infrastructure Scrutiny Panel and ordinarily we look after this. There is also an argument it could be the Brexit Review Panel. All I can say again is Scrutiny will do everything it can to help with this but, again, it shows Brexit putting us in the invidious position of even trying to lodge at that stage and that we have not even seen yet, and looking to pass at that stage and it has not been seen yet. It is ridiculous and I am not blaming the department for this, although we have known about Brexit for 3 years.

**20.1.4 Deputy J.H. Young:**

Yes, I understand Deputy Morel's concern. All I can say is, as Minister, being a member of the Brexit Ministerial Group, I have been absolutely astounded at the extent of legislative requirements that we have had to bring through in order to prepare for a no-deal situation. Of course, it is astonishing that as we go through and we are learning on a daily basis - it almost seems a daily basis from the U.K. civil servants - of the hurdles that Jersey needs to overcome in order to ensure that we maintain that continuity and are able to demonstrate in this particular case compliance with food safety standards. What I am informed is that the legislation in Regulations we are talking about is procedural; it is procedural. I think, therefore, I do not consider this ... because the intention of that is to replicate what is currently the situation. There should not be new. But, of course, when E.U. legislation falls away under Brexit, we need to have our own legislation in place. I understand that the Scrutiny Panel have received paperwork, but it obviously has not got through to the Members yet, but clearly it will and I shall make darn sure after today that they receive that.

**The Deputy Bailiff:**

Very well, so you maintain the Proposition.

**Deputy J.H. Young:**

I maintain it.

**The Deputy Bailiff:**

All those in favour of adopting the Proposition kindly show. Those against? Very well, the Assembly will deal with P.91/2019 at the next sitting and, undoubtedly, there will be an application for the other pieces of legislation soon to be lodged to be dealt with at the same time. The Members agree with that slight adjustment to take the business as the future, as indicated by the Chairman of P.P.C. Very well, thank you. The States stands adjourned until 9.30 a.m. on 24th September.



**ADJOURNMENT**

[18:47]