

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 11th SEPTEMBER 2018

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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 Welcome to visiting delegation – Trinidad and Tobago

Can I draw Members' attention that we have 2 visiting delegations up in the public gallery this morning? First, we have a delegation from Trinidad and Tobago, which includes Dr. Denise Tsoiafatt Angus, the Presiding Officer of the House of Assembly, Mr. Jomo Pitt, Member of the Legislature on the Executive Council and Secretary of Sport and Youth Affairs, and Mrs. Sharon Irvine-Combie, clerk to the Assembly. I ask Members to welcome them in the customary manner. **[Approbation]**

1.3 Welcome to visiting delegation – Association of Civic Heads, United Kingdom

Secondly, we have a delegation from the Association of Civic Heads, who are all former civic heads of different authorities within the Midlands of the United Kingdom, having served as either Lord Mayor, Mayor or Chairman of their city, town or area. Again, I ask Members to welcome them. **[Approbation]**

1.4 Announcement of presentation of R.118/2018

I should draw the attention of Members to the fact that the Bailiff has lodged the Regulation of Investigatory Powers (Jersey) Law 2005 and Police Procedures and Criminal Evidence (Jersey) Law 2003: Report of the Investigatory Powers Commissioner from 1st January to 31st December 2017, R.118/2018.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Nomination of 3 persons as members of the Public Accounts Committee who are not Members of the States

The Deputy Bailiff:

We now come to F on the Order Paper, which is the Appointment of Ministers, Committees and Panels. Firstly, there is the appointment of unelected members of P.A.C. (Public Accounts Committee). There is a nomination by the chairman of the Public Accounts Committee for the appointment of unelected members to the committee. It is a requirement under Standing Order 124(1) that at least 14 days before the meeting, during which the unelected members are to be appointed, notice must be given to the Greffier of the intended nominees and the nominees must be distributed to Members. Those requirements have been met and, chairman, therefore I would ask you to make the nominations.

2.1 Senator S.C. Ferguson (Chairman, Public Accounts Committee):

We feel very thankful that such eminent members of our society are in fact prepared to take on the somewhat onerous duties on the Public Accounts Committee. We had a super selection to select from and in the end, after interviews in line with the Appointments Commission rules, we came up with these 3: Mrs. Mary Rose - commonly known as Moz - Scott. She is a tax specialist. She is experienced in structured finance and corporate law. She is a qualified solicitor in English and Jersey law, with experience in London and Jersey, and she was a partner in one of the leading local firms. We have Mr. Adrian Lane, who is a finance director with one of the banks, and he is obviously

approved by the Jersey Financial Services Commission. He is a fellow of the Institute of Chartered Accountants and holder of a Diploma in Company Direction. He is an executive on the local Audit Committee. He has a background in industrial and consumer market sectors, principally with businesses going through transformational change, which we think will probably be quite useful to us. The third one is Mr. Tim Rogers, who was formerly a project manager for the incorporation of Jersey Post, he was on the Treasury Steering Committee for Jersey Telecom, and responsible for the incorporation of Ports of Jersey. So we have somebody there who does have knowledge of how the States works, or does not work, however you care to put it. We are very fortunate that these 3 people, as I say, have offered their services. We are grateful to them and I have much pleasure in proposing them.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Under Standing Order 124(2), nominations from any other Members might be considered but notice must have been given to the Greffier 2 clear days before. Consequently, as no notifications were received within that time, I declare that Mr. Tim Rogers, Ms. Mary-Rose Scott and Mr. Adrian Lane have been duly elected as members of the Public Accounts Committee. **[Approbation]**

2.2 Appointment of the Bailiff's Consultative Panel

The Deputy Bailiff:

Next, we come to membership of the Bailiff's Consultative Panel, for which there is an explanatory note attached to the Consolidated Order Paper. There are 5 vacancies on the panel to be filled. The process is that nominations are made on the floor of the Chamber and each nomination must be seconded. If more than 5 Members are nominated there will be a secret ballot. The 5 Members who receive the largest number of votes will be elected to the panel. In the ballot each Member will be able to cast up to 5 votes. I therefore invite nominations for membership of the Bailiff's Consultative Panel.

Deputy R. Labey of St. Helier:

Could I nominate Deputy Pamplin of St. Saviour? The Deputy within weeks of being sworn into office was working with the Bailiff's office, ultimately successfully, on the big screen for the World Cup and wishes to continue that relationship by seeking election to this committee.

Deputy K.F. Morel of St. Lawrence

I wish to nominate the Deputy of Grouville. I believe she served on the Consultative Panel under 3 Bailiffs and has the requisite experience and dynamism needed to serve.

The Deputy Bailiff:

I forgot to ask if the nomination of Deputy Pamplin was seconded. **[Seconded]** Thank you very much. Is the nomination for the Deputy of Grouville seconded? **[Seconded]**

[9:45]

Connétable D.W. Mezbourian of St. Lawrence:

I am pleased to propose Senator Ferguson. She is a longstanding Member of the Assembly and would bring some common sense to the Bailiff's Consultative Panel, not that there is not enough on there already.

The Deputy Bailiff:

Yes, thank you. Is the nomination seconded? **[Seconded]** Are there any other nominations?

Senator J.A.N. Le Fondré:

I would like to nominate Senator Farnham, which I believe is required. I do not think he is a statutory member already.

The Deputy Bailiff:

Is that seconded? [**Seconded**]

Deputy C.F. Labey of Grouville:

I would like to nominate Deputy Martin of St. Helier. She served on the panel previously and her contributions are always very well received.

The Deputy Bailiff:

Is that nomination seconded? [**Seconded**] Are there any other nominations? That is 5 nominations. Accordingly we do not need to proceed to the ballot. I declare that Deputy Pamplin, the Deputy of Grouville, Senator Ferguson, Senator Farnham and Deputy Martin are duly elected to the Consultative Panel. [**Approbation**]

QUESTIONS

3. Written Questions

3.1 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING CONTRACTS IN THE EDUCATION SECTOR WITH EXTERNALLY EMPLOYED AND SELF-EMPLOYED PEOPLE: [WQ.128/2018]

Question

Will the Minister advise –

- (a) how much has been spent, for each year from 2014 to 2018 to date, on contracts with people who are either externally employed or self-employed and who have acted as advisers, professional partners or training specialists or who have undertaken school reviews (and subsequent implementation or support work) across all sectors of education on a consultant or non-consultant basis;
- (b) what budget provision has been made for such spending in 2018, 2019 and 2020; and
- (c) what is the breakdown of individual costs for each project, or anticipated project, across this expenditure or budgeted expenditure?

Answer

- a) The table below shows the amount spent each year by the department on either externally employed or self-employed people who have acted as advisers, professional partners, training specialists or who have undertaken school reviews across all sectors of education on a consultant or non-consultant basis:

Year	Delivery type	Total amount
2014	Training	£54,362
2014	Professional Partner	£27,481
2014	Advisers	£23,796
2015	Training	£46,037
2015	Professional Partner	£48,284
2015	Advisers	£49,393
2016	Training	£63,238
2016	Professional Partner	£25,614
2016	Advisers	£164,675
2016	Support	£2,584
2017	Training	£253,662
2017	Advisers	£128,201
2018	Training	£78,688
2018	Professional Partner	£1,930
2018	Advisers	£133,292

The figures that have been provided include only departmental spend and do not include any amounts spent from an individual school or college budget for the employment of external or self-employed people for the purposes outlined in this questions, for example the delivery of training.

Figures include fees, travel costs and other expenses.

b) The following budgets were set for 2018 for the delivery areas identified in question a).

Year	Delivery type / area	Budget 2018
2018	Training	£118,270
2018	Professional Partner	£0
2018	Advisers	£122,240

Budgets have yet to be finalised for 2019 and funding has not been allocated to the department for 2020.

c) The costs identified in question a) have been split into their relevant project / area in the table below:

Year	Delivery type	Project / Area	Total amount
2014	Training	Exams	£4,743
2014	Training	Early Years	£3,000
2014	Training	Schools	£35,100
2014	Training	Subjects	£8,519
2014	Training	MAYBO (intervention training)	£3,000
2014	Professional Partner	Professional Partner to schools	£27,481
2014	Advisers	Jersey Graduate Teacher Training Programme (JGTTP) / NQT	£23,796
2015	Training	Exams	£1,779
2015	Training	Early Years	£3,646

2015	Training	Rights Respecting Schools Award	£1,457
2015	Training	Secondary	£163
2015	Training	Subjects	£29,392
2015	Training	MAYBO (intervention training)	£9,600
2015	Professional Partner	Professional Partner to schools	£48,284
2015	Advisers	Jersey Graduate Teacher Training Programme (JGTTP) / NQT	£26,899
2015	Advisers	Jersey Premium	£145
2015	Advisers	School Review	£12,815
2015	Advisers	School Support	£9,534
2016	Training	Exams	£11,720
2016	Training	Early Years	£9,072
2016	Training	Schools	£1,830
2016	Training	Subjects	£25,369
2016	Training	Restorative Practice	£880
2016	Training	MAYBO (intervention training)	£14,367
2016	Professional Partner	Professional Partner to schools	£25,614
2016	Advisers	Jersey Graduate Teacher Training Programme (JGTTP) / NQT	£25,681
2016	Advisers	Jersey Premium	£28,029

2016	Advisers	School Review / support	£110,965
2016	Support	School support	£2,584
2017	Training	Exams	£33,696
2017	Training	Early Years	£46,786
2017	Training	Jersey Premium	£625
2017	Training	Schools	£22,738
2017	Training	Subjects	£28,105
2017	Training	Restorative Practice	£970
2017	Training	MAYBO (intervention training)	£1,980
2017	Training	Social and emotional mental health	£2,925
2017	Training	Triple P Programme	£115,837
2017	Advisers	Jersey Graduate Teacher Training Programme (JGTTP) / NQT	£18,140
2017	Advisers	Jersey Premium	£23,566
2017	Advisers	School Review	£29,858
2017	Advisers	School Support	£56,636
2018	Training	Exams	£36,496
2018	Training	Early Years	£3,000
2018	Training	Jersey Premium	£4,582

2018	Training	Schools	£13,475
2018	Training	Subjects	£12,830
2018	Training	Restorative Practice	£1,900
2018	Training	MAYBO (intervention training)	£3,750
2018	Training	Social and emotional mental health	£2,655
2018	Professional Partner	Professional Partner to schools	£1,930
2018	Advisers	Jersey Graduate Teacher Training Programme (JGTP) / NQT	£11,636
2018	Advisers	Jersey Premium	£5,511
2018	Advisers	School Review	£60,436
2018	Advisers	Schools	£1,930
2018	Advisers	School support	£53,779

3.2 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING POLITICAL OVERSIGHT OF THE COMMUNICATIONS UNIT: [WQ.129/2018]

Question

Will the Chief Minister explain how political oversight of the Communications Unit is exercised; which Ministers are responsible for exercising such oversight; and whether Ministers are able to amend the content before communications are released to the public?

Answer

As Chief Minister, I am politically accountable for the communication directorate, and will be delegating to the Assistant Chief Minister, Connétable Richard Buchanan, the day-to-day discharging of these responsibilities.

In doing this, Connétable Buchanan will have regular liaison with the Communications Directorate, and oversee the communications strategy. This is in line with the newly-issued Codes of Conduct and Practice for Ministers and Assistant Ministers, which continues to place obligations on Ministers and Assistant Ministers around announcements, including making important announcements in the

Assembly wherever possible, consulting with colleagues, and informing the Chief Minister of announcements in advance. This includes being able to amend the content of ministerial communications, although communication which does not involve Ministers or Assistant Ministers directly, and which relates to the States of Jersey administration only, will be approved by the relevant senior official responsible for the issue.

3.3 THE DEPUTY OF ST. JOHN OF MINISTER FOR SOCIAL SECURITY REGARDING HER DEPARTMENT'S INVOLVEMENT WITH CHRISTMAS PAYMENTS MADE TO THE ELDERLY BY A WELL-KNOWN LOCAL BENFACTOR: [WQ.130/2018]

Question

Further to reports that the criteria for Christmas payments to the elderly made by a well-known local benefactor are to be changed, will the Minister explain what plans, if any, there are for her Department to work with the benefactor in respect of the amended scheme and, in particular, will she advise –

- (a) whether it is planned that the Department will assist in identifying who is in receipt of Income Support and, if so, whether the permission of such recipients will be sought before the relevant information is made available to the benefactor; and
- (b) whether it is planned that the Department will take over administration of the distribution of the payments and, if so, whether distribution will continue to take place at Parish Halls?

Answer

I can confirm that officers from the Department are currently in discussions with the Sir David Kirch Charitable Trust regarding changes to Sir David's generous gifts to elderly islanders. These discussions are in relation to finalising operational details and their plans for distribution, which the Trust will communicate once they have concluded arrangements. I can confirm that there are no plans to transfer any customer data to the Trust.

3.4 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING REGISTRATION CARDS ISSUED TO PEOPLE WITH REGISTERED STATUS: [WQ.131/2018]

Question

How many registration cards for Registered status have been issued this year; and how many job vacancies accessible by people with Registered status have been available during this period?

Answer

The below table shows the total number of newly registered individuals who have obtained registration cards under the Control of Housing and Work Law (2012) since 1 January 2018.

Figures do not include individuals who are Jersey born or individuals under the age of 18 who are already resident but newly registering. Figures also only account for individuals who have been issued with a registration card.

2018	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	TOTAL
	240	208	241	314	340	337	341	295	2316

For the avoidance of doubt, these figures do not include individuals leaving Jersey, only new registrations.

Since 1 January 2018, there have been 4,227 vacancies advertised on the gov.je Jobs in Jersey page and Back to Work notice boards, of which 1,451 (34%) were advertised as being available to people with Registered status.

As at 30 June 2018, there were 10,241 total Registered permissions held by businesses. It is not possible to report how many vacancies may have been advertised through other channels since 1 January 2018.

3.5 DEPUTY S.M. AHIER OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE CLAIMANTS OF THE FOOD COSTS BONUS AND COLD WEATHER BONUS: [WQ.132/2018]

Question

Will the Minister inform the Assembly of the total number of people who are claiming –

- (a) the Food Costs Bonus;
- (b) the Cold Weather Bonus;
- (c) both the Food Costs Bonus and the Cold Weather Bonus;

and will she further advise how many of these claims are from people with a disability?

Answer

Benefit Type	Household in receipt from Sep-2017 to Aug-2018	Individuals in receipt from Sep-2017 to Aug-2018 who had an Long Term Incapacity Allowance (LTIA) / Invalidity (INV) claim at the time
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Food Costs Bonus	1130	62
Cold Weather Bonus	1009	28
Food Costs Bonus & Cold Weather Bonus	1009	28

The Food Costs Bonus and the Cold Weather Bonus are paid to lower income households who do not qualify for Income Support. The Cold weather Bonus is only available to people above pension age.

Disability benefits are paid under the Income Support scheme and are also provided to working age people through the Social Security Scheme (LTIA and INV Benefit).

The Department only holds records of disability associated with benefit claims and therefore only a small number of individuals are identified by cross matching benefits. The cross matches noted above relate to working age people claiming Food Costs Bonus and households that includes a pensioner and a working age person.

It is not possible to determine from benefit records the total number of people above pension age receiving these benefits who have a disability.

3.6 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR INFRASTRUCTURE REGARDING PROPERTIES WHICH ARE NOT CONNECTED TO THE MAIN SEWERAGE SYSTEM: [WQ.133/2018]

Question

Given that, in 2013, it was estimated that some 9% of properties (all in the country Parishes) were not connected to mains drains, will the Minister state what percentage of properties now fall in that category; and will he explain what plans, if any, there are to connect such properties to the main sewage system?

Answer

We currently have approximately 87% of the Island’s resident population connected to the foul sewer system leaving some 13% unconnected using tight tanks/soakaways or package treatment plants. Our aspiration is to increase the 87% connected to 90%. Unfortunately it will not be viable to connect all properties as the cost for very remote properties is extremely high.

Our priority has been building the new sewage treatment facilities at Bellozanne which will be completed in 2022. Our resources have been diverted into delivering this project. Equally important is maintaining our current infrastructure. We are undertaking a series of network refurbishments to prevent surface and ground water infiltration and free up capacity in the network.

We completely support and would like to carry out extensions to the network, however, understandably, we must ensure we do not overload our existing infrastructure. We are reliant on the availability of additional resources. Realistically we can only start to request these for 2020 onwards.

However, we do have to ensure there will be both treatment and network capacity to allow the network to be extended.

The waste water strategy which I took to the States for approval in 2014 gives details of how our network is to be extended and also gained States approval for funding in order to construct new sewage treatment facilities.

3.7 DEPUTY S.M. AHIER OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING PEOPLE IN RECEIPT OF THE LEVEL 3 PERSONAL CARE COMPONENT OF INCOME SUPPORT: [WQ.134/2018]

Question

Will the Minister inform the Assembly of the total number of people with disabilities who are currently in receipt of the Level 3 personal care component of Income Support?

Answer

As at 4 September 2018, there were 261 individuals allocated a level 3 personal care component as part of a valid Income Support claim.

3.8 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE JERSEY RECLAIM FUND: [WQ.133/2018]

Question

Will the Minister provide the latest figures for money currently held within, and so far claimed from, the Jersey Reclaim Fund, including any use of the Fund for the recovery of expenses in accordance with Article 27 of the Dormant Bank Accounts (Jersey) Law 2017?

Answer

Within the interpretation provisions of the Dormant Bank Accounts (Jersey) Law 2017 the Minister is defined as the Chief Minister, rather than the Minister for Treasury and Resources.

As at 31 August 2018, the sum of £4,876,650.53 was held in the Jersey Reclaim Fund. No claims for the return of moneys have been received from any bank since the inception of the Fund.

As at 31 August 2018, the only sum in respect of expenses deducted from the Fund is the sum of £1,316 in respect of investment management and bank charges.

3.9 DEPUTY R.J. WARD OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE PUBLIC SECTOR PAY AWARD FOR 2018: [WQ.136/2018]

Question

Given the latest published Retail Prices Index (RPI) figure for 2018 is 4.5%, will the Chairman provide –

- (a) the percentage, and precise number, of States workers offered a pay award for 2018 below RPI, including the non-consolidated element of the pay award;
- (b) the percentage, and precise number, of States workers offered a pay award for 2018 below RPI, excluding the non-consolidated element of the pay award;
- (c) a breakdown of the pay awards offered to each group of workers (as shown in the media release of 10th August 2018) by the percentage of States workers and the actual numbers of workers included within each pay award percentage band (e.g. 2% to 3%); and
- (d) the proportions and numbers for parts (a) and (b) for 2019 on the basis that RPI remains at 4.5%?

Answer

- (a) 5,797 States workers (86.1 %,) have been offered a pay award for 2018 below June 2018 RPI of 4.5%, including the non-consolidated element.
- (b) 5,797 States workers (86.1%) have been offered a pay award for 2018 below June 2018 RPI of 4.5%, excluding the non-consolidated element of the pay award.
- (c) The breakdown of the pay awards offered to each group of workers (as shown in the media release of 10th August 2018) by the percentage of States workers and the actual numbers of workers included within each pay award percentage band is presented below:

2018		2019		2018 and 2019	Total	
Consolidated %	Non-consolidated %	Consolidated %	Non-consolidated %	Total	Headcount	% of Workforce
Ambulance Service, Family Support Workers, Residential Child Care Officers, Youth Service (the four groups that accepted the workforce modernisation offer)						
6.88 average	-	3.84 average	-	10.72 average	159	2.4%
Manual and Energy from Waste workers						
4.6	-	3.3	-	7.9	795	11.8%
Doctors						
3	-	4	0	7	127	1.9%

2018		2019		2018 and 2019	Total	
Nurses and Midwives						
4.5 average	-	2.1 average	-	6.6 average	983	14.6%
Head Teachers, Deputy Head Teachers, Teachers and Lecturers						
2	1.1	2	1	6.1	934	13.9%
Uniformed Services (Fire, Police and Prison officers)						
2	1.1	2	1	6.1	374	5.6%
Civil Servants						
1	1.1	1	1	4.1	3,209	47.7%
Employees earning £100,000+						
0	0	0	0	0	23	0.3%

- (d) Pay offers are usually informed by the previous year's September RPI as part of the annual pay review process. The 2018/2019 pay offers were informed by the September 2017 RPI of 3.1% for 2018 and the Fiscal Policy Panel economic assumptions for a 2019 RPI of 3.0%. On the basis that RPI remains at 4.5% in 2019, 6,101 States workers (90.7%) have been offered a pay award for 2019 which is below this figure, both when including and excluding the non-consolidated element of the pay awards.

3.10 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE ADJUSTMENTS TO TUITION FEE AWARDS IN RESPECT OF HIGHER CHILD ALLOWANCE: [WQ.137/2018]

Question

Will the Minister advise –

- (a) how many families with students currently in their second or third year of university will see their tuition fee award for the 2018-2019 academic year reduced to reflect the value of the tax relief received through the Higher Child Allowance (HCA);
- (b) what the cost would be of not making these reductions; and
- (c) what plans, if any, there are to address the issue of HCA adjustments for tuition fee awards in the 2019-2020 academic year?

Answer

The department is still processing applications for student finance for the 2018/19 academic year and, therefore, the figures are changing on a daily basis. There are in the region of 170 applications still to be processed, however the following details can be provided in relation to applications processed to date:

- a) We are aware of 581 families to date which have had their tuition fee award for the 2018/19 academic year reduced to reflect the value of the tax relief received through HCA claimed for the 2017 year of assessment.
- b) The cost of not making this adjustment for the applications processed to date would be £1.15m.
- c) The adjustment for the HCA is part of the approved proposition, and therefore we would need to continue to apply this adjustment for the 2019 – 2020 academic year by reference to the benefit of HCA received in the 2018 year of assessment income tax liability. However, the department is taking steps to ensure that there is further publicity of the reduction in the fee award for the HCA adjustment.

3.11 SENATOR S.Y. MÉZEC OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE INTRODUCTION OF ONLINE VOTING: [WQ.138/2018]

Question

Following the adoption by the States of ‘Public Elections: electronic voting’ (P.10/2016) and the agreement to introduce online voting, will the Chairman advise what progress has been made towards the introduction of online voting for the 2022 election and what the timetable is for having a fully secure system tested and in place?

Answer

On 22nd March 2016 the Assembly agreed:

to request the Privileges and Procedures Committee (PPC), in conjunction with the Comité des Connétables, and other government bodies as appropriate, to research and trial electronic voting systems in order to introduce –

- (a) methods for electronic voter registration; and
- (b) safe and secure mechanisms to enable eligible voters, who wish to do so, to vote electronically, as soon as practicable;
- (c) and to report progress to the States annually.

PPC subsequently lodged a [draft Law](#) to permit electronic voting to be introduced for elections and referenda by Regulations, which was adopted by the Assembly in July 2016.

PPC published [consultancy work](#) on the practicalities of introducing automatic electoral registration, based on data already held by the States, in December 2016.

PPC’s 3-year strategy for engaging the public with Jersey’s democracy, presented in January 2017, said that:

In relation to public elections, we will ensure that people can register to vote using an online form from autumn 2017, and we will continue work on introducing automatic electoral registration with a view to the new system being implemented in 2018–2019. We will also develop proposals for the introduction of online voting for further discussion by the Assembly by 2020.

Regulations to permit people to register to vote by means of an online form were lodged by PPC in January 2018 and adopted by the Assembly in February 2018. These Regulations permitted online registration in time for the May 2018, although the electoral registration system remains in all other respects paper-based. As the report accompanying the Regulations made clear, online registration is an interim step ahead of the introduction of automatic electoral registration. The States Greffe's [business plan](#), presented in March 2018, said:

We will work with the Comité des Connétables to introduce an online method of registering to vote which we will encourage people to use in the run-up to the election. We will continue to work with the Comité and the e-gov programme on the introduction of automatic electoral registration.

On 24th August 2018 I wrote to the Chief Minister on the subject of electronic voting alerting him to the following:

That a PPC Sub-Committee is busy preparing a response to the CPA Electoral Observers' Mission report; and

That to be Venice compliant it's imperative this work is completed in two years, so that changes to the relevant legislation can pass through the Assembly in advance of the recommended cut-off period, 12 months prior to an election.

The letter drew the Chief Minister's attention to the following,

Recommendation 5. The States of Jersey should undertake a review of its voter registration system and among other explore the feasibility of a transfer to a digitalized system – if possible linked to a public register of personal records – allowing Island-wide cross-checks for multiple registration and to perform controls of voters' eligibility criteria (residency requirements), and to allow voters in a sufficiently secure manner to check online if they are registered to vote.

Recommendation 6. Efforts to encourage the Island's eligible population to register to vote and to take part in elections should continue, including by outreach to ethnic minority communities in their preferred languages. If a review of the voter registration system is undertaken, it should assess if active voter registration and the complex voting system (see under Election Day) act as barriers to greater political participation and representation.

I explained that these two recommendations are linked to the introduction of the 'People Directory' which I understood to be going live this year but which has yet to reach fruition and that this is an integral part of the electoral system as a centralised digital register would remove several layers of complexity from the existing process and allow voting to take place in a wider range of public venues.

I stated that if it is unlikely that we can rely on a robust electronic registration system being in place for 2022, we will need to consider alternative amendments to the existing Law in order to facilitate easier access to the registration and voting process.

The Chief Minister was asked to provide PPC with a progress report and advise what realistic prospect there is of the People Directory being in place within the next two years.

It was also suggested that a contact for future reference might be helpful, i.e. if someone other than the Chief Minister is taking responsibility for digital delivery.

The introduction of automatic electoral registration is dependent on the successful launch of the People Directory and associated legislative change, which are the responsibility of the e-gov programme. In addition, changes will be required to the Public Elections Law, which PPC stands ready to bring forward. Assuming that the People Directory is successfully launched during 2018 or 2019 it *should* be possible to introduce automatic electoral registration fully in time for the 2022 election which, I personally believe must not be a repeat of an unreformed 2018 election.

The States Greffe has undertaken some research on experience with online voting in a number of other jurisdictions. However, the introduction of online voting can only be considered when electoral registers are available electronically and there is a secure method for authenticating the identity of voters. The Committee will also need to consider the desirability of introducing online voting given experience elsewhere and the absolute priority which must be given to maintaining the integrity of the electoral system. Given these factors, is online voting a realistic prospect for the 2022 election? Questionable. Is electronic registration achievable by 2022? A must.

Until PPC is in receipt of a response from the Chief Minister the questioner is better placed than I to assess whether the requisite political will exists in the Council of Ministers to drive through, with energy and momentum, delivery of the **People Directory**, which represents the first essential step in improved voter engagement.

3.12 SENATOR S.Y. MÉZEC OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING A BREAKDOWN OF HONORARY POLICE OFFICERS BY PARISH AND BY AGE: [WQ.139/2018]

Question

Will the Chairman publish the number of people currently serving as honorary police officers, broken down by Parish and the following age brackets?

20-29

30-39

40-49

50-59

60-69

Answer

Parish	20-29	30-39	40-49	50-59	60+ *
St Brelade	1	4	2	4	5
St Clement	7	1	5	5	2
Grouville	1	3	2	1	7
St Helier	5	8	5	6	11
St John	-	-	4	5	6
St Lawrence	-	1	-	5	3
St Martin	1	4	1	2	8
St Mary	2	3	2	2	5
St Ouen	1	3	4	6	3
St Peter	-	5	3	5	1
St Saviour	-	3	5	7	3
Trinity	1	1	2	5	9
Total	19	36	35	53	63

* To be nominated for election as a member of the Honorary Police a person must, on the day of nomination, be at least 20 years of age and less than 70 years of age.

However, serving members of the Honorary Police who have attained the age of 70 may stand for re-election to the same office for one further and final term. Whilst still in office they may also stand for election to a different office within the Honorary Police. A person over the age of 70 elected to a different office cannot on the expiry of that term office be re-elected to serve a further term or whilst still in office be elected to a different office.

The age band of 60-69 has therefore been amended to 60+ to include members of the Honorary Police who have been elected in accordance with the above provisions.

**3.13 SENATOR S.Y. MÉZEC OF THE CHAIRMAN OF THE COMITÉ DES
CONNÉTABLES REGARDING THE RECENT ELECTIONS FOR PROCUREUR DU
BIEN PUBLIC: [WQ.140/2018]**

Question

Further to this year's elections to the office of Procureur du Bien Public, will the Chairman advise –

- (a) how these elections were promoted by the Parishes in advance of the nomination meetings, beyond any statutorily required notice in the Jersey Gazette;
- (b) what the results of these nomination meetings were;
- (c) before this question was submitted, what notifications, if any, were published by the Parishes to announce the results of these nomination meetings; and
- (d) what plans, if any, does the Comité have to improve public engagement with elections for Procureur?

Answer

There are two **Procureurs du Bien Public** in each Parish; each serves a 3-year term of office and one is elected every 18 months.

The Procureur du Bien Public acts as a public trustee and is elected at a public election. They maintain an oversight of Parish finances and –

- have a duty to represent the Parish in the care of Parish property;
- have a duty to report to the Principals and Officers of the Parish any matter concerning the public property of the Parish, or the application of the income of the Parish, about which the principals and officers should be made aware;
- must carry out duly considered instructions of the Parish Assembly or officers even if they disagree with their wisdom and
- may seek guidance of the Royal Court on the meaning or legality of any such instructions.

The Procureur du Bien Public must swear an oath of office in the Royal Court. The oath, set out below, is contained in the [Code of 1771](#) and is also shown [in translation](#)

SERMENT DES PROCUREURS DE PAROISSE

VOUS jurez et promettez par la foi et serment que vous devez à Dieu, que vous exercerez la charge de Procureur du bien public de la Paroisse de.....; que vous le conserverez et augmenterez comme le votre, et mieux s'il vous est possible; que vous vous réglerez par le bon conseil et avis des Principaux et Officiers, et des Chefs de Famille de ladite Paroisse; et ferez généralement tous autres devoirs qui dépendent de ladite charge.

OATH OF THE PARISH PROCUREURS

YOU swear and promise by the faith and oath that you owe to God, that you will discharge the office of Procureur du bien public of the Parish of; that you will conserve and augment the property of the Parish as you would your own, and more so if you are able; that you will in the execution of your duties take heed of the advice and counsel of the Principals and Officers, and Chefs de Famille of the said Parish; and that you will generally discharge all other duties appertaining to the said office.

In answer to the specific questions –

- (a) The parishes use a range of methods to promote nomination meeting dates. These include –
- Church box notice
 - Parish website
 - Parish Hall notice boards or notice box either within or outside the Parish Hall/Town Hall
 - Social media where available e.g. St Helier Facebook page and Twitter; Jersey Gazette online notices are also fed to Twitter
 - Screen at Charing Cross, St Helier – abbreviated version of St Helier nomination meeting notice
 - Notice in Jersey Evening Post (as a ‘public notice’; the Jersey Gazette is now online)
 - Email to those who have requested notification of parish meetings. Some parishes maintain a list for this purpose; in addition the Jersey Gazette is now online and islanders may request email notification of Parish notices
- (b) A person was proposed for election as Procureur du Bien Public at every nomination meeting; the results will be reported to the Royal Court, in accordance with the Court order for the elections, when those elected will take the oath of office (14 September 2018). Those elected or re-elected are as follows:

Parish	Procureur du Bien Public elected or re-elected
St Brelade	Arthur Morley re-elected
St Clement	Susan Pearmain re-elected
Grouville	John Lamy re-elected
St Helier	Peter Pearce re-elected
St John	Michel Larose re-elected
St Lawrence	Bruce Harrison re-elected

St Martin	Lester Richardson re-elected
St Mary	Daniel Reed re-elected
St Ouen	Royston Le Bas elected
St Peter	Christopher Benest elected
St Saviour	Charles Le Quesne elected
Trinity	Peter Williams re-elected

- (c) The result of the nomination meetings were announced at the conclusion of each meeting. A Jersey Evening Post reporter telephoned one parish and was informed of the result. The St Helier result is also on the [Parish of St Helier website](#). Because of the timing of the issue of Parish magazines, the results will be included in future editions.
- (d) The Comité will be considering policy issues at forthcoming meetings, including publicity for parish elections generally, to improve public engagement.

3.14 SENATOR S.C. FERGUSON OF THE MINISTER FOR SOCIAL SECURITY REGARDING UNEMPLOYMENT STATISTICS: [WQ.141/2018]

Question

Will the Minister advise –

- (a) how many people are currently on the Back to Work scheme;
- (b) how many people are currently listed as actively seeking work;
- (c) how these two sets of figures reconcile with unemployment figures published by Statistics Jersey; and
- (d) whether it is possible for someone of working age to have ceased working, or to have ceased looking for a job, and not to appear in records maintained by her Department in respect of unemployment and job seekers?

Answer

- (a) As of the end of quarter 2 (June 2018) there were 820 people registered with Back to Work as actively seeking work (ASW). The Back to Work teams also provide some specialist services to people who are not registered as actively seeking work.
- (b) There were 820 actively seeking work (ASW) jobseekers as at the end of June 2018
- (c) Statistics Jersey publish two unemployment indicators for Jersey:

- registered unemployment: the number of people registered as actively seeking work (ASW) with the Social Security Department – this data is provided by Back to Work and then independently analysed and published by Statistics Jersey
- the International Labour Organisation (ILO) unemployment rate: the number of registered unemployed as well as people not registered but still seeking work

(d) Yes, there will be working age people who are not working but not registered as actively seeking work and therefore not recorded as part of the unemployment statistics. This will include people with long-term health conditions, people who have retired early, and people who are looking after a family or caring for a relative.

It is important to note that unemployed Jersey residents are not required to register as ASW (there are however certain requirements for those in receipt of Income Support).

The registered unemployment numbers published by Statistics Jersey therefore constitute an informative set of indicators demonstrating the level of individuals registered as actively seeking work in the island at a given point in time. The internationally comparable unemployment rate is defined by the ILO. This includes both the registered unemployed and those not registered but still seeking work.

Statistics Jersey publish the ILO unemployment rate for Jersey. It is measured by the Annual Social Survey, the Household Spending and Income Survey and the Census. In recent years, the ILO unemployment rate for Jersey has been:

- 4.7% in March 2011, measured by the 2011 Jersey Census, corresponding to 2,570 people being unemployed and looking for work in March 2011
- 5.7% in June 2013, measured by the 2013 Jersey Annual Social Survey, corresponding to 3,200 people being unemployed and looking for work in June 2013
- 4% in the period of April 2014 to May 2015, measured by the 2014/2015 Household Spending and Income Survey, corresponding to 2,500 people being unemployed and looking for work

3.15 DEPUTY C.S. ALVES OF ST. HELIER OF THE CHIEF MINISTER REGARDING INDIVIDUALS APPLYING FOR ENTITLED STATUS BEFORE COMPLETING 10 YEARS OF ORDINARY RESIDENCE IN JERSEY: [WQ.142/2018]

Question

Will the Chief Minister advise –

- how many individuals have applied for Entitled status in the last 5 years before reaching 10 years of ordinary residence in the Island;
- how many of these people were granted Entitled status; and

(c) what the reasons were for granting Entitled status in such cases?

Answer

The following table outlines applications in 2014, 2015, 2016, 2017 and 2018 to date for “entitled” status on the grounds of hardship under the Control of Housing and Work (Jersey) Law, 2012, and how many were granted:

YEAR	APPLICATIONS MADE	GRANTED
2014	41	10
2015	36	14
2016	42	16
2017	43	15
2018 (to 04/09/2018)	37	20

The reasons for granting “entitled” status on the grounds of hardship fall under the following headings, in line with published policy guidance:

- Relationship breakdown
- Death of a spouse
- Medical reasons
- Accommodation related
- Extended absences/ Broken residence

The following table outlines applications in 2014, 2015, 2016, 2017 and 2018 to date for “entitled” status on social and/ or economic grounds under the Control of Housing and Work (Jersey) Law, 2012, and how many were granted:

YEAR	APPLICATIONS MADE	GRANTED
2014	20	20
2015	20	20
2016	17	17
2017	36	34
2018 (to 04/09/2018)	12	9

No other applications for entitled status were made or approved.

3.16 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING DIAGNOSES OF MESOTHELIOMA: [WQ.143/2018]

Question

Will the Minister state –

- (a) how many diagnoses of mesothelioma there have been in the last 10 years; and
- (b) what the average life expectancy is of those who have been diagnosed in Jersey?

Answer

- (a) The States of Jersey does not maintain a central disease register for non-notifiable diseases and is therefore unable to provide the total number of cases of mesothelioma diagnosed in Jersey in the last 10 years.

We are able to provide the number of patients who have been admitted as an inpatient (for any reason, related or not) who had a diagnosis of mesothelioma coded.

Health and Community Services code acute inpatient diagnoses. The table below shows the total number of unique patients (by year) with mesothelioma who had an inpatient episode.

It is important to note that these episodes may not have been directly related to mesothelioma. For example, if a patient with mesothelioma was admitted for an orthopaedic trauma, they would be counted in the table below.

There were a total of 32 unique patients with a diagnosis of mesothelioma who had an inpatient episode within the timeframe below. The same patients could appear in different years.

	2011 (from June)	2012	2013	2014	2015	2016	2017
Number of unique patients	6	6	8	10	6	9	11

Data are available from June 2011 which was when the hospital patient administration system (TrakCare) was implemented. Data are reported up to the end of 2017 as there are respiratory episodes still to be coded from 2018.

- (b) There are no local statistics available for mesothelioma survival or life expectancy because there are not enough cases locally to calculate survival data accurately. However, it is unlikely

that the survival/ life expectancy of Jersey patients will be greatly different from patients elsewhere. Information from both the UK and America shows that:

- the average mesothelioma life expectancy ranges from 12 to 21 months from the date of diagnosis
- survival rates are higher in those diagnosed under 50 years old and lowest in those aged 75 years and over when diagnosed
- women have better survival rates than men
- survival rates for peritoneal mesothelioma (tumour originating in the abdominal lining) patients is more than five times higher than the rate for pleural (tumour originating in the lung lining) patients.

Survival rates are affected by the age and sex of the patient, the type of mesothelioma and the stage at diagnosis and can change as both new and standard mesothelioma treatments are developed.

Useful references:

Mesothelioma life expectancy – **Mesothelioma Group**

<https://www.mesotheliomagroup.com/mesothelioma/prognosis/life-expectancy/>

Mesothelioma statistics – **Cancer Research UK**

<https://www.cancerresearchuk.org/health-professional/cancer-statistics/statistics-by-cancer-type/mesothelioma>

Changing Pattern in Malignant Mesothelioma Survival Study – **National Center for Biotechnology Information (NCBI)**

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4350634/>

3.17 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING COMPLAINTS IN RESPECT OF AGGRESSIVE OR DANGEROUS DOGS: [WQ.144/2018]

Question

Will the Minister advise –

- (a) how many complaints, if any, there have been regarding aggressive or dangerous behaviour by dogs towards other dogs or people in the last 5 years;
- (b) how many of these complaints, if any, have resulted in court proceedings; and
- (c) how many of any such proceedings have been awarded in favour of the complainant?

Answer

a. 2013 for the following offences:

- 57 incidents where the owner or somebody else walking the dog(s) has failed to keep control of the dog(s) and they were alleged to be dangerously out of control;
- 10 incidents of dogs worrying livestock;
- 3 incidents recorded under the Policing of the Beaches (Jersey) Regulations 1959 where a dog or dogs rush at, worry or otherwise interfere with the safety, comfort or convenience of another.

b. SOJP have recorded that 10 of the complaints were proceeded with at Court.

c. Rather than proceedings being awarded in favour of the complainant, there have been occasions where the Court has found that a dog is not under proper control and has made appropriate orders to keep the dog under proper control.

For context, up until 2016 all applications came by way of representation by an aggrieved person and the Court could only place an order on the dog – it was only after a breach of such an order that the owner became subject to a criminal offence.

In 2016 the States Assembly approved specific offences to deal with dog owners and/or carers, with the ability to place orders on dogs – these offences were brought by the Attorney General. The Magistrate can either order that the dog be destroyed or kept under proper control – with or without conditions. The table below shows the number of control and destruction orders made since 2014.

	2014	2015	2016	2017	2018
Control Order	0	2	1	3	1
Destruction Order	-	-	-	-	-

3.18 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RESCHEDULING OF CANNABIS UNDER MISUSE OF DRUGS LEGISLATION: [WQ.145/2018]

Question

What is the Minister's assessment of the finding of 'Cannabis: The Evidence for Medical Use' (i.e. the Barnes Report) that "*cannabis does have medicinal value and continuing placement of cannabis under Schedule 1 of the Misuse of Drugs Act, which thus states it is of no medicinal value, is inaccurate and misleading*"; will he undertake to re-visit the scheduling of cannabis under Jersey law; if not, will he explain why not; and, if so, will he state when cannabis will be removed from Schedule 1 of the Misuse of Drugs (Jersey) Law 1978?

Answer

The Barnes Report continued in the following sentence to state: "*We consider that the evidence firmly suggests that cannabis should be a legal product for medicinal use, as long as the quality of the*

product is guaranteed and the supply chain secured and that medicinal users are, as far as possible and practicable, entered into long term studies of both efficacy and side effects.”

The advice received from the Misuse of Drugs Advisory Council (MDAC), partly in response to the Barnes Report but also other reviews as well, was to reschedule specified cannabis-derived products which satisfy the requirements of quality in order that they could, where deemed clinically appropriate, be prescribed for patients. This is what is being done.

Should new evidence become available and MDAC advises that cannabis in its entirety should be rescheduled then I would be willing to review the position. In the meantime, I will consider the adoption of the proposed generic definition of cannabis-derived medicinal products being developed by the UK as soon as it is available and place this definition in the appropriate schedule as advised by MDAC.

3.19 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE IMPACT OF CHANGES TO SOCIAL SECURITY CONTRIBUTION RATES: [WQ.146/2018]

Question

What would be the estimated change in yield were the rate of Social Security contributions changed to –

- (a) 5% for both employee and employer, with no cap; and
- (b) with only employee contributions at 5%, with no cap?

Answer

Contributions from working age adults are due on earnings up to pre-defined earnings ceilings, which are set on an annual basis. In 2017 these limits were set as follows:

A contribution rate of 12.5% is payable on all earnings up to the Standard Earnings Limit (SEL) of £50,160 per year. For Class 1 contributors (employed) the 12.5% liability is split between the employer (6.5%) and the employee (6.0%). Class 2 contributors (self-employed and others not in paid employment) are liable to pay the full 12.5%.

A contribution rate of 2% is payable on earnings between the SEL and the Upper Earnings Limit (UEL) of £165,939 per year. Employers and Class 2 individuals are liable to pay the 2% contribution.

Monthly Earnings Limit	Amount per Month
Upper Earnings Limit (UEL)	£13,828
Standard Earnings Limit (SEL)	£4,180

Contributions Rates Modelled

Contributions Class	Contributor	Baseline	Scenario A	Scenario B
Class 1	Employee	6.0%	5.0%	5.0%
	Employer	6.5%	5.0%	6.5%
Earnings Limit		No Change	No UEL/SEL	No UEL/SEL

Analysis based on taking 2017 Class 1 contributions collected, and applying the scenarios above to show difference in yield with different Contributions rates up to the current UEL.

Contributions up to UEL

Scenario	Class 1 Contributions	Class 2 Contributions	Total Contributions
Baseline	£192,929,000	£19,914,000	£212,828,000
Scenario A	£178,698,000	£19,914,000	£198,612,000
Scenario B	£206,204,000	£19,914,000	£226,118,000

To estimate contributions above the current UEL Tax data for 2016 has been used to determine the amount of earnings that would be above the current UEL level to which the scenario percentages can be applied. Tax data does not include the individual's contributor class and has been scaled to class 1 contributor values.

2016 Tax Data	Scenario A	Scenario B
Est. Contributions above UEL		
<i>Employee</i>	£6,132,000	£6,132,000
<i>Employer</i>	£6,132,000	£8,132,000

Yield Comparison

Scenario	Class 1 Contributions up to Current UEL	Est. Class 1 Contributions above Current UEL	Class 2 Contributions	Total Contributions	% Yield from Baseline
Baseline	£192,929,000	-	£19,914,000	£212,828,000	100.0%
Scenario A	£178,698,000	12,263,000	£19,914,000	£210,875,000	99.1%
Scenario B	£206,204,000	14,103,000	£19,914,000	£240,221,000	113.9%

The estimates do not take into account any changes in individual or business behaviour, or any wider economic impacts, that might result from changing the current contributions structure.

Estimates of contributions on earnings above the UEL are based on income tax data for 2016. These estimates are less certain due to variations arising from the ways in which income and earnings are defined.

In addition, the contributions estimates for the highest earners are based on a small number of people. Any changes in the number of these people could have a disproportionate impact on the estimate and the actual sum achieved will be subject to considerable variation.

3.20 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING ENGAGEMENT WITH HOSPITAL STAFF IN RESPECT OF THE NEW HOSPITAL: [WQ.147/2018]

Question

Will the Minister advise members in detail of the nature of his Department's engagement with hospital staff regarding the building of the new hospital on the existing site, including, but not restricted to, details of –

- (a) the number and nature of any briefings on the proposals, including who was involved and the number of people participating;
- (b) the number and nature of any meetings to discuss the minimisation of noise, dust, and vibrations, including details of who was involved; and
- (c) any written consultation with staff and details of the response to that consultation?

Answer

- (a) **the number and nature of any briefings on the proposals, including who was involved and the number of people participating;**

In relation to *engagement* with staff, this is summarised in an appendix submitted as part of the Future Hospital Planning Public Inquiry to be held 17-21 September 2018. These appendices are in the public domain and can be found on the planning inquiry website:

<http://www.hwa.uk.com/site/wp-content/uploads/2018/05/CN03-Future-Hospital-Stakeholder-Engagement-summary-2014-2018-Rev06.pdf>

In summary, this document sets out an extensive engagement programme, starting from January 2016 to the present day and covers:

- site options
- engagement about preferred site and implications for wider health and social care system
- progression of planning application and early works
- practical implications and mitigation for relocation and construction
- detailed engagement on clinical requirements and floor / room planning.

Since January 2016, members of the Future Hospital project team have held more than 160 separate meetings with approximately 850 hospital staff to give them information, answer questions, hear their views and discuss concerns and requests.

Since April 2016, approximately 800 staff attending the mandatory HSSD Staff Induction have received a briefing from the Future Hospital Project Director on the project, including site selection and design progress. All those attending had the opportunity to ask questions.

The team has also held 17 drop-ins at the General Hospital involving approximately 650 staff, where people could speak directly to the project director, planning advisor and construction advisors.

The project team meets regularly with the Medical Staff Committee, the consultant body, and further meetings have taken place with ward sisters, porters, housekeeping staff, administrative and training staff, midwives and intensive care staff.

(b) the number and nature of any meetings to discuss the minimization of noise, dust, and vibrations, including details of who was involved;

In relation to meetings to discuss the mitigation and management of noise, dust and vibrations there are a number of key meetings where these matters have been discussed:

Medical Staff Committee

All Health and Community Services consultant medical staff are invited to the Medical Staff Committee. Since the start of 2016, the Future Hospital project team has attended 11 of these meetings to provide a forum for discussion on issues which included noise, dust and vibration. Some 40 or so consultants attend each meeting.

Infection Control Team

Project directors, including our construction advisors, have met the lead infection control doctor and lead infection control nurse to look specifically at how dust and other building-related contamination would be controlled during demolition and construction of the new hospital. The J3 Project Director

shared experience of working on other hospital schemes where construction was carried out on an existing site safely.

Future Hospital Safety Leadership Team Meeting

This committee was set up to develop the necessary policies and procedures to guide safe demolition, construction of the buildings and the safe operation of the hospital throughout the programme of work. It comprises members of the Project Team and Health staff, including infection control staff. There have been two meetings to date.

The Committee comprises:

- Project construction team
- Project client team
- Lead infection control doctor
- Lead infection control nurse
- Health and Safety Manager – Health and Social Care
- Health and Safety Manager – Growth, Health and Environment
- Head of Estates – Health

Staff ‘Drop-Ins’

17 drop-ins between January 2016 and September 2018 have given approximately 650 staff an opportunity to speak directly to team members about construction disturbance.

Future Hospital Neighbourhood Forum

The Hospital Neighbourhood Forum has met three times since July 2018. This forum is for people living and working near or in the hospital and is intended to directly address the practical implications of the construction project. Hospital staff are invited to attend this forum. Future Hospital construction advisors J3 have attended all three meetings held to date and provided detailed and comprehensive answers to the many public questions and concerns about potential noise, dust and vibration during the project. These meetings will continue monthly throughout the project.

(c) any written consultation with staff and details of the response to that consultation?

In relation to written consultations with staff, the States of Jersey Consultation Code of Practice advises: *“Only consult if change is possible. Public participation includes the expectation that people’s contribution will influence the outcome, so only consult if there is scope for change.”*

The Council of Ministers’ preferred option was approved by the Assembly (P110/2016) in December 2016 and an Outline Business Case was developed and subsequently approved by the Assembly in December 2017 (P107/2017).

To consult staff after December 2016 where there was no scope for change of site and raise their expectation that their contribution would influence site choice would have been disingenuous and contrary to accepted consultation best practice and the States of Jersey consultation code of practice.

3.21 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING POLICY IN RESPECT OF CIVIL SERVANTS FOUND TO HAVE LIED TO STATES MEMBERS OR THE PUBLIC: [WQ.148/2018]

Question

Will the Chief Minister advise members what action would be taken under existing policy against any member of the civil service who was found to have lied to States Members and the public, and who would either not admit errors or who covered up their actions; and if such actions would not result in the employee's dismissal, would he be prepared to make such actions result in the commencement of dismissal proceedings?

Answer

The States of Jersey as an employer, has well established procedures and policies dealing with such matters. For example the Civil Service Code of Conduct and the disciplinary procedure.

Complaints against members of staff are taken very seriously, and there are clear protocols for dealing with such matters, at departmental level, depending on the nature of the complaint.

In the event that disciplinary action is appropriate, the procedure lays out the necessary steps, investigation, and evidence gathering needed in order to proceed with a formal hearing. When a referral is made to a professional body, then that organisations procedures will also take effect.

It is for the Head of the Public Service, under the delegated powers of the States Employment Board and associated Codes of Conduct to ensure the effective implementation of the procedures.

3.22 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE OUTSOURCING OF SERVICES BY THE DEPARTMENT: [WQ.149/2018]

Question

Further to the Minister's responses to Written Questions 82/2018 and 121/2018, which showed a reduction of 88 staff employed within Parks and Cleaning Services, will the Minister state –

- (a) how many staff were engaged by outsourced companies to deliver parks and cleaning services, the hourly rates of pay that those staff were engaged on, and any differences in comparison with States rates of pay;
- (b) any other differences in terms and conditions that exist between those outsourced workers and those previously employed by the States; and
- (c) what arrangements are in place, if any, to provide a break clause in the 5-year contract duration of the new provision?

Answer

- a. The Department does not hold, nor have access to, the information requested.

Whilst the tenderers were required to give general indications on expected staff numbers and terms and conditions of employment in order to demonstrate whether the company was a 'Responsible Employer', the full contractual terms and final numbers for individuals employed by service providers was outside of the procurement process and is commercially confidential between the private sector employers and their staff.

As set out in a previous response:

A 'Responsible Employer' in this sense is an employer:

- that can demonstrate a track record of compliance with employment legislation;
- is not reliant upon the need for employment licenses to fulfil the services they are tendering for;
- committed to the delivery of appropriate training and the development of skills as befits the role;
- that has policies and processes consistent with the responsibilities they have as employers under the relevant legislation; and
- that uses terms and conditions of employment appropriate to the sector they are operating in.

If the question is intended to relate specifically to former DfI staff being employed by successful contractors, then at the time of outsourcing within Cleaning Services and Parks & Gardens the department proactively set up introductory meetings between employees and the contractors. The contractors did not provide the department with information about the numbers of former States of Jersey employees they contracted with. The department does not have information regarding the contractual arrangements between former States of Jersey employees and the contractors.

- b. As we do not hold the information as explained in the above answer to question (a) we are unable to answer question (b).
- c. In general the contracts term is for a 3 year initial term with the possibility of a further extension of 2 years in annual increments at the Client's discretion and dependant on performance. The contract term does not prejudice the Client's right to exercise any of the remedies for poor performance nor any break for convenience clause that may exist within the contract.

4. Oral Questions

4.1 Deputy K.G. Pamplin of St. Saviour of the Chief Minister regarding Article 20 of the Dormant Bank Accounts (Jersey) Law 2017: [OQ.107/2018]

Will the Chief Minister advise when a proposition to bring Article 20 of the Dormant Bank Accounts (Jersey) Law 2017 into force will be brought to the States for scrutiny and debate; and if that is no longer the intention, will he explain why?

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

Article 20, which deals with the distribution of monies will be brought forward before the end of the year as an Appointed Day Act. Also that will be done in consultation with the Economic Affairs Scrutiny Panel.

4.2 Deputy S.M. Wickenden of St. Helier of the Chief Minister regarding legacy issues he had dealt with since taking office: [OQ.106/2018]

Will the Chief Minister agree to provide by the end of the week Members with a list of all the legacy issues he has been dealing with since taking office and will he say which he thinks are the most significant for the Island?

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

In short, the answer is no, I shall not be providing a list by the end of the week. However, we are facing a number of issues that have arisen from pieces of work and all matters that have arisen or taken place over the last few months. What I will be doing is I will be arranging a briefing for all States Members after half-term so that Members can be fully informed on such issues. I hope that helps the Deputy.

4.2.1 Deputy S.M. Wickenden:

I would like to ask the Chief Minister if he agrees that the term ‘legacy issue’, which is what we have heard over the whole of the summer holidays of what work the Chief Minister has been undertaking, is very un-descriptive and very unhelpful for areas of Back-Benchers and Scrutiny to be able to know what is being done within the Council of Ministers.

Senator J.A.N. Le Fondré:

I am not entirely sure I understood the question. If Deputy Wickenden wishes to know what the issues are that we are facing, absolutely no problem in him asking for a briefing. There are a variety of issues, which range from Children’s Services, as should have been evident from last week, to mental health provision, to organisational cultural change, and on a deadline date, the fact that we have to get the Common Strategic Policy in place by 4th October. However, some of the issues that come around with that, around things like adequacy of financial governance, related systems and process, are the foundations of what we want to do about cultural and organisational change. There are issues arising out of that. They are still being identified as part of what you might call the due diligence that has been going on. That is what I think Members should be briefed on in a far more formalised process where they are able to ask very detailed questions, and that is what I am going to arrange for after half-term.

4.3 Deputy K.F. Morel of the Minister for Treasury and Resources regarding the supplier of janitorial; supplies to the States of Jersey: [OQ.111/2018]

Will the Minister confirm whether a supplier has been chosen following the tender process CP15/01/377, aimed at finding a supplier of janitorial supplies to the States of Jersey; and, if so, will the Minister tell the Assembly the name of that supplier?

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

There are 2 parts to this question, so I will do it in 2 sections. The first part: “Will the Minister confirm whether a supplier has been chosen following the tender process?” A company has been selected as preferred supplier following an open competitive tender process to supply cleaning products to the States of Jersey. This contract does not include cleaning staff. The contract is at an advanced stage but it has yet to be executed. The contract will reduce the cost of cleaning products to the States of Jersey by between 10 and 15 per cent a year, and deliver about £100,000 worth of savings per annum. To address the second part of the question: “Will the Minister tell the Assembly the name of that supplier?” The preferred supplier is Tower Supplies, a U.K. (United Kingdom) based company. They already have an on-Island presence. In order to fulfil this contract all bidders for this contract rely on importing cleaning products from the U.K.

4.3.1 Deputy K.F. Morel:

Please could the Minister explain upon which criteria the bidder was successful? Was it price or were there other factors? And confirm whether the effect on the current local suppliers and their contribution to the Island's economy was considered when making the decision?

Deputy S.J. Pinel:

Yes, there were at least 3 - I think it was 5 - applicants for the contract, which was narrowed down to 3, and everything was considered. As I say, there is no effect other than the cost of the products because it does not involve any cleaning services involving people; only the product price, which was about £100,000 per year cheaper than one of the competitors.

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

Could the Minister for Treasury and Resources explain what structure is involved here? Is there a company taxable in Jersey involved in this successful bid or will any taxation go to a mainland company?

Deputy S.J. Pinel:

Tower Supplies are a U.K. company but, as I mentioned in my opening remarks, also have an on-Island presence already. They will be paying tax in the U.K.

Deputy G.P. Southern:

Could the Minister just clarify, I did not hear the last bit of that. I was looking for: where is the tax payable?

The Deputy Bailiff:

The Minister said tax in the U.K.

4.3.3 Deputy M. Tadier of St. Brelade:

Was any consideration given to the loss of tax by choosing a U.K.-based company over a Jersey-based company who the ultimate distribution of profits will be paid in Jersey? If not, why not?

Deputy S.J. Pinel:

I was not part of the committee that did the tenders and so I am not sure of all the details. But of the original 8 tenders, 4 were U.K. and 4 were Jersey. Of course consideration was given to that but when it is purely products that are brought in from the U.K. not involving people, and it is £100,000 less than the nearest tender, then that was seen to be an obvious choice.

4.3.4 Senator S.C. Ferguson:

Will the Minister confirm how many of the people who tendered pay tax in Jersey, because most companies in Jersey pay no tax whatsoever?

Deputy S.J. Pinel:

I thought I just answered that. Of the 8 final bids, out of a huge expression of interest in the first place, 4 were U.K. and 4 were local suppliers, so local suppliers would have been probably paying tax, depending on which company it was.

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

Could the Minister tell us how many local jobs may be lost as a result?

Deputy S.J. Pinel:

This is a tender for products, a contract for products, not cleaning people, as such. There may be a maximum of 2, but we do not know yet.

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

Just to clarify the Minister's remarks. Will she confirm that no companies are paying tax in this particular instance because the only companies who pay tax in the Island are financial services companies and utilities? All the other companies do not directly pay tax. Is that not correct?

Deputy S.J. Pinel:

I really thought I had answered that question. This is just a company that imports cleaning products from the U.K. and they were accepted from their tender because they were £100,000 less than the competing tenders.

4.3.7 Deputy G. P. Southern:

What calculation was done, in addition to the £100,000 saving on costs directly to the States, on the missing taxation through any beneficial owner based in Jersey?

Deputy S.J. Pinel:

People keep mentioning the tax, but the Jersey-based company that was employed before would have been paying a tax; I do not know what it was, because I was not part of the committee that interviewed or the board that interviewed the applicants. But the tax that would be payable would be considerably less anyway than the £100,000 worth of saving on the products.

4.3.8 Deputy K.F. Morel:

Given that the original contract start date was meant to be December 2017, and we are now 9 months past that, could the Minister inform the Assembly whether the choice of an off-Island supplier has led to that delay and whether, given that other local companies are having to fulfil that contract in the meantime, those £100,000 savings have been lost as a result of these delays?

[10:00]

Deputy S.J. Pinel:

I do not know the answer to the question, basically. Inasmuch as there were originally 60 expressions of interest, hence obviously a longer process of determining who the final tenders would be, and the contract is ready to be signed as we speak.

4.4 Connétable A.S. Crowcroft of St. Helier of the Minister for Infrastructure regarding the provision of public toilets in St. Helier: [OQ.120/2018]

Further to his response to Oral Question 87/2018 about the provision of public toilets in St. Helier, that he would take the matter up with the Chief Minister and his department, will the Minister advise whether he has made any progress in that regard and, if not, when does he plan to do so?

Deputy K.C. Lewis of St. Saviour (The Minister for Infrastructure):

I thank the Constable of St. Helier for his triannual question regarding toilets. The good people of Jersey come into town not just to admire the wonderful architecture but to avail themselves of the wonderful shops and stores we have in St. Helier. These self-same stores pay high rates, which goes towards the amenities provided, such as toilets, *et cetera*. Should the Constable wish to dispose of this responsibility I am more than happy to give him some numbers of people who will come and clean the toilets for him. Should he wish Infrastructure to take over this responsibility then we can come to some arrangement. That is a conversation we can have, and I am more than happy to meet up with the Constable and discuss that.

4.4.1 The Connétable of St. Helier:

Could I ask the Minister to answer the question? The question is: has he met the Chief Minister, as he said he would, and his department, to take the matter forward?

Deputy K.C. Lewis:

Yes, I have discussed this with the department. Regarding another conversation I was having with the Chief Minister, I did mention this. The Chief Minister obviously is dealing with important matters of State, Brexit, *et cetera*, I did not want to burden him too much with toilets. But I repeat, I am more than happy to have the conversation with the Constable of St. Helier if he wants to make another arrangement. I did sign an agreement with the Constable many years ago saying that he would clean everything within the ring road and what was then T.T.S. (Transport and Technical Services) would clean everything outside of the ring road. If he wishes to alter that arrangement or if he wishes Infrastructure to take over that facility that is a conversation that we can have.

4.4.2 Deputy M. Tadier:

I am intrigued by the apparent *non sequitur* of the comment of St. Helier shops paying higher rates and then the link to visiting public conveniences in the capital. Is the Minister saying that there is a presumption that anybody who uses the public convenience in St. Helier should have first visited a shop in town and spent money there or that there is some other intrinsic link that we are missing?

Deputy K.C. Lewis:

I am not sure if the Deputy hangs around the public toilets [**Members: Oh!**] ...

The Deputy Bailiff:

Minister, no. Could you withdraw that please?

Deputy K.C. Lewis:

I withdraw that, Sir, yes. I say in jest, Sir. But as I say, if people live in St. Helier they are paying rates anyway. If they come in from outside of St. Helier they do so to shop, *et cetera*, and obviously all the rates payable by businesses go towards the facilities. If the Constable would like me to take over responsibility that is a conversation we can have.

4.4.3 Deputy M. Tadier:

I do not have the habit of hanging around public toilets in St. Helier, or in any other Parish, and I am sure the Minister might have seen me if I did have that habit. However, I do think it is important that however the public toilets are funded that they are funded promptly, not just for tourists but for locals who can expect clean and usable toilets. That it should not necessarily fall disproportionately to one Parish to fund toilets that are used by the whole Island, including the tourist community, is that not a reasonable position?

Deputy K.C. Lewis:

As I pointed out, many people come to town to shop. I do not think it is unreasonable that the Parish who provide those facilities, as many people - locals, residents, businesses - pay rates towards that. I have said many times, if the Constable would like me to take over those facilities that is a conversation we can have. I cannot make that any clearer.

The Deputy Bailiff:

This appears to have gendered an enormous amount of enthusiasm.

4.4.4 Deputy G.P. Southern:

The Minister appears to be offering to take over the Parish-run toilets. Will he be doing so on the basis of a living wage to anybody he employs to take over these toilets?

Deputy K.C. Lewis:

As the Deputy is aware, I was not in favour of outsourcing but outsourced it has been, and I have taken over the department, so whoever takes over it will be a contractor. I would not be party to that. If the Constable would like me to look at that, I am more than happy to do so or to recommend somebody that could do it for him, or if Infrastructure take it over then that is a conversation we can have.

4.4.5 Deputy G.P. Southern:

Would the Minister mind answering the question: would that be on the basis of the living wage rather than minimum wage workers, which has already happened to outsourcing, but in this new outsourcing surely the living wage should be a factor?

Deputy K.C. Lewis:

I would hope so. I am not privy to that information. If something is outsourced it is outsourced. But it will be on the same conditions as they are being cleaned at the moment. I am not sure what the situation is with the Constables, whoever it is is cleaning the toilets at the moment. I am not aware of that.

4.4.6 Deputy R.J. Rondel of St. Helier:

It was my understanding that the Minister gave a commitment to Deputy Wickenden to provide a list of all toilet facilities throughout the Island that were the responsibility of the Department for Infrastructure and the Parish of St. Helier. I wonder if he has yet to produce that list?

Deputy K.C. Lewis:

I have the minutes of the meeting here and the question. It does not say so there. But I am more than happy to do that for Members.

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

The Constable of St. Helier still has not had an answer to his question, which is: would the Minister advise as to whether he has made any progress? Are we to assume the answer is no?

Deputy K.C. Lewis:

Define “progress” with toilets. I cannot make it any clearer than I already have. We need toilet facilities in St. Helier, the Parish is already providing them. If the Constable wants us to take them over that is a conversation we can have. I cannot make that any clearer.

4.4.8 The Connétable of St. Helier:

The Minister has made it clear that he sees no unfairness in the fact that ratepayers of the Island’s capital fund the provision of public services; not just toilets, but parks, gardens, street cleaning and so on. Whereas the vast majority of such services in the other Parishes are paid for out of general taxation. Is the Minister aware that addressing this inequity was part of the last Strategic Plan and is he going to take it forward in the next one?

Deputy K.C. Lewis:

I am more than happy to discuss that with officers and we will see where we can go with that. But it does seem quite bizarre that the Constable insists on closing toilets down, converting them into cafés, *et cetera*, and having to build new ones. We are more than happy to take over any existing toilets by

arrangement, and that is a conversation I am more than happy to have with the Constable, and I will take this up with officers.

4.5 Deputy S.M. Ahier of St. Helier of the Minister for Social Security regarding recipients of the Food Costs Bonus and Cold Weather Bonus: [OQ.115/2018]

Will the Minister inform the Assembly whether any people receiving the Level 3 care component of income support currently receive the Food Costs Bonus and the Cold Weather Bonus?

Deputy J.A. Martin of St. Helier (The Minister for Social Security):

There are no people who are receiving the Level 3 personal care component of income support who receive the separate benefit.

4.5.1 Deputy S.M. Ahier:

According to the Minister's report 2017 on page 61, cold weather payments: "The cold weather payments for the month made to any household receiving income support, that is for the whole of the month, includes one of the following: someone receiving personal care Level 3 component." Could the Minister advise me as to which one of these is erroneous?

Deputy J.A. Martin:

Neither. The benefits that the Deputy asked for are a one-off payment and they are paid twice yearly in May and January. These are for people who are above income support but do not pay tax; there is that bridging gap. The people he is talking about on personal care Level 3 do receive a separate payment for cold weather and these are at the same value as the cold weather bonus but they receive them on a monthly basis automatically with their income support payments. So the question is a bit... it is not misleading. Both answers are correct. It is not a separate payment for the people who are not on income support on a personal care level but if they are on income support with a personal care level, and the other 2, if you have a child under 3 or a pensioner in your household, they will get the payment this way; monthly in arrears.

4.6 Deputy M. Tadier of H.M. Attorney General regarding the legality of Jersey residents travelling to Switzerland to end their life: [OQ.125/2018]

Will H.M. (Her Majesty's) Attorney General advise whether it is currently legal for a Jersey resident to travel to Switzerland to end his or her life; and what safeguards, if any, exist to prevent an individual who assists a person with such travel from being prosecuted?

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

In relation to the offence of suicide or attempting suicide, there has been no prosecution in Jersey for attempting to commit suicide for over 100 years. The act of suicide, and hence any attempt, is no longer regarded by the Jersey courts, of itself, as carrying any civil or criminal penalty. In any event, many departing from Jersey to another country with suicide in mind would not amount to an attempt. As to what safeguards, if any exist, render an individual who assists a person with such travel from being prosecuted, Article 6 of the Homicide (Jersey) Law 1986 recognises the offence of aiding, abetting, counselling, or procuring a person's suicide. The consent of the Attorney General is required to institute proceedings for assisting suicide. The Attorney General will take into account various factors when deciding whether or not to consent to a prosecution in such a case, namely where an individual had assisted in ending another person's life by helping with travel arrangements. Assuming the evidential test was passed, the public interest in prosecution would need to be considered. In that regard, the Attorney General will have regard to the sort of considerations that have been published by the Attorney General of England and Wales, the D.P.P. (Director of Public

Prosecutions), in respect of precisely these sorts of offences. For example, without taking up too much time, a prosecution is more likely to be in the public interest if the deceased was, for example, under 18 or did not have capacity to reach an informed decision or had not reached a voluntary, clear, settled, and informed decision to commit suicide, or the deceased did not seek the encouragement or assistance of the suspect personally or on his or her own initiative.

The Deputy Bailiff:

Attorney, might I ask you to bring the answer to a close.

The Attorney General:

I was then going on to deal with the public interest factors, which would tend against prosecution. Perhaps if there is a supplementary question I will do so.

The Deputy Bailiff:

If there is a supplementary question you can of course answer it in that sense.

4.6.1 Deputy M. Tadier:

The first part of the Attorney General's answer, for which I thank him, seemed to indicate that suicide is an otiose law in Jersey, which has not been acted or prosecuted on in some 100 years. If it is the case that this is an otiose law what recommendation has been made by the Law Officers to the relevant States officials to rescind this law and to reconsider the whole matter of suicide laws, especially in the context of recent calls for assisted dying?

The Attorney General:

Distinction needs to be drawn between criminalising taking one's own life and assisting another person to do so. That has occurred in most European jurisdictions. In probably all jurisdictions in Europe now it is no longer an offence to take one's own life. But as the European Court of Human Rights has observed in 36 of 43 E.C.H.R. (European Court of Human Rights) countries, it is still an offence to assist someone else to take their own life. There are complex policy questions here perhaps beyond the scope of this question.

[10:15]

In relation to legislation, it is right that the U.K. and Guernsey have specifically enacted laws to indicate that taking one's own life is no longer an offence, whereas in Jersey it is plain that the custom has changed, we are a customary law jurisdiction, and it is no longer do so, but that has taken place without legislation. It remains an offence to assist another person with taking his or her own life, as indicated by the 1986 law to which I have referred.

4.6.2 Deputy G.P. Southern:

Is the Attorney General's decision on public interest open to appeal?

The Attorney General:

No, in the sense that, save for a theoretical right to challenge a judicial review, it is accepted that the Attorney General's view in relation to public interest is generally a final one. Of course, if the Attorney General were nonetheless to embark upon a prosecution that is plainly contrary to public interest, one would expect the Court to indicate so in clear terms one way or another, perhaps on application to stay the proceedings or on sentence.

4.6.3 Deputy G.P. Southern:

Surely the absence of a route to appeal is thrown into question by human rights legislation that we sign up to, is it not?

The Attorney General:

No. It is very important that an independent prosecuting authority has its independence preserved and not called into question. In all jurisdictions that have an independent prosecution service, it is thought to be appropriate and sensible for decisions made by a prosecutor to be independent of all third party pressures and subject only to a review by the courts in particular circumstances. It has always been the view in this jurisdiction that the view of the independent prosecutor is final. Of course, if his decision is wrong then the person prosecuted will either be acquitted or the prosecution stayed as an abuse of process.

4.6.4 Deputy M. Tadier:

Given the apparent grey area that exists and the political considerations that need to be made in where the public interest lies in the question of assisting somebody to end his or her own life, would the Attorney General welcome a debate from the States Assembly to give direction and, if indeed, give firm legislation in this particular area?

The Attorney General:

It is a matter for the Assembly and not for me.

4.7 Deputy D. Johnson of St. Mary of the Minister for the Environment regarding the catching of crawfish in Jersey waters: [OQ.116/2018]

Will the Minister inform the Assembly if he considered the introduction of a complete ban on capturing crawfish in Jersey waters, rather than increasing the minimum size limits, given the findings in the addendum to P.93/2018 that there is a near complete collapse in the species around the Channel Islands?

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

Could I ask that this question be answered by a rapporteur for a later item by Deputy Guida, my Assistant Minister, please, Sir?

The Bailiff:

Yes.

Deputy G.C. Guida of St. Lawrence (Assistant Minister for the Environment - rapporteur):

Yes, we did consider that, but the complete ban on catching crawfish in Jersey would need to be agreed through the Granville Bay Agreement. This would involve working with France reaching accord, followed by changes to local legislation. It was agreed with the Marine Resources Panel that a quicker and simpler measure to conserve crawfish was to increase the minimum size limits, which would come in line with current French measures.

4.7.1 Deputy S.M. Wickenden:

How will the Minister's department monitor the crawfish population and what level of population criteria has been set before the Minister will consider a complete ban if the minimum catching standard fails to address the near complete collapse?

Deputy G.C. Guida:

We measure the population by recording catches. All the fishermen tell us how many crawfish they have caught and following that that figure tells us whether the population is increasing or decreasing.

4.7.2 Deputy S.M. Wickenden:

How does the department get information from other areas like France and the like to understand what they are catching in our territories if the boat is registered in Jersey but owned by an overseas fisherman?

Deputy G.C. Guida:

I am not sure I can answer that question, but I do not believe that we have boats registered in Jersey but owned by overseas fisherman. I think all our fishermen are local.

4.7.3 Deputy M. Tadier:

Is the Assistant Minister telling us that the Bay of Granville Agreement does not permit a discrepancy between Jersey regulations with regard to crayfish and the Granville French ones or is it simply the question of political expediency in this case?

Deputy G.C. Guida:

As I understand it, yes, we can modify the regulations inside our waters, but up to a certain level. We cannot forbid fishing completely, but we can have a different limit.

4.8 Deputy R.J. Rondel of the Minister for Infrastructure regarding parking for motorbikes and bicycles in St. Helier: [OQ.110/2018]

Will the Minister undertake to provide additional parking for both motorbikes and bicycles in St. Helier as a matter of urgency?

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

The Sustainable Transport Policy supports the use of bicycles and like motorcycles and recognises that further on-street space for parking will need to be provided as usage increases. I have charged my officers to identify new areas as opportunities arise to increase the provision of parking for cycles and motorcycles such as the additional 8 motorcycle places created at Minden Place this year and the 35 new cycle stands at the International Finance Centre, providing parking for 70 bikes.

4.8.1 Deputy R.J. Rondel:

The point is I have met many people on motorbikes, a lot come on holiday from Northern Europe and were unable to find spaces within St. Helier and 8 is completely insufficient if we are going to encourage people to get out their cars and use bicycles and motorcycles. Would the Minister undertake to look at this and give a timeline when this will happen as a matter of urgency? Those people ended up leaving St. Helier and not going to shop there.

Deputy K.C. Lewis:

Cycle parking in Jersey, like other locations, experiences a huge demand for parking in sunny weather, so there are peak days when we do have issues with parking availability. The department always seeks to increase the amount of cycle parking in St. Helier as we want to encourage this healthy and active form of travel. This is ongoing, we are creating spaces as and when areas become available.

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

Would the Minister agree to exercise caution when implementing new motorbike spaces in St. Helier, particularly with regards to can he differentiate between the use of light motorcycles and heavy motorcycles? Heavy motorcycles can be significantly louder than cars. The World Health Organisation has shown that noise exposure is responsible for a significant range of health defects, including sleep disturbance, heart disease, cognitive impairment among children, stress related

mental health risks and many more. Is there a way that the Minister can differentiate and just allow the light motorcycles to be parked in residential areas, primarily?

Deputy K.C. Lewis:

That is a very interesting point. Not really; we do provide lots of spaces up at Snow Hill, which is also a residential area with all the apartments next door, but motorcycles, being light or heavy motorcycles, need to conform with construction and use. If they are stopped in a road check any defective vehicles, exhausts being modified, *et cetera*, then that would be an offence and D.V.S. (Driver and Vehicle Standards) would deal with that. I do take the Deputy's point, but we cannot really differentiate with the motorcycles that people may choose to ride.

4.8.3 Deputy L.M.C. Doublet:

Is it a sensible policy to then be implementing more motorcycle spaces in residential areas? Should these motorcycle spaces be concentrated away from residential areas in St. Helier?

Deputy K.C. Lewis:

People have a right to park wherever they wish, within reason. It would not really be logical to ban motorcycles from certain areas. We would hope that people who ride motorcycles would be sensible and have due care and attention and due consideration to residential soundings.

4.8.4 Deputy K.F. Morel:

As a matter of interest, could the Minister explain how the department monitors usage of motorcycle and bicycle parking levels and on what regular basis, given that it is free and no ticketing process is used?

Deputy K.C. Lewis:

Would the Deputy repeat the last part of the question?

Deputy K.F. Morel:

Given that parking is free for motorbikes and no ticketing process is used to monitor people.

Deputy K.C. Lewis:

As I said, we are trying to encourage this kind of travel. You could probably get several motorbikes in a space that is normally reserved for a motorcar, so it does increase the parking facility. The areas are monitored. We have spot checks. We have people who monitor the car parks and motorcycle parking areas, which is where we get our statistics from, which tells us that we need more spaces. We do have quite a few. The Future Hospital will have an increase from 76 to 150 bicycle parks. Cycle parking at Ann Court will be 165. We do use the Island Plan Policy TT4, to secure additional cycle parking. We provide additional parking as and when we can.

4.8.5 Deputy M. Tadier:

Does the Minister have statistics on motorcycle spaces, in particular, and cycle spaces which are provided by the private sector as opposed to the public? I am thinking in particular of shoppers and people who may be using the toilets in St. Helier.

Deputy K.C. Lewis:

I do not have the statistics for private parking in St. Helier for motorcycles and I do not have the statistics for private toilets in St. Helier either.

4.8.6 Deputy M. Tadier:

I presume nobody is going to be parking their bikes in the toilets; obviously that was said in jest. Does the Minister accept that there is a serious point that it is fair enough for his department and indeed the Parish to provide spaces as far as they can, but often people are using shop car parks? It is important that they keep up to date with the right proportions as people change their habits to use 2 wheels instead of 4. Not all of the responsibility must fall on the States.

Deputy K.C. Lewis:

Absolutely. As I mentioned briefly the Ann Court development will have 165 parking spaces. Obviously, we work with our colleagues at Planning to make sure this is provided whenever possible in any new planning application.

4.8.7 Deputy G.P. Southern:

Since we have strayed on to the noise made by motorcycles, what monitoring exists currently to monitor the removal of people who ride motorcycles taking out the baffles to squeeze an extra 5 miles an hour from their bikes. Noise levels, what monitoring takes place and how many prosecutions have been brought for loud motorcycles?

The Bailiff:

I have to say, it might have slipped under the radar on the last occasion, but it is clearly out of the parameters of the question to ask about noise levels. We are dealing with additional parking. I am sorry, Deputy, if you would like to rephrase the question to take out noise levels.

Deputy G.P. Southern:

That is a fair comment.

Deputy K.C. Lewis:

I am more than happy to answer the question, Sir. That would be handled by D.V.S. road checks, assisted by the Honorary Police.

4.8.8 Deputy R.J. Rondel:

I would just like to thank the Minister for his future commitment on new developments through planning gain. Just as an aside for that, under Hansard, I do not have a list of toilet facilities, but I am sure we can fetch that for the Deputy. Thank you.

4.9 Deputy J.H. Young of the Chairman of the Privileges and Procedures Committee regarding the tabling of written questions by elected members who held ministerial office: [OQ.114/2018]

Will the chairman inform the Assembly whether his committee has considered the Bailiff's recent ruling that elected Members who also hold ministerial office cannot ask written questions under Standing Orders of other Ministers?

[10:30]

Will he advise what changes he intends to make to ensure all Members' ability to ask questions related to work on behalf of their constituency, particularly in single member constituencies?

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

Yes, I was given, as a courtesy, advanced notice by the Bailiff that he was going to repeat his ruling to the Assembly. I did discuss this with P.P.C. (Privileges and Procedures Committee), who were in broad agreement with it. The protocol that Ministers should not ask other Ministers written or oral questions grew up with the advent of ministerial government. It was a gentlemen's agreement or an

unwritten rule. This approach never made it into Standing Orders. It seems to me that what we are trying to avoid, I guess, with this protocol is a love-in among Ministers with questions that they really already have access to the answer to, because they have access to the Minister fortnightly or weekly and they have access to Government information. I do think the Minister, the Deputy, makes an interesting and pertinent point in that in removing his ministerial hat, if you like, and doing work as a constituency member of the Assembly, it might be that there is a valid cause to him to ask a question in that capacity. I do not see that Standing Orders preclude that. I think it would have to be a case you would have to argue with the Presiding Officer.

4.9.1 Deputy J.H. Young:

Only one question, would the chairman agree that the answers to written questions, because my question is confined to written questions, are generally written by civil servants in a department and generally very rich in detailed information. Will he agree further it is useful to have that in the public domain when constituency issues arise?

Deputy R. Labey:

I cannot disagree with the questioner on this. I think the way forward here is if he has a particular case in mind is to test the waters with the process that I have just outlined in making the case for asking the question in the capacity of a constituency Member of this Assembly. I would be interested to test the Bailiff's ruling on this in those terms and then we could move forward from there.

The Deputy Bailiff:

I should, before allowing this question to proceed, obviously mention that there is a mechanism within the States of Jersey Law and Regulations to test the ruling of the Chair - that is by proposition brought before the House - and the matter can then be discussed and dealt with if Members wish the interpretation of Standing Orders to be different. I would have thought, without discussing the matter with the Bailiff, that to test it in the way it is suggested by the chairman of P.P.C. on the floor of the Assembly might be difficult, because the matter would fall to be determined at the approval stage of the question, rather than at the asking stage within the Assembly. So if guidance from the Chair is acceptable at this moment, that is my initial view.

Deputy R. Labey:

Yes, Sir. My point was that the process that the Minister or the Deputy could go through is submitting the written question with his case for doing so in the way that we all do.

The Deputy Bailiff:

In which case that is your answer.

4.9.2 Deputy M. Tadier:

Was the issue of Assistant Minister's asking written questions of other Ministers considered, given the fact like in certain scenarios one Assistant Minister with lots of delegated responsibilities, including legislative responsibility, may well, in theory, have more power than a less prominent full Minister with a smaller department?

Deputy R. Labey:

Yes, the Deputy makes a very good point. There are Assistant Ministers and there are Assistant Ministers. There are Assistant Ministers to the Chief Minister. I am not picking on anybody. It is a pertinent question and we should take a look at it.

4.9.3 Deputy M. Tadier:

Sir, a supplementary? Given the recent changes that were put through in the last Assembly, albeit not unanimously, there was a move towards one government and there is a presumption that the silos will be broken down. Should it not be the case that if you are in Government you do not ask questions to Government, because it is an inherent nonsense? Surely there is an element of fiction anyway, because there are a number of us in this Assembly who stood on a joint platform for election, not all of us necessarily with a joint manifesto, although that was the case for us. It should not be beyond the wit of those in the Assembly, given the fact we do not work in a vacuum, to find somebody to ask a question if something is really of pressing importance. Is that not another consideration?

Deputy R. Labey:

Yes, that is exactly why the protocol developed, why this approach was taken, so that Ministers were not occupying, I guess, the valuable time for Back-Benchers to ask questions of Ministers, by asking questions themselves. That is what it is designed for and what we all appreciate.

4.9.4 Deputy G.P. Southern:

In the absence of collective responsibility, does that not change the criteria for allowing one Minister to introduce another Minister's policy and be critical of it? Is that a function that should be preserved?

Deputy R. Labey:

Yes, the Deputy makes a very pertinent point and now that we no longer have collective responsibility that may be a factor. Although there was not collective responsibility, was there, when this approach was first developed, with the first Council of Ministers? One could argue that this is a debating Chamber, that questions provoke debate and that any Member of this Assembly should be able to ask any other Member of this Assembly a question and that debate should be heard. One of the most depressing answers one gets is a Back-Bencher asking questions of a Minister is the: "Well, if the Deputy would like to have come and seen me I could have explained this to him". The point about questions in this Assembly is that it is airing it in public; that is the point. **[Approbation]** That is a point that Deputy Young has in putting this question. What we want to avoid is Ministers taking up valuable time or paperwork asking questions of other Ministers when they have access to that particular information.

4.9.5 The Connétable of St. Lawrence:

Will the chairman remind Members whether this ruling applies only to written questions, as stated in this question, or whether it is applicable to oral questions? If it is not applicable to oral questions, what is his view on that? It seems to me contrary that a Minister may not be able to ask a written question and yet is able to stand up in the Assembly and ask an oral question. I think that is what we are trying to establish, really is the validity on this ruling to oral questions.

Deputy R. Labey:

The question from the Minister, Deputy Young, was about whether Ministers can ask written questions of other Ministers. A protocol exists, but there is nothing in Standing Orders that prevents Ministers from asking written questions of other Ministers. My suggestion to him was to test it with the Presiding Officer through the normal course of asking a written question, laying out his case for doing so, as a Minister.

4.9.6 The Connétable of St. Lawrence:

Yes, but if I may, Sir, supplementary? I did ask the chairman to remind Members whether the Bailiff's ruling applies only to written questions or to oral as well.

Deputy R. Labey:

The Bailiff's most recent repeating of this protocol was on oral questions.

The Deputy Bailiff:

Again, I interject from the Chair, given that it is about the ruling of the Chair. The copy that I have starts with the reference to a convention in which Ministers do not ask questions of other Ministers in written or oral form. I believe, without reading through the entirety of it again, which was quite lengthy, that it applies to both forms of question.

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

Would the chairman agree that given the Deputy intimated that he might be disadvantaged by being a single constituency Member that there is a channel for working with the Connétables of each Parish, should the need arise. I am sure most Connétables would be happy to back their Deputies up.
[Approbation]

[10:45]

Deputy R. Labey:

I am not sure what the question was, but the Constable makes a good point.

4.9.8 Senator S.Y. Mézec:

Does the chairman agree with me that if any Minister is having withdrawal symptoms from not being able to ask questions on the floor of this Assembly, then to get it out their system they could, of course, lodge 7 questions to the chairman of P.P.C. to answer at every sitting instead?

Deputy R. Labey:

Feels like they are already doing so. These are interesting questions. I think the point really is that we have a finite time for oral questions and that really should not be taken up with a Ministers' love-in with Ministers asking questions of other Ministers. It would be interesting, would it not, to find out what they do in other jurisdictions and whether this protocol exists in, for example, Trinidad and Tobago? Maybe we could find out fairly soon.

4.9.9 Deputy J.H. Young:

I thank the chairman and I am sorry to take so much time with this, but would he accept my question, first of all, just related to written questions and also accept that life being a Minister is extremely busy and it is much easier to get civil servants to write written answers and put them in the public domain?

Deputy R. Labey:

Yes, but the Bailiff might argue that you could pass your written question across the Cabinet table to the Minister responsible and you would still get your answer. The question is whether you want that aired and is that the reason for it, that you want it aired in a public forum?

4.10 Deputy R.J. Ward of St. Helier of the Minister for Treasury and Resources regarding allocations in the Medium Term Financial Plan for public sector pay awards: [OQ.113/2018]

Will the Minister confirm how much money was allocated in the current M.T.F.P. (Medium Term Financial Plan) for public sector pay rises over the course of the current M.T.F.P.? Will she state how much of this figure has been allocated to pay awards since the start of the current Medium Term Financial Plan? Thank you.

Deputy S.J. Pinel (The Minister for Treasury and Resources):

I think I thank the Deputy for his complicated question. There is an equally complex answer. The current M.T.F.P. allocated funding for pay awards, workforce modernisation and P.E.C.R.S. (Public Employees Contributory Retirement Scheme). Provision of £4.2 million in respect of 2016, £5.6 million in respect of 2017, £6.7 million in respect of 2018 and £5.3 million in respect of 2019. £6.7 million was allocated to departments for the 2016 pay award and £3.9 million for the 2017 pay award, i.e. £10.6 million against the £9.8 million available. The pay awards made in the M.T.F.P. so far, in 2016 and 2017, have therefore exceeded the amounts allocated in those years and the shortfall has had to be funded by underspends. Thank you.

4.10.1 Deputy R.J. Ward:

Given that States' workers' pay has fallen behind R.P.I. (Retail Price Index), any estimate between 5.1 per cent and 13 per cent - depending on what group you are looking at - since 2001, does the Minister believe our public service workers in Health, Education, Civil Service and Infrastructure are overpaid? If so, how much more does she suggest we cut?

Deputy S.J. Pinel:

Pay awards are incredibly difficult, as the Deputy will be aware. There have been many meetings and discussions with unions over the current situation. There are many requests, including workforce modernisation groups and doctors, who have accepted pay awards, but this would be £40 million if the pay awards were agreed and we have £33.6 million allocated, a difference of £6.4 million. Teachers would be £5.1 million; uniformed services, £1.6 million; civil servants, £9.8 million; nurses, £5.3 million; and manual workers, £2.3 million. All of the above are consolidated.

4.10.2 Deputy G.P. Southern:

Is it not the case, in the Minister for Treasury and Resources' opinion, that this is yet again another case of below inflation pay rises and worse to include the unconsolidated figures, whatever sector, in the overall picture of what is being paid, is misleading? I do not know who misled, but I believe somewhere in ministerial government it has been misleading, because those unconsolidated figures drop out of the calculation in any true measure. Does the Minister not agree?

Deputy S.J. Pinel:

I am not quite sure what the question was, but the M.T.F.P., which was approved in this Assembly, set the maximum expenditure limits for 2016 to 2019 and these limits reflected a target of savings of £145 million by 2019. The current Finance Law means that spending limits are fixed for 4 years and cannot be adjusted upwards in the event of a temporary or permanent increase in income.

4.10.3 Deputy G.P. Southern:

Nonetheless, does the Minister not agree that this is below inflation pay rise; it is a pay cut?

Deputy S.J. Pinel:

As I said, it may be below inflation, but I do not think anybody including the Deputy would have expected a figure of 4.5 per cent R.P.I. As I said before, the expenditure has been fixed and agreed by this Assembly and the M.T.F.P. until 2019. Early next year I will be proposing a new Finance Law that will allow more flexibility to adjust to changes in income.

4.10.4 Deputy M. Tadier:

Does the Minister believe that because inflation is not something we can control and it is something which nonetheless affects the quality of life for all of our Island residents that we need to get to the point where the Government automatically gives all of its workers a cost of living pay increase every year, so that they are no better off and no worse off, with regard to inflation?

Deputy S.J. Pinel:

Of course, in an ideal world that would be the way forward, but the income in order to do that, to match inflation, has to be sourced.

4.10.5 Deputy M. Tadier:

Is it not the Minister for Treasury and Resources' aspiration to achieve an ideal world or at least an ideal Jersey, insofar as she, as Minister, can achieve that?

Deputy S.J. Pinel:

Of course I would, but it is not ideal and we face the same as many other jurisdictions do, that income is not sufficient to pay the increased cost of living.

4.10.6 Deputy K.F. Morel:

Deputy Tadier was almost right in saying that inflation is something we cannot control. One way we can control it is by providing lower pay rises. Can I ask the Minister whether she views public services pay rises as a means of helping to control inflation in the Island?

Deputy S.J. Pinel:

No. This pay restraint is across the board in Jersey. The private sector is included as well in this. It has been fixed, as I said before, in the M.T.F.P. until 2019 when there will be a more flexible finance law involved.

4.10.7 Deputy R.J. Ward:

I thank the Minister for her answer. Given that the answer to written question 136/2018 today informs us that 86.1 per cent, that is 5,796 workers in public services received a below R.P.I. rise, is the document published by the Communications Department suggesting average increases of 6.88 per cent, 4.6 per cent, 4.5 per cent for many groups simple misleading by mistake or by design?

The Deputy Bailiff:

I am not sure you can suggest it is misleading by design, Deputy, but you can say you suggest it is misleading by mistake.

Deputy R.J. Ward:

I was asking, Sir.

The Deputy Bailiff:

Yes. There is not much of a line between asking a Minister if something has been misleading by design or misleading by mistake. But you have asked misleading and you said by mistake, so the Minister can answer.

Deputy S.J. Pinel:

Thank you, Sir, for your explanation. No, it would not be misleading by design, of course.

The Deputy Bailiff:

I think you were also asked if it was misleading by mistake, Minister.

Deputy S.J. Pinel:

I doubt that as well, Sir.

4.11 Deputy L.M.C. Doublet of the Minister for Social Security regarding the introduction of breastfeeding rights: [OQ.108/2018]

Further to the then Minister's indication in the report accompanying P.27 of this year that changes to the Employment Law to introduce breastfeeding rights, such as breaks and workplace facilities, would be debated by the States "later in 2018 to come into force in September 2019", can the Minister please confirm the timescale for lodging the proposed amendments?

Deputy J.A. Martin (The Minister for Social Security):

I am pleased to confirm for Members that breastfeeding breaks and facilities in the workplace will be included in the next batch of changes that we propose to make to the Employment Law. Law drafting is already underway to prepare the necessary amendment. I intend to lodge a proposition later this year for States debates in early 2019. If these changes are supported by the new Assembly the enforced date for breastfeeding rights will still be 1st September 2019, as planned. Thank you.

4.11.1 Deputy L.M.C. Doublet:

Given that the breastfeeding initiation rates in Jersey are nearly 80 per cent upon leaving hospital, but on 20 per cent at 9 months, could the Minister be persuaded to perhaps bring this section on breastfeeding rights forward by a few months to allow the hundreds of babies who may otherwise not receive mother's milk to have that opportunity to receive those health benefits, also for work places to have the benefits of mothers perhaps being retained in the workplace rather than leaving and staying home to continue the breastfeeding relationship?

Deputy J.A. Martin:

When this recommendation came about, a lot of work had been done with employers. This may be a way forward, which the Deputy is seeking. Unfortunately, this is a completely new part of the Employment Law, it needs primary legislation, which is quite complicated, and is going through. The date now, if everything sails through properly, as I say, is still 1st September 2019. We can urge and talk to employers and hopefully they know this is coming in law, they may start providing places sooner, so the mothers can express their milk or feed their babies, whichever suits their premises better. I am fully behind this and I hope when it comes to the Assembly the Assembly will get behind it. I see where the Deputy is trying to get to and if we can get there earlier I will try and make this happen. Thank you.

4.11.2 Deputy K.F. Morel:

Along with Deputy Doublet, I will welcome the law when it comes in. Could the Minister tell the Assembly whether any work will also be done in terms of changing cultures and promoting and educating about the benefits of breastfeeding among employees and the population in general in order to support the law when it does come in?

Deputy J.A. Martin:

I thank the Deputy for his question. I think the answer is in the question from Deputy Doublet. We literally have a very, very high percentage at the moment of mothers who leave hospital breastfeeding and unfortunately, be it that they either decide that is enough or that they cannot carry on, the baby is then changed to bottle. Absolutely, I want to be able to have this conversation, which I think gives the employer this extra time to make this facility that is something quite natural. We have done it at the Town Hall. We have a breastfeeding place now for mothers. We need to get this culture across the workplace, into shops and into society. I am totally behind this. Both the Deputies have asked the questions to get this out there and get it promoted as much as it needs to be for mothers who want to do this and for as long as they want to do it. Thank you.

4.11.3 Deputy L.M.C. Doublet:

I can see the Minister is supportive and I thank her for that. Would the Minister agree to a meeting perhaps with the law draftsmen who are working on this and myself and possibly members of the

Breastfeeding Working Group, just to discuss if there is any way we could bring this section of the law forward?

Deputy J.A. Martin:

Absolutely. As I say, it is a complicated law for the law draftsmen to do and if there is anything that the Deputy and the association think should be in it that we are not doing at an earlier stage, I think it would be very, very helpful for this meeting. We will have a chat and set this up as soon as possible. Thank you.

4.12 Deputy G.P. Southern of the Chief Minister regarding the availability of statistics in Jersey with regard to healthy diets: [OQ.117/2018]

Given the finding of the food foundation in its report *Affordability of the U.K.'s Eatwell Guide*, that 3.7 million children in the U.K. are living in households for whom a healthy diet is increasingly unaffordable. Will the Chief Minister advise what statistics, if any, he has in respect of Jersey on this subject? If none, will he undertake to investigate the matter?

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

Yes, the Jersey Opinions and Lifestyle Survey, I am informed, shows that a large proportion of Islanders do report difficulty in finding affordable healthy food in Jersey. The effects of poor nutrition is also higher among lower socioeconomic groups. It does not surprise me, but obviously it does obviously sadden me. As the Assistant Minister may be aware, matters such as health and inequality are high on the agenda for the development of the Common Strategic Policy and there will be more matters around that area when that is released. Thank you.

4.12.1 Deputy G.P. Southern:

The question was: what statistics do we have on the area of food poverty and, if none, will the Minister undertake to investigate this area, in particular?

Senator J.A.N. Le Fondré:

Yes. I believe I referred to the Jersey Opinions and Lifestyles Survey, which are the sort of statistics that we have. It is not as good as the statistics available in the U.K. If the Deputy feels that we should have more, please, definitely we can have a conversation. I am sure the Statistics Department will be willing to build it into their programme. Thank you.

4.12.2 Deputy M. Tadier:

Does the Chief Minister accept that while it is not always necessary to spend a lot to eat well, that highly processed food which contain lots of sugar, salt and bad fats, is often the cheapest? As we as a States impose a below inflation pay increase yet again on States employees, more people and more families will be pushed into making difficult decisions about cutting the quality of food that they give to their children when this is already an issue. Is this not an area by which the States should lead by example and make sure that our employees can afford to maintain their standard of living and that children are not disadvantaged in this respect?

Senator J.A.N. Le Fondré:

Just trying to think that through. It is probably far more complicated a scenario than the Deputy alludes to in his question. There are always a number of factors around how you encourage and get people to eat healthily. Part of that is education. Part of that is around inequalities. Also, yes, the Deputy has a point, issues around low income and their accessibility to healthy food. It is a complicated picture.

4.12.3 Deputy R.J. Ward:

Given that the Food Foundation in the U.K. has found that to get a healthy diet for 50 per cent of the poorest in their community takes a third of their disposable income, as opposed to 12 per cent for the wealthiest proportion, can the Minister commit to either telling me what the proportions are in Jersey or, if he does not know, can he commit to finding out that information specific to Jersey? Thank you.

Senator J.A.N. Le Fondré:

I am sure if there is more data, we can definitely arrange for further information to be provided. I am informed that around two-thirds of adults eat less than the recommended daily amount of fruit and vegetables. The majority of Jersey residents have agreed that eating healthily is important. However, about 44 per cent think it is difficult to find affordable fruit and veg in Jersey.

4.12.4 Deputy G.P. Southern:

Yes. I am singularly unimpressed by the level of detail in the response of the Chief Minister, but nevertheless let us do an easy question, which surely should have been found by his officers. By how much are food prices in Jersey higher than food prices in the U.K.? Do we have any idea of how much an Eatwell diet in Jersey would cost?

Senator J.A.N. Le Fondré:

Oddly enough, it is always a little bit difficult to judge where supplementary questions are going to go, so I do not have those statistics to hand. I do recall one of the reports from the Statistics Department from a few years ago - I have not updated it - which did seek to do a comparison between Jersey, Guernsey and the U.K. on different food costs. If that has not been updated, I think it should be. As I said, one of the issues within in the C.S.P. (Common Strategic Policy), as it has been referred to, is how we improve standards of living. That is a priority for the Council of Ministers.

Deputy G.P. Southern:

I thank the Chief Minister for his reply.

4.13 Deputy M.R. Higgins of the Minister for Health and Social Services regarding the provision of information relating to the Future Hospital to Ministers, the States and the public: [OQ.118/2018]

Further to reports that information regarding possible sites for the Future Hospital may have been withheld from Ministers, the States or the public, will the Minister confirm whether information was withheld and, if so, what information and who was responsible for this action?

[11:00]

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

I thank the Deputy for his question. The Future Hospital team has undertaken the gathering of information to assist with the site selection of the Future Hospital and, as Minister for Health and Social Services with some responsibility for that team, I believe it has acted with professionalism and dedication throughout the site selection process. I am assured that it has not withheld information regarding possible sites for the Future Hospital, with the limited exception of some material which in the normal way is not disclosable into the public domain, under normal freedom of information principles.

4.13.1 Deputy M.R. Higgins:

Can the Minister explain why the Constable of St. John, who is looking into possible sites, has stated that information was withheld and has he had any discussions with the Constable of St. John regarding this matter?

The Deputy of St. Ouen:

I am answering this question, of course, as it is directed to the Minister for Health and Social Services, but I am also a member of the Hospital Policy Board. The Constable of St. John is making comments also as a member of the same board. I can confirm that we have discussed those comments and at a recent meeting of the board, we determined that we had reached no conclusions thus far, except to conclude that the Island urgently needs a new hospital.

4.13.2 Deputy M. Tadier:

The Minister mentioned F.O.I. (freedom of information) in his initial answer, suggesting that some of the information was not available and exempt under F.O.I. Can he confirm that States Members' level of access, and particularly that of Scrutiny, should never be equal or less than what the public can expect in a freedom of information request and that there are mechanisms in place for Scrutiny to receive information confidentially, where the issues are of a sensitive nature? Was this considered and is the information that Scrutiny requested been given to them at least on those grounds?

The Deputy of St. Ouen:

Yes, I do not believe this causes any concern. I was a Member of the Scrutiny Panel in the previous Assembly and the 2 review panels, obviously the one review panel that looked at the Future Hospital project also. Those who served on those panels may remember that Scrutiny was asked to sign confidentiality agreements to enable all the information to be provided to the Scrutiny Panels. In a similar way it would have been provided to, for example, Concerto, who were the experts externally selected as the Scrutiny experts. Ernst and Young were also engaged internally by Ministers and I am confident that they would have received also all relevant information.

4.13.3 Deputy M. Tadier:

I gleaned from the last part of the answer, I am still not clear whether the information that is requested has been given to Scrutiny, but you said it had been given to the advisers of the Scrutiny Panel, but not to the Scrutiny Panel itself. Is that what the Minister is saying?

The Deputy of St. Ouen:

No, I am not saying that at all. I am saying that in my experience in Scrutiny all the documentation was available to us. It was given without redaction after the completion of confidentiality agreements, for which I fully accept the reasons for those. Thank you.

4.13.4 Deputy M.R. Higgins:

For the avoidance of doubt, can the Minister tell us whether he believes that the Constable of St. John was wrong to state that information regarding the Future Hospital was withheld from Members and the States?

The Deputy of St. Ouen:

All I can say is that this matter is still under discussion by the Hospital Policy Board. We have reached no conclusions thus far. I hope that Members of this Assembly, and indeed the wider discussion among the general public, might dampen down a little while the Hospital Policy Board continues its work being charged to examine all of the evidence that led to the previous decision to build on the current selected site. In my view, it is important to wait for the conclusions of the policy board.

Deputy M.R. Higgins:

With respect, the Minister did not answer the question. Does he accept that the Constable of St. John was wrong in his statement that information was withheld from the States and from Members?

The Deputy of St. Ouen:

I cannot say whether anyone is wrong or right in the views they express, because we are still considering the evidence in the course of our work.

4.14 Deputy K.F. Morel of the Minister for Children and Housing regarding the rent policy of Andium Homes: [OQ.112/2018]

Will the Minister advise whether he has been informed by Andium Homes of any change in policy that means the company now collects more than the contractually agreed monthly rent from tenants in order to build up one month's worth of rent in the tenants account with Andium? If so, when was he informed of this?

Senator S.Y. Mézec (The Minister for Children and Housing):

I am not aware of a change of policy in the precise terms that the questioner has described. What I am aware of is that Andium Homes tenancy since 2010 have required tenants to pay their rent monthly in advance and that this is not a new policy, and this mirrors what most private sector tenants will understand and in fact also other social housing providers. What can happen is when a tenant falls behind in their rent payments for whatever reason, Andium Homes will work with them to structure some sort of overpayment which is affordable for the tenant, to ensure that the rent account is managed in accordance with their tenancy agreement. There are also instances where Andium Homes may have to work with tenants to alter those agreements if circumstances change moving forward. I would say to the Deputy that if he is aware of any Andium Homes tenants who are facing a payment system which they are finding difficult to manage that they can either speak directly to Andium Homes or come and speak to me and we can see if there is a better arrangement that can be found.

4.14.1 Deputy K.F. Morel:

The Minister may or may not be aware that I have correspondence between tenants and Andium Homes, in which Andium Homes are asking for extra rent to be paid in order to build up a month's rent, which will be returned minus any money for damages. In my view, that is a deposit. I believe your party colleague, Deputy Tadier, had had that discussion on the floor with this Assembly in the past where a deposit was described. As such, I am concerned that Andium Homes are now essentially holding deposits. Has the Minister heard anything along these lines?

Senator S.Y. Mézec:

That also concerns me. Obviously, if it walks like a duck and quacks like a duck then it is a duck. If there is some sort of arrangement that has been worked out to make up for deposits, unless there is a very good justification then I would want to know about it. I would suggest to the Deputy that we look into this together and find out with Andium Homes what the justification is and see if there is an alternative arrangement that works better than that.

4.14.2 Deputy G.P. Southern:

Is the Minister aware of whether Andium Homes has sufficient flexibility in its arrangements to cater for those who find it difficult to find £1,000 as a month's rent in advance, but can afford to pay weekly in advance? Does Andium Homes allow that flexibility?

Senator S.Y. Mézec:

I could not say to the Deputy offhand if there are a portion of tenancies which are being managed in a different way, so it is not monthly payments, but I am certainly happy to look into that with him.

4.14.3 Deputy M. Tadier:

Is the Minister aware that in the past utility bills may have been included in tenants' overall rent and that is no longer necessarily the case? Will the Minister undertake to discover whether any tenants are finding this difficult to save money sufficiently for bills which come perhaps every 3 months and whether this is something that Andium might be able to assist with in building up that pot of money so that tenants are not struggling to budget?

Senator S.Y. Mézec:

I am concerned that there are lots of people in Jersey who are struggling with arrangements to have a decent roof above their head and affording that. I think there are difficulties in the rents policy of Andium Homes in general, which I think need to be reviewed properly. If that includes whatever arrangements there are for including or not including utilities in that arrangement then of course that is something that has to be looked at as well.

4.14.4 Deputy K.F. Morel:

Would the Minister agree that if it walks like a duck and quacks like a duck it should be deposited with My Deposit Jersey, as all landlords are meant to do by law? If Andium Homes are taking money, whether it is advanced rent, but looks a lot like a deposit, that it should be held with My Deposit Jersey and not within Andium Homes own accounts?

Senator S.Y. Mézec:

Absolutely, I 100 per cent agree with that. What the Deputy is describing is something that I have heard of happening in the private sector as well and I think it is unacceptable when it is happening there. If there is a form of deposit being held, that must be held with My Deposit Jersey. That is the whole purpose of having My Deposit Jersey to provide that security. Any arrangement that does not reflect that is not acceptable.

4.15 Deputy K.G. Pamplin of the Minister for Children and Housing regarding the decision of Andium Homes not to sign up to the landlords' accreditation scheme: [OQ.123/2018]

Will the Minister explain why Andium Homes has not signed up to the landlords' accreditation scheme (Rent Safe)? Will he work to ensure that it does sign up for this voluntary scheme? If so, will he provide a date for when this can be achieved?

Senator S.Y. Mézec (The Minister for Children and Housing):

I thank the Deputy for this question. My broad principle is that I want the highest standards to be applied throughout all sectors of housing providers in the Island. That includes the minimum standards that are hopefully being approved by the States later today. I am aware that Andium Homes properties are scheduled to be 97 per cent compliant with the Decent Homes Standard by the end of this year and 100 per cent complaint by 2020. It makes sense for there to be some form of uniformity across the board and I suppose, in an ideal world, I would like Andium Homes to take part in the same processes that other landlords are having to as well. Where there is a difficulty at this point that I would like to see resolved before formally asking Andium Homes to sign up with Rent Safe is that they are concerned that because of the fee that they would have to pay to the Environment Department as part of this scheme that they would, in their estimate, be having to pay £500,000 a year, which is on top of the £28 million a year that they return to the States, as is currently the case. I would like to be absolutely certain that where money is moving from a States-owned company back to the States, only to end up back with the States-owned company again in some form or another that there be a better arrangement and one that does not risk holding back some of the important renovation and building works that Andium Homes are undertaking. I have said that broadly speaking this is something that I want look into, the arrangement with the States for how money is

shifted round. In principle, I think it is the right direction to go, but I want to make sure that it will not have an adverse effect on tenants inadvertently.

4.15.1 Deputy K.G. Pamplin:

Curious with the symmetry of the previous question here about Andium Homes. I quote the Director of Environmental Health who says: "The quality of our home has a direct effect on our health, mental well-being and our pocket." A badly insulated 2-bedroom flat can cost £600 per month to heat. So I am curious about the question of money, the fee. Could we put a figure on somebody's mental health and well-being? We can see the benefits of signing up, but I welcome his comment.

Senator S.Y. Mézec:

Sorry, I am not sure I heard a question in there, but what I would say is that Andium Homes within the next 2 years will have 100 per cent Decent Homes Standard, so I do not think it is necessarily a question of the quality of property that Andium Homes' tenants are living in. I think it is more the arrangement that they would have with the States where fees are going in one direction then ending up going in another direction again. I absolutely agree wholeheartedly with the principle of this, but I just think we need a practical solution to make sure that nobody is worse off at the end of it inadvertently.

4.15.2 Deputy M. Tadier:

Does the Minister agree that while there might be an issue of affordability - and that is largely due to a policy invented by the previous Assembly - of Andium's properties, the quality of Andium Homes is less of a problem compared to that of the private sector? Does he agree that given the very high level of attainment already in terms of the Decent Homes Standard that there should be some kind of recognition of where that sits on the Rent Safe Scheme? It may well be that automatically Andium Properties, which are deemed to have met the Decent Homes Standard, should automatically also be accredited on the Rent Safe Scheme without necessarily needing for them to sign up to it, because they have already achieved it.

Senator S.Y. Mézec:

What the Deputy is suggesting makes perfect sense, although this would be something that I would have to have discussions with the Minister for the Environment to make sure that we could do that properly.

[11:15]

4.15.3 Deputy K.G. Pamplin:

Again, I would just like to draw attention - because I know this is something we are going to be looking into later in the day - to the point of my original question of providing a date when he feels like this could be achieved by the terms he suggested by totally agreeing with him on the terms of the money and back and forth. Does he have, in his mindset, as Deputy Tadier was suggesting, that there could be a way to get them on quicker?

Senator S.Y. Mézec:

That is a good question. There are discussions that are happening right now about finding a better solution to the rental arrangement in our social housing providers. This is not something I have stipulated should be included in that. I might be concerned that if we did ask for that to be included it might delay achieving progress on the rental policy. I know he wants me to suggest a date for it, but I am afraid I just cannot do that at the moment.

4.16 Deputy G.P. Southern of the Chief Minister regarding the impact of income inequality: [OQ.121/2018].

Given that the report of the I.P.P.R. (Institute for Public Policy Research Commission Prosperity and Justice, a Plan for a New Economy) has suggested that, in the words of the Archbishop of Canterbury, the widening gulf between the rich and the poor has damaged our nation's sense of itself, will the Chief Minister state whether it is his assessment that this also applies to Jersey? If so, what measures will he take to put fairness at the heart of the economy?

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

I will say I have not had the opportunity to read in detail the report referred to, although I do note that there is a connection with Jersey already, because one of the authors is the head of the Jersey Financial Services Commission, albeit wearing a different hat. The Deputy may be pleased - he may be surprised - that I broadly speaking agree with him. We do need to strengthen our sense of identity as an Island community. We need to make sure that Islanders of different backgrounds and cultures do not feel left behind. We know that people are very concerned about how much it costs to live in Jersey and they are also concerned about high levels of immigration. The Council of Ministers will be lodging the Strategic Policy early next month. This whole issue around communities and sustainable economy will also be at the heart of our proposals. Thank you.

4.16.1 Deputy G.P. Southern:

I would not request that he reads the entire 250 pages of the report, but that he does pay attention to the 10 key points indicated in there, and particularly the chapter which talks about securing good pay, good jobs and good lives. What will he do specifically about security of employment?

Senator J.A.N. Le Fondré:

That is a very interesting jump. Security of employment is covered under the existing legislation that we have. I am going to be very careful, because we know that we have organisational change going ahead and we know we need to cut our cloth accordingly. Therefore, I am not going to make any further promises compared to the system in place. If there are specific issues we need to discuss in detail, I am always happy to discuss them.

4.16.2 Deputy M.R. Higgins:

Allied to the question of fairness in the economy and people having an equal opportunity, will the Chief Minister in his policy documents be furthering social mobility to encourage people to give opportunity for people to get ahead? A lot of people have found that they are poorer and they do not have the same opportunities to get ahead in life. What measures will the Chief Minister be bringing forward to try and improve people's life chances of getting ahead?

Senator J.A.N. Le Fondré:

Again, I will try to give a short answer to a complicated question. I am sure we will be reading the Strategic Policy Document when it is released, but in short it is all about those things that we already know about: about education, about mental health improvements and it is about improving the standard of living. Those are all in that document.

4.16.3 Deputy G.P. Southern:

As a final supplementary, would the Chief Minister refer to the insecurity of jobs in Jersey and bring forward a specific piece of work referring to people on zero hours contracts who, according to the report, should have the right to a regular contract if regular hours are being worked? Will he act on that recommendation from the I.P.P.R.?

Senator J.A.N. Le Fondré:

I will look at the recommendation and consider it. I will not promise to act on something until I fully understand it, but I will look at it, Sir.

4.17 Deputy L.M.C. Doublet of the Minister for Treasury and Resources regarding measures to allow for married women to manage their own tax affairs: [OQ.109/2018]

Can the Minister advise Members what progress, if any, has been made towards amending the current position whereby married women are required to obtain the permission of their spouse in order to be able to discuss their taxes with the Taxes Office?

Deputy S.J. Pinel (The Minister for Treasury and Resources):

Members will know that the last Council of Ministers commissioned a review of personal income tax. I shall update the States Assembly on the work undertaken in this review, alongside the Budget later this year. I am pleased to inform States Members that consultation with Islanders on the future of the Island's personal tax system has already commenced, primarily through a series of focus groups. These focus groups have provided plenty of useful insights. These insights will be carried forwards into a public consultation. That will be released alongside the Budget, giving everyone a chance to comment on the future of the Island's personal income tax system. Thank you.

The Deputy Bailiff:

Are you able to assist with the actual question relating to married women obtaining permission, because that is the thrust of the question, Minister?

Deputy S.J. Pinel:

Married couples can already elect for separate assessment. This allows married women to have their own tax affairs, they receive their own tax assessment and have their own liability. Personal income tax is calculated as if they were a married couple and then the liability is split between the spouses. That is the current situation.

4.17.1 Deputy L.M.C. Doublet:

I think the problem is that women have to ask their husband's permission to have this separate assessment. I believe that there is a mechanism whereby same sex couples, who are not married, can indicate who is partner A and partner B for tax purposes. Is there not a quick short-term fix to this, whereby opposite sex married couples could use the same mechanism and indicate who is partner A and partner B for tax purposes? This would eliminate the inequality and not require any immediate changes to the system.

Deputy S.J. Pinel:

With tax, there is no quick fix. The current tax return includes the tick box where husbands can specifically consent to empower their wives to handle his tax affairs. Making wives jointly and severally liable for the tax debts of their husband is not a quick fix. It would require law changes, including consideration of human rights matters and I.T. (information technology) system changes.

4.17.2 Deputy G.P. Southern:

The question is, when are we likely to see such a change towards equality? Will it be year of assessment 2019, year of assessment 2020 or beyond?

Deputy S.J. Pinel:

It is better to complete the personal tax review and bring forward a more holistic and sustainable solution. The whole change of the system for taxing personal income cannot take place before 2021 at the earliest, as it is dependent upon the successful installation of our new revenue management

system, which remains on track to be tested in the Taxes Office during 2019 and on track to deliver online filing capabilities in 2020.

4.17.3 Deputy G.P. Southern:

Given that there was a commitment made almost 5 years ago now, I believe, to the bringing about of individual taxation. Does the Minister not consider that to have further delay based on getting the technology right is rather somewhat of a shame and a missed opportunity?

Deputy S.J. Pinel:

I think I have answered the question, inasmuch as I have already explained the dates. The review of the whole personal tax system after so many years without significant change is a huge task. The first phase of the review was reported in March 2017, providing a significant amount of information about how our current system impacts on typical Jersey households.

4.17.4 Deputy M. Tadier:

Does the Minister agree that any tax review should also include the social security and income support system? Does she accept that there is a discrepancy with the way income support is supplied? So an unmarried couple, for example, would be considered part of one household and the income of let us say a wealthy partner and a non-working or low-income partner that they will not be able to claim individually, whereas the equivalent does not exist in the tax system where an unmarried couple can opt to be treated like a married couple, potentially getting tax breaks which would occur from that. Is that something the Minister shares my concern about and that she will look into?

Deputy S.J. Pinel:

Absolutely. It is already being looked into. When the new tax system comes into effect it will include the data of the Social Security Department, so that the 2 can marry up. In future options there are 2 routes that can be followed: independent taxation, where everyone pays tax on their own income or household taxation, wherever couples which form a household will be assessed on the income of that household. Within these broad routes there are a number of different options which are being considered.

4.17.5 Deputy M. Tadier:

Does the Minister accept that there is also an arguable women's right issue here? In some cases, if not often, it might be the woman who is the non-earner, although she may work as the homemaker, and she is unable to have an independent income, because income support will not recognise her lack of earnings, rather the joint income of the household. That needs to be taken into account as well, if we are to empower individuals and to emancipate them in some cases from what might become abusive relationships.

Deputy S.J. Pinel:

Yes, I quite agree with the situation, which is obviously being included in the tax review. This also requires law changes, as I have already stated, including the consideration of the human rights issues.

4.17.6 Deputy L.M.C. Doublet:

Does the Minister agree with me that this tick-box exercise that married women must rely on their husband to perform for them is quite simply degrading? If it can be remedied with giving opposite sex couples the same mechanism as same sex couples, please could she task one of her officers to look into whether this would be possible in short order?

Deputy S.J. Pinel:

The office is already looking into this and with the law change required nothing can be done in short order.

4.18 Deputy M.R. Higgins of the Chief Minister regarding the application of policy to instances where officers were found to have lied or covered up failures: [OQ.119/2018]

What action does policy dictate should be taken in instances where officers who have been found to have lied, covered up their failures or have otherwise failed to own up to mistakes or to correct their mistakes?

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

I think the short answer is that an individual's contract of employment and the Civil Service Code of Conduct requires an employee to fulfil their duties acting honestly and with integrity. It would be subject to an investigation or a disciplinary procedure and penalties would be applied depending on the specifics of the case. What I will also add is that because I also share an interest in what I will call matters of compliance and have an interest in how we can improve matters there. Again, I am very happy to try and arrange a meeting to sit down and discuss the issues the Deputy may have in mind.

4.18.1 Deputy M.R. Higgins:

I welcome the Chief Minister's willingness to sit down, because I am aware of 2 cases where a former chief officer of a department lied to the chief executive and therefore to the Chief Minister. That situation is totally intolerable. Another instance, in a department that is failing - and we have had numerous reports about the Children's Service - where they will not own up to the States. I will produce the evidence to the Chief Minister. There is also a failure in the way that the matters have been dealt with. I hope you will have a look at the procedures as well.

[11:30]

The Deputy Bailiff:

Deputy, there has to be a question.

Deputy M.R. Higgins:

I thank him for his offer of a meeting and I will give him the stuff. Thank you.

Senator J.A.N. Le Fondré:

Noted response, thank you.

4.19 Deputy M. Tadier of the Minister for Children and Housing regarding the policy of Andium Homes that rents stand at 90 per cent of the market rate: [OQ.124/2018]

Further to the recent announcement that Andium rents will be frozen, what consideration, if any, is the Minister giving to challenging the model that rents stand at "90 per cent of market rate", for example, by linking rent policy to average earnings?

Senator S.Y. Mézec (The Minister for Children and Housing):

Can I start by thanking Andium Homes for this decision to freeze their rents while a more stable and affordable mechanism for calculating rents can take place? Can I also place on record my thank you to the Minister for Treasury and Resources and Assistant Minister for Treasury and Resources, who were involved in these discussions and, of course, the Chief Minister, who we discussed this with at the formation of this Government? The Deputy will know, because it was, of course, in our shared manifesto that I do not believe in the 90 per cent market rate rule. I voted against it when it was

introduced and I want to see it changed. This is something that we are looking to do, as we speak. I can confirm, in line with the Deputy's question, that the consideration of average earnings is part of this. I hope that we will be able to report on this at some point early in the New Year.

4.19.1 Deputy M. Tadier:

Without wanting to be accused of being too obsequious, can I congratulate the Senator and the Minister for Housing on no doubt playing an important part in implementing one of his key policies, which was to tackle rents, especially in Andium Homes? Does he agree that there is lots of work to be done, not just for Andium, but right across the board in Jersey and that we need a fundamental rethink of what a rental property is and who the beneficiaries of it are and what the acceptable standards are, especially the maximum price that people are expected to pay for any homes in Jersey whether they are renting from the private sector or in the social sector?

Senator S.Y. Mézec:

The reason for me that this is such an important issue is because the statistics that we have learned over recent years where we know that the cost of housing is the single biggest contributing factor to poverty in Jersey, which I do not think is acceptable in a wealthy island like Jersey. I do not think it is too much to say that we should aspire to be a society where the most vulnerable and those on low incomes are looked after and are able to have happy lives with the security of knowing that there is a decent roof above their heads at all times. That is what motivates me to want to look at this policy, with the aim of changing it. The only caveat that I put with that is that when delivering on this, we have to make sure that there are no unintended consequences and that we know that we are not going to impose some sort of solution on social housing providers that inhibits their ability to be good landlords and provide decent quality homes to those who live in them. That will require having discussions with other stakeholders, including the Treasury Department. Remember that Andium Homes, of course, returns £28 million to the Treasury each year. I do not think that you can change the existing rents policy without looking into that and taking that into account as well.

4.19.2 Deputy G.P. Southern:

No soft words from me to the Minister. Would the Minister commit himself to avoiding such phrases as "early in the New Year", which could mean anything from January to the end of June and commit himself wherever possible to specific timelines? For example, I expect a report by the end of March. That is perfectly satisfactory; we know where we are. Will the Minister do that and say in this particular case what he means by "early in the New Year"?

Senator S.Y. Mézec:

I should have seen that one coming. January is what I meant by early New Year. It will be in January. I will endeavour to not let that sort of language slip me by in future. I am sure the Deputy will pick me up on it if I do.

4.19.3 Deputy R.J. Ward:

Does the Minister accept that freezing Andium Homes' rents goes beyond simply Andium Homes? It was a factor in Jersey Homes Trust freezing their rents and wider influence in rent freezes across the Island and that downward pressure on private rents is just as important?

Senator S.Y. Mézec:

Absolutely. Of course, I also thank Jersey Homes Trust, who followed Andium in this decision. I have had discussions with Jersey Homes Trust and I believe that there is room for working together to enable the States to help them support vulnerable and low-income tenants as well. I agree with him that private sector rents are a great difficulty for many people. One of the reasons that I had

never liked the 90 per cent market rate policy is that I thought it was too close to 100 per cent and could end up having an inflationary effect and that is the opposite of what we want to see.

4.19.4 The Deputy of St. Martin:

I am sure the Minister is well aware of the principles of supply and demand. Would he agree with me that the only real way to drive down rent is to increase supply?

Senator S.Y. Mézec:

This was something that was raised in the election campaign time and time again. I have always said that, yes, it is an important way, but it is not the only important way. We have a housing stock in Jersey, which frankly is not utilised to its full potential as things stand. We know that we have a 7 per cent vacant property rate. We do not need to build more homes when there are empty properties that should be put back on the market. Of course, I support the efforts that are being taken, not just by social housing providers, but by the Parishes as well, to provide homes in their areas as well. I 100 per cent support that and want to see more of that, but I will not accept that supply is the only issue here. It is also about appropriate management of the stock we already have.

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

The Minister has spoken about the housing stock. Is he going to reverse the idea that has been going around so far that the States are selling off their stock? I have some housing estates in my Parish and it comes up quite a lot that they are being sold on. I cannot believe that we are desperate to house people and yet we are selling States stock to tenants who are then selling them on and moving on. Could I ask the Minister if he could try and reverse that, because it would help enormously with their own idea of housing people?

Senator S.Y. Mézec:

I find it deeply uncomfortable to see the idea of States properties being sold off when there are waiting lists for people who need social housing properties. I do not think it is necessarily wrong to say that we should help facilitate first-time buyer schemes, which means we are creating new properties to be sold off. I do not think that is the wrong thing to do. I am uncomfortable about properties within our social housing stock being sold off. Yes, I am uncomfortable with that.

4.19.6 Deputy R.J. Rondel:

The Minister claims that there are thousands of empty properties around. Does he have evidence of this? Could he perhaps produce a list? I have a job to believe that figure, but I am willing to understand if we can get a bit more detail. Thank you.

Senator S.Y. Mézec:

Yes, the evidence for that was the last Jersey census, which I fully take the point is out of date now. It was in 2011 that that happened. They said at the time that there were 3,000 empty properties. That does not include a breakdown of why those properties are empty. Of course, many of them will be empty for perfectly legitimate reasons and I think it would be wrong to impose any sort of sanction on those who have properties empty for good reasons. I am concerned that there are properties that are empty without good reason. I think it is right that the States does something to incentivise those back on the market. Again, this was something that I discussed with the Chief Minister at the formation of this Government and it is on our work programme to look and see what we can do about that.

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

While this question started off with Andium Homes, it seems to have drifted into private landlords and that aspect of that particular business. Can the Minister, please, clarify for us his stance on his

interest or desire to look at trying to control commercial businesses and commercial industries in this Island? Sorry, “commercial” could lead to a different connotation. Can I suggest “the private landlord business”?

Senator S.Y. Mézec:

Is the Deputy referring to rent caps?

The Deputy of St. Peter:

Yes.

Senator S.Y. Mézec:

There has been a petition, which has exceeded its 1,000 mark to get a response from me, which the Deputy can await with eagerness, I am sure. We have not committed to any form of rent cap, but what we have committed to is looking at the rental market, looking at what levers there are to affect costs and hopefully bring the costs down for tenants. I would say to him that caps are one option that has not been agreed to pursue. It obviously has difficulties associated with it.

4.19.8 Deputy G.P. Southern:

The Minister will not be surprised when I say that some of us on this side of the House are less than fascinated by the Minister’s state of mind. The statement: “I am uncomfortable with the selling off of social housing”, is inappropriate. “I am so uncomfortable that I am going to do something about it”, would be a far more useful answer. Again, will the Minister try and avoid these generalisations like: “I feel uncomfortable about it”, because that does not produce action. What action does he want to take, from investigation to stopping some activity is more to the point? Will the Minister pay attention to that?

Senator S.Y. Mézec:

I thank the Deputy once again for his help. I will give him my absolute assurance that at my next meeting with the board from Andium Homes I will add the agenda item to understand better what the situation is now, so that we can understand what can do about it; at the next meeting. I can guarantee that.

4.19.9 Deputy M. Tadier:

Does the Minister agree and will he defend the right for State intervention, even in the private sector, given the Jersey context that in Jersey the States outsource social landlords’ duties to the private sector, who are in receipt of some £10 million a year in income support benefit and also the fact that the State has an inherent responsibility when it comes to the provision of adequate and affordable housing, not just in the social sector, but for all Island Residents? Does the Minister agree that the regulation needs to apply equally into the social sector and that it does need some form of regulation, including rent control in the private sector?

Senator S.Y. Mézec:

There are some who, for philosophical reasons, are terrified at the idea of the State intervening in any sort of market in any sort of way. I am not one of those people. I think that markets can end up distorted, particularly in small jurisdictions like this one where we have limited space and limited resources. On that basis, I do think it is right that when it is connected to something which is such a basic need for everybody - everybody needs a roof above their heads - I believe that it is right that a government seeks to intervene, where appropriate and where it will improve things, to deliver on behalf of those we represent, so that they can have decent and happy lives.

4.20 The Connétable of St. Helier of the Minister for the Environment regarding implementation of the Future St. Helier initiative: [OQ.122/2018]

When, if at all, does the Minister plan to reconvene the group responsible for implementing the Future St. Helier initiative begun by the former Minister for the Environment?

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

I thank the Constable for his question and enable me to circulate the details of the excellent work done by the Future St. Helier Group over the last 3 years to Members. Of course, as he knows, the Council of Ministers is currently working on our current Strategic Priorities for this 4-year term. While it is yet to be finalised and debated by this Assembly, I feel very confident that my colleagues will agree that the Future of St. Helier is critical to our future policies and improvements to our town. It is, in my view, imperative the work of that group is able to continue and that the Connétable is involved fully in it, along with others. Given the position where we are, as it were, in the throes of redeveloping our organisation, the whole approach to the Strategic Plan and the emergence of different policy mechanisms groups and policy boards, it is difficult for me at the moment to be exactly definitive of exactly what structure or what forum or group we will put in place to drive it forward. However, there is no question in my mind it will need to have a focus on implementation and action.

[11:45]

That will need consolidation with our resources in the M.T.F.P. I propose that there will be a group that needs to involve a wide range of stakeholders, including the Parish, and will engage with the local community, as it has previously done. There is a lot of work in progress, but there are fragments of it at the moment, so the big picture, I expect to be in a position in the next 2 months when we see the publication of the Strategic Plan and we know its future, to set in place those arrangements.

4.20.1 Deputy R. Labey:

The Minister reads to us from his notes, I do not know whether he prepared them or his officers did, but he extols the excellent work of the Future of St. Helier project of the last Assembly. But how does that manifest itself in any evidence in St. Helier? What can we see now from that work to back his claims up that it has been an excellent process?

Deputy J.H. Young:

I think another very good question. I share the Deputy's concern. It was one of my main election manifestos that I want to see actions in the base of St. Helier and I think there were some transport traffic management schemes done. But, inevitably, I think the work that has been done is, as I recall it, the planning foundations. There were workshops in May 2015, public workshops in September 2017, there were public surveys and indeed there is an R.T.P.I. (Royal Town Planning Institute) conference that set down a whole agenda of work. The problem is there were no mechanisms in place for the resources and, therefore, there is little ... and I am not being critical of the previous Minister; the group was hamstrung because there was no process to link the Strategic Plan to provide the resources to get this job done. That is something that I shall certainly drive in the new Council of Ministers in the next 4 years.

4.20.2 Deputy R.J. Ward:

Can I urge the Minister to include representation from Deputies and also to put children at the heart of any plans for the centre of St. Helier, which is so built up, in terms of areas of play, green spaces and, in particular, providing facilities for youth centres, which are particularly north of St. Helier, is currently very, very absent from that area?

Deputy J.H. Young:

Absolutely. I was so impressed with the preparation work, the conceptual work that was done by our group. I hope Members got a chance to follow the link that I circulated to everybody yesterday. But one of those topics, but one, is about open space and there is no question, we have been desperately supportive of open space for I do not know how long and it has to be put right, and the sufferers of that are definitely children. Children and lack of play space causes bad social conditions, which leads to all these consequences that we all now are having to face up to. There is no question, top priority in my book.

4.20.3 Deputy R. Labey:

What of the North of Town Masterplan, which is an excellent document and has been sitting on a shelf for 10 or more years and is a blueprint for how our town should look; tree-lined avenues, spaces in which the car is always so dominant? Why can we not take an element, even one street, of recommendations on the North of Town Masterplan, Bath Street down to David Place, for example, and implement that? It is already there. We all agreed it is a great plan. Why can we not do something from that instead of waiting for yet another review?

Deputy J.H. Young:

I do not see this as a review at all. I see the process that is going on in the Council of Ministers is how we organise ourselves, both on the Executive side, the officers, and on our political side to get these things done. At the moment there is a complete mismatch between ministerial responsibilities and where the resources are. I feel confident that under our new chief executive and our Chief Minister, as a team we will sort that and we will not be dilatory about it. But, unfortunately, I have to face some practicalities here; just taking stock, work is being done on the south-west St. Helier framework, which we are ready to publish fairly soon. The North of Town Masterplan, yes, it has got strong points in it but there are a number of areas that need to change and improve. We have got the Port Masterplan that I have had a look at early and we have got projects like the Queen's Canopy Project, which I think the Deputy will know about, opportunities. There are all these elements that we have to integrate. That group that the Constable has asked about is going to be a prime mechanism for getting that integration. Because we cannot have *ad hoc* decision making, we have got to have a plan and then work through it as resources allow. But allocate those resources and give responsibility, get it done.

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

The Deputy Bailiff:

I am sorry, that does in fact bring us to the end of the time allocated for questions. I am sorry you did not get your final supplementary or you did not get your questions answered but those are the Standing Orders that we abide by. We now simply give Members notice that Senator Mézec will be making a statement under K, which is not necessarily on the current Order Paper. But we now come to the first period of questions without notice and the first Minister to answer questions is the Minister for Economic Development, Tourism, Sport and Culture.

5.1 The Connétable of St. Helier:

I will get my question into the Minister for Economic Development, Tourism, Sport and Culture instead. The Minister was presumably signed up to the former Strategic Plan 2015 to 2018 and one of the strategic priorities was the improvement of St. Helier for the benefit of the economy. Clearly, we discovered this morning that his fellow Minister of Infrastructure does not really get it when it comes to improving St. Helier. Is this Minister going to support the inclusion of the improvement of St. Helier as an element in the Strategic Plan being prepared by the Council?

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

Yes, I most certainly am.

5.2 Deputy S.M. Ahier:

Following on from my Constable, there has been an abject failure to invest in Fort Regent. Will the Minister inform us what plans, if any, the Fort Regent Future Group has for the regeneration of Fort Regent and whether there has been any funding allocated for this redevelopment?

Senator L.J. Farnham:

Of course, with the election of the Fort Future Group stalled slightly, it is currently under the leadership of Senator Pallett. I think we are waiting just for the Chief Minister to confirm that that leadership will continue. A lot of work has been ongoing with Fort Regent. It is still nothing short of a disgrace that we have left that facility to deteriorate over the years and we talk about it without doing anything. Something simply has to be done. My department, my ministerial team, are absolutely side by side in ensuring it will be because if it does not we will have to close the venue down in the not too distant future. We are starting to see the degradation of the property surface and affects on users of the fort. When the safety of the public is called into question, we are left with but one option. If that action is to happen, and I hope we can avoid it, but if it does then, ironically, it might prove the catalyst to give this Assembly and Government the kick in the pants it needs to get something done about it; if that is a parliamentary phrase I can use.

The Deputy Bailiff:

Very well. I do not think you should ask for a ruling on that, Senator.

5.3 Deputy K.F. Morel:

During the election it became clear to all of us, I believe, that Islanders want this Assembly and Ministers to grapple with the issue of squaring the circle of how to have economic growth, while also managing population and many people want us to see population stop or decrease. The only way we can do that before getting migration policy on the books is through productivity. I was wondering if the Minister would tell the Assembly what measures his department is currently taking to improve productivity, and not just currently but also future initiatives that are in trend.

Senator L.J. Farnham:

Productivity will be at the heart of how we plan to grow and develop the economy in the Strategic Plan. I recently met with the Minister for Home Affairs to discuss short-to-medium term issues that some industries were having with finding staff. The action I plan to take with fellow Ministers and States Assembly Members in the short term is to ensure that businesses can get access to seasonal workers and workers on permits and licences, which do not have a negative long-term impact on the population. That is something we have discussed for some time but we have not come to a solution. Of course, the waters are muddied slightly by the current situation in relation to Brexit and what we might or might not be able to do with our borders post the beginning of next year. But it is a problem that is understood. It is something we are determined to fix. I would reiterate that improving the economy's productivity is going to be key in the next Strategic Plan. We are separately working and my department will lead on a new economic framework, and work is undergoing on that now. I am sure we are going to be working closely with the Deputy on the Scrutiny Panel at the right time.

5.4 Deputy R.J. Rondel:

On the local radio some weeks ago the Minister made a statement that he would be declaring within days of that interview he would be making an announcement regarding the desperate need for

agricultural workers to be allowed to work on the farms. Has he made that decision and perhaps I missed it?

Senator L.J. Farnham:

I am just back from the summer break, so I do not recall exactly what I said. But I refer to my previous answer, insofar as agriculture is one of the industries finding it hardest - probably the hardest - to find the labour they need. On top of that, the industry, especially the dairy sector, has had a very difficult year with unique weather conditions, which happened across Europe and is making the supply of forage very expensive. We have a number of issues we are currently working closely on with the industry and I do undertake to find a solution to this. But I cannot give the Deputy a date but I would hope ... well not hope. It is going to be, I think, vital that we find a solution so that industries, such as retail, tourism and agriculture, will not have such a difficult time next year.

5.5 Deputy R. Labey:

Does the Minister recognise the importance for tourism, and for residents alike, of reuniting St. Helier with the sea? While the Steam Clock might be, in its present state, an unedifying monument aesthetically and completely useless practically because it does not now even tell the time, is it not better to have the Steam Clock in place if it prevents a U.K. chain hotel replacing it?

Senator L.J. Farnham:

I am sure the Deputy has heard on many occasions that even a stopped clock is right twice a day. **[Laughter]** Before commenting on hotels I would remind Members that I do have an interest in a hotel. I do not think the Steam Clock site is the right site for a hotel. I think we have to have a lot more vision. I would like to see more hotel accommodation available in St. Helier, especially on the port land because there are some really good sites, in my opinion, for new development and new investments in our tourism sector. The highest value for any use of land in Jersey is currently for housing and while we do need to increase the supply of housing, I do not believe we should do it at any cost to our other industries. Of course, I understand there has been interest from industry in investing in the Waterfront and Ports area but, of course, it is going to be difficult when they can get a better return from housing. I do not think the Steam Clock site is the right site but I would like to see new tourism and visitor accommodation in and around the Waterfront area.

5.5.1 Deputy R. Labey:

Would the Port Authority not be better employed doing up La Folie than inviting a U.K. chain to go where the Steam Clock is?

Senator L.J. Farnham:

Yes, they would. They would and I know the Minister for Treasury and Resources, who is a representative shareholder, is going to be chivvyng them along on that issue.

5.6 Deputy G.P. Southern:

When the Minister stood to say that he was fully behind the Constable of St. Helier's initiatives to regenerate St. Helier, I was surprised that the entire membership did not stand, rise their feet and shout: "How?" Because, yet again, we have been given a masterclass in how not to say anything specific when it is question time. Could we have less of the platitudes like: "We will work side by side with other Ministers", "Something will be done"? "Something will be done" is so vague as to be meaningless.

[12:00]

Will the Minister, in future and today, say something concrete that he will do, in particular about Fort Regent, which was the second question? Can the Minister continue to say what he is going to do about Fort Regent?

The Deputy Bailiff:

What will you do about Fort Regent, I think is the question there?

Senator L.J. Farnham:

Can I refer the Deputy to my previous answer, Sir?

Deputy G.P. Southern:

The previous answer contained no action whatsoever.

The Deputy Bailiff:

No, please, we cannot have that.

Deputy G.P. Southern:

Please, Sir.

The Deputy Bailiff:

I think the question is: are you able to provide more information about what you will do and how you will deal with Fort Regent?

Senator L.J. Farnham:

Not at the moment. I can give no detail or exact answer as to how the problems around Fort Regent will be resolved, other than my department working closely with the Minister for Infrastructure will put public safety as paramount and as our first importance. If public safety is compromised, then we will have to take action. But there are lots of very good ideas and suggestions; the Fort Future Group has a number of very good ideas. They have been engaging with a good number of sectors of the economy and business and potential investors. I know there are some other ideas being bandied about. But I cannot give an exact solution to the problem, other than mine and other Members' determination to find a solution and quickly.

5.7 Senator S.C. Ferguson:

Following on in the Fort Regent discussion: the Minister has already said that Fort Regent requires considerable maintenance. How much are we speaking of? What estimates are there of cost for the maintenance of Fort Regent?

Senator L.J. Farnham:

Currently there are millions of pounds currently allocated for the demolition of the cable car station, which is currently underway. Final tenders are now in for the demolition of the swimming pool. But on top of that, if the Senator is referring to the day-to-day maintenance of the fort, and she is poised over her button, so I will give way because she is going to elucidate ...

The Deputy Bailiff:

No, I anticipate that the Senator is poised to ask you to focus on the day-to-day maintenance because that was the actual question, it was: what was the day-to-day maintenance?

Senator L.J. Farnham:

There is a significant amount of work required for day-to-day maintenance. I cannot give her an exact figure currently of the annual maintenance cost but I will endeavour to provide that to her.

5.8 Deputy R.J. Ward:

What work is being done, such as a cost-benefit analysis, on the wider and overall impact on each high-value resident, including the effect on house and rental prices and specific wider contributions to employment and wages for those they employ on the Island?

Senator L.J. Farnham:

I think that is an issue that we are going to be touching upon in Deputy Perchard's proposition later. Locate Jersey release annual figures, which provide a snapshot of the benefit of that sector. For valid reasons, there are no detailed figures released on tax income and other economic benefits and that is something, I think, we may well need to address. Because the number of high-net-worth residents moving to Jersey, in comparison to our overall annual immigration figures, are tiny; it could be 5, 10 or 15 a year. But while they are tiny, in comparison to the actual numbers, they do provide much larger social and economic benefits, for example, there is approximately £5 million a year collected in stamp duties from purchases within that sector. Tax raised on an annual basis will be tens of millions and nearly all of our charities and organisations, including Durrell and our heritage and cultural organisations, are benefactors from some extremely generous donations from that sector. But it is a pretty high-level view of figures we give and that is something, I think, we need to discuss, as an Assembly, whether we provide greater and more detailed breakdowns in the future.

5.9 Deputy L.M.C. Doublet:

Does the Minister agree that our library service is a hugely important contributor to the culture of the Island? Does he agree that they should not be subject to any further funding cuts?

Senator L.J. Farnham:

I do absolutely and I am pleased to say that the library comes under the budget of the Minister for Education, as far as I am concerned; not for long she tells me. But, yes, I do agree that the provision of library service is very important to our cultural society.

Deputy L.M.C. Doublet:

Should not be subject to any further cuts?

Senator L.J. Farnham:

No, not only should they not be subject to further cuts but I would like to see the Minister for Education provide increased funding for the library.

6. Questions to Ministers without notice - The Chief Minister

The Deputy Bailiff:

That brings the time allocated for questions to this Minister to an end. The second period for questions without notice is to the Chief Minister.

The Connétable of St. Helier:

Sir, before asking my question to the Chief Minister, I just wanted to ask you whether you had any plans after the lunchbreak to make any announcement to the States, given the important anniversary that today is, in respect of the 9/11 attacks.

The Deputy Bailiff:

That had not been part of the thinking, Connétable, but thank you for drawing it to our attention. I am sure that you have done so Members now are fully aware that this is a very important anniversary and that they will keep that remembrance in their own way.

The Connétable of St. Helier:

Thank you, Sir.

6.1 Senator S.C. Ferguson:

Does the Chief Minister welcome the ability of staff at the hospital now to be able to speak out more freely?

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

The short response or the long response? The short response is absolutely and the longer response is I want to be very clear, in fact I have made it very clear to the chief executive very recently, that I would take a very, very dim view if it emerged that pressure was being applied to hospital staff either not to speak out or to modify their views; that cannot be right that there is any perception to the contrary. I hope that should be clear and I hope this Assembly would endorse that.

6.2 The Deputy of St. Peter:

I was rather looking forward to Deputy Wickenden's oral question on the Chief Minister's visit to the Minquiers. Perhaps he could share with us why he went and what he was hoping to achieve.

Senator J.A.N. Le Fondré:

What I will do, I will just grab the response that I was going to give to Deputy Wickenden in his summary of that. This is a little bit of a history lesson. In 1953 the International Court of Justice at The Hague gave judgments in the case of the Minquiers and Écréhous (France v. United Kingdom). In a unanimous decision the court found that the sovereignty of the islets and rocks of Les Écréhous and the Minquiers belonged to the United Kingdom and thus to Jersey. One of the relevant facts in the case was that the Jersey authorities had made periodic official visits to the Minquiers and Écréhous since 1888. Therefore, I was delighted in the summer to follow in the footsteps of many States Members in the past, including those of my father when he was President of Harbours and Airport Committee, in visiting on the outlying reefs in my official capacity. I hope there will be more visits in the future potentially. My stance on that is if there is there will be some slots that I will offer to different individuals because although it is fun, no question, it has an official status. It is part of our role as States Members and just a slightly odd one but it has a very official and formal status that it is demonstrating our sovereignty over the outlying parts of the Bailiwick of Jersey and important fishing waters that go with it. **[Approbation]**

6.3 Deputy M. Tadier:

I was hoping that the Chief Minister was saying he was doing some reconnaissance work for the new Badlabecques CD, which is to be called Hey, Hey, We're the Minquiers. **[Laughter]** But, sadly, that will have to take place with a different trip. But perhaps extending the theme slightly, does the Chief Minister acknowledge that, especially in this, potentially, post-Brexit world, we need to be looking increasingly towards Normandy, Brittany and France for our relations there? With my A.P.F. (Assemblée Parlementaire de la Francophonie) hat on, does he agree that it is vital that the standing of that Assemblée, of which we are all automatically members, needs to be given additional resources? It should not be the poor relation when compared to something like the Commonwealth Parliamentary Association, so that we can provide the requisite visits and hospitality to our colleagues and cousins in France and to strengthen those results for environmental, cultural and economic benefit.

Senator J.A.N. Le Fondré:

I suppose as vice-president of the Assemblée Parlementaire de la Francophonie I should declare an interest and I did not know discretion was coming either. But the Deputy knows my stance on our

relations with France and in relation to the A.P.F., that I do believe, particularly in the time of Brexit, that it is yet another important avenue of getting the Jersey message and the Jersey connections understood in a wider context. The A.P.F. is a very logical step to spreading the Jersey message to our European cousins. At the regional level, there is quite a lot of work that does happen, both in Normandy and Brittany. In fact speaking personally, it was not my first time but I attended the conference with Ile et Vilaine in Guernsey just before the summer recess, and there is another one that is coming sometime in the next 6 to 8 weeks - I cannot remember in my diary, which, again, I am looking forward to. It is a little bit of a French lesson as well but there is some quite good work that comes out of that and it is about improving that relationship. Yes, I entirely agree. On a slightly lighter note, given the reference to Badlabecques, I look forward to the equivalent, I am sure, of the gentleman whose name I have just forgotten, who redid the Bergerac theme tune in various guises around the Island, including Gorey Castle and the tide coming in. I look forward to seeing the Deputy and the rest of his colleagues on a rock, possibly with the tide coming in, but hopefully there is a boat nearby [**Laughter**], to do the same.

6.4 Deputy S.M. Ahier:

After seeing for himself the wonderful work the beekeepers are doing to eradicate the Asian Hornet, is the Chief Minister aware that it costs approximately £500 to destroy a nest? Is he also aware that these volunteers do not even have the protective suits that he was able to don? Therefore, will the Chief Minister allocate funding to try to eliminate this threat to our ecosystem, as the cost to the environment will be inestimable?

Senator J.A.N. Le Fondré:

Deputy, hopefully you will be delighted with my response because I believe, and I am looking at the Minister for the Environment here as well, that we are slightly on the front foot. My visit, I think, was about 3 weeks ago and just before that visit, and also subsequently as a result of that visit, I had a conversation with the Minister and we are, I believe, seeking to get some extra funds in very quickly. What those funds will go to I am not entirely clear but the point is trying to get something in urgently. Because basically the issue around the hornets, as I understand, we have got about 4 to 6 weeks before the queens start leaving the nests. After that point that is pretty well it for the season and, obviously after that, it then becomes a big issue next year. Certainly I am informed that the density of our population is significantly more than other areas, which are encountering hornets in Europe at the moment. Therefore, there is a greater likelihood of things going wrong at some point. Therefore, in my view, it should definitely be the case, although we will probably always have hornets on the Island, we should be doing the best to mitigate how far that invasive species goes. But the corollary to that is that I am being informed that they are here probably to stay. I certainly commend the work of the volunteers. My understanding is that the destruction of the nests is carried out by pest controllers and I believe - I would have to be corrected on that - that we pay for that destruction; we bear those costs. Therefore, the people, who are the volunteers, are searching for the nests. Yes, the Deputy is right, they will not have the protective suit that I briefly wore and I have to say was very uncomfortable. I was looking forward to getting close to the nest; they decided that it is too risky. But my understanding is the volunteers are looking for the nests, therefore, in general, the view is they do not need to wear the suits because they are searching. They have been advised not to get too close. They are looking for a visual identification of where that is. Obviously, as soon as that interaction of getting closer to the nest and gets involved particularly in destruction, I believe that is when the suits come in. That is my understanding, I hope to be corrected. But the very clear message I want to move on to is that we do need to get some funding in place. I have discussed it with the Minister, we have discussed it with the chief executive and I believe measures are in place to act pretty swiftly on that.

6.5 The Connétable of St. Helier:

The Chief Minister will know that his predecessor included in the States Strategic Plan the following undertaking: “To agree a new partnership between the States and the Parish of St. Helier for efficiency and fairness in the delivery of services to the public, which does not disadvantage St. Helier ratepayers when compared with the ratepayers of other Parishes.” This is 5.11 on page 18 of the Strategic Plan. Will the Minister undertake to meet with his Minister for Infrastructure to see if he can explain the principle of fairness to the Minister because clearly I cannot make him understand it?

[12:15]

Senator J.A.N. Le Fondré:

I think the short answer, I am very happy to always meet with the Minister for Infrastructure and I will be doing so shortly and we will make sure that area is covered. I think I will make 2 comments. One the Constable may not be terribly happy about, which is obviously the agreement I believe he has signed with the Minister in a slightly different hat but when he was previously a Minister, was that St. Helier look after matters inside the Ring Road and, therefore, that would explain why matters outside the Ring Road are being dealt with by D.f.I. (Department for Infrastructure). But I believe the indication from the Minister is he is always happy to look at that kind of agreement to see where that goes. On a hopefully more positive front, as the Connétable will be aware, he was one of the first people I met in terms of our meetings with States Members. I want to try and keep that going. One of my wider longer-term issues is how we get the funding in place to achieve, even at a limited level, the improvements that we are all seeking for investment in St. Helier. I have not forgotten that but we have still got to find the money. We are on the case and as soon as I get an indication I will obviously come back to the Constable. I do intend to meet with him again at some point before Christmas.

6.6 Deputy K.F. Morel:

Would the Chief Minister confirm where ministerial responsibility for the digital sector lies and whether he believes that this is the best place in order to promote business growth within the sector?

Senator J.A.N. Le Fondré:

Thank you for the question, Deputy. At the moment the responsibility lies with me in the Chief Minister’s Department. No, I do not think that is the best place because one thing I am learning on this job is that there is a very wide responsibility. It is fascinating and very interesting but in terms of the ability to focus on certain areas to give it the attention it deserves, and digital is one of our future, if not present key industries, therefore, there will be a decision to move it to Economic Development, possibly with a group around that. There will be some more information on that in due course. That is in the process of happening, I am just waiting for some terms of reference to be finished... to be drafted.

6.7 Deputy S.M. Wickenden:

Does the Chief Minister agree that, as our Chief Minister, he could have and possibly should have done more to assist Deputy Perchard and Deputy Guida in their propositions over the summer break, rather than issuing comment statements at the end of the break disclosing non-support for their propositions?

Senator J.A.N. Le Fondré:

In relation to Deputy Guida, we have agreed to work with him and that is why the proposition has been deferred. In relation to Deputy Perchard, I was unable to meet with Deputy Perchard but I believe she did meet with 2 of my Assistant Ministers. The issues are in relation with the summer recess, which has caused some problems relative to the start of a new Council of Ministers and new

Assembly. This is the first time, I think, I cannot remember how long the summer break was, but the summer holidays are around 6 or 7 weeks and officers do go on holiday at various times; that causes delays. Never ideal where we are. We are back into full force now and we will see how that pans out. But the other issue on the Senator ... on Deputy Perchard, sorry, here is your promotion, possibly a past relative. My comments on Deputy Perchard's, I think, proposition are clear, that it could only be discussed at the Council of Ministers last week.

6.8 Deputy R.J. Ward:

May I ask the Minister, just following on from some earlier questions, what is your definition of a fair economy?

Senator J.A.N. Le Fondré:

Very interesting and I love these type of questions. I am sure I am going to get more used to them. I am always a bit cautious when we get into fairness and economics because there is economy and there is money. You can have a fair society, which is a different thing, and a fair society is where people have a decent standard of living in order to get on with their lives, I would suggest. I would imagine that a fair economy comes out of a subset of that definition.

6.9 Deputy G.P. Southern:

Following up on that particular scheme, I renew my request that the Chief Minister examines the report from the I.P.P.R. applying to the U.K. for parallels with Jersey. In particular, in this particular case, can I suggest that he gets his officers to study chapter 12 of the report, which talks about spreading wealth and ownership across the economy and, in particular, where it refers to how we tax land? Will the Chief Minister make that commitment to do that study?

Senator J.A.N. Le Fondré:

What I have said we will do, and starting to put that into play, is the review that is taking place of the interaction between income support and taxation; taxation, I would suggest, of the existing systems. If it extends into how we tax land, that may be something we will consider at the time. What I would say in terms of quoting that report is one has to be slightly careful. This will go to an interest of Deputy Ward, I suspect, as well. I believe one of the recommendations is greater diversity in the workplace, but also the lower wage differentials between highest and lowest paid. There is an argument, and it will upset some people to hear it, that technically that is what is being done in the present round of pay. Because where we have a fixed sum of money to deal with, the money is being directed notionally to assist the people who are least well-off at the bottom end of that segment of our workforce and less directed to the people at the top. That is an issue about cutting our cloth.

The Deputy Bailiff:

Chief Minister, I am sorry, I am afraid that brings the time allocated to questions to you to an end. There is nothing under J, and under K Members hopefully will have had circulated a statement to be made by Senator Mézec, at the end of which in accordance with Standing Orders there is up to 15 minutes of questions that can be asked of the Senator.

STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY

7. Statement by the Minister for Children and Housing regarding the Ofsted inspection of Children's Services

7.1 Senator S.Y. Mézec (The Minister for Children and Housing):

For too long Jersey has been failing children. One year ago, the Independent Jersey Care Inquiry exposed how for decades Jersey failed many of the children and young people who were in our care

or otherwise needed our support. The panel concluded that in the light of the evidence they heard they considered that children could still be at risk in Jersey. Under the previous Government, work began to implement the Inquiry's recommendations, including recommendation 3, which was that Jersey should establish truly independent inspection arrangements for our Children's Services. In June of this year, in conjunction with the Jersey Care Commission, Ofsted were invited to review our services and give us an external assessment of progress. The early feedback from this review made it clear that although it did not identify that any children are still at risk in Jersey, we had not done enough to improve since the Care Inquiry published its report and that we are still failing children. Last Thursday, the Jersey Care Commission published a report about that Ofsted inspection. The report is both challenging and helpful. It describes the significant improvement challenges that we face, while also setting out what it considers the Government, not just Children's Services, needs to do to place Children's Services on a strong footing into the long term. I urge all States Members to read this report. Included in the summary of the inspection's findings are that vulnerable children have not been a priority for the States, that progress has been too slow, that information held about children is not managed effectively to help identify the correct support they require, that recruitment and retention of social workers remains a huge challenge and that children feel the consequences of this, and that wholesale system change is required. Ofsted made 20 recommendations, which fall under the headings of: corporate leadership, children and young people's experiences, infrastructure and governance, and operational and delivery. The Jersey Care Commission made 2 further recommendations on future arrangements for independent inspections. The Council of Ministers met on Wednesday and agreed to accept all of these recommendations. As well as highlighting failures, Ofsted stated that there are green shoots and acknowledged that some progress has been made, including the substantial financial investment made last year to increase the numbers of social work posts. Since June this year, the Government has not sat still waiting for this report to present a way forward but instead used the early feedback provided by Ofsted to inspire actions over the summer, including the approval of a new improvement plan. The strategic board, which is co-chaired by myself and the Chief Minister, will meet later this month to review, challenge and scrutinise progress made in the first 3 months. Work is also going on to update and modernise our legislation to ensure it is fit for purpose to meet the needs of children and young people. This will include our corporate parenting statutory framework. I recognise that to achieve whole system change we need to ensure we always put the well-being of children at the forefront of all we do. We will need to do more than just update our legislation. We will have to win hearts and minds. That is why we have decided to launch a pledge to Jersey's children and young people, which we are asking Ministers, States Members and the Executive leadership of the public service to sign up to. This pledge is not a knee-jerk reaction to the report and it is not a substitute for a full corporate parenting strategy and legislation. It is a statement of our commitment to speed up the pace of change for the care and protection of children in Jersey and an acknowledgement that children are the responsibility of all of us and not just Children's Services. The Island should not and cannot have any more damning reports that say we are failing children. We must create an environment where all our children and young people in Jersey are safe and can flourish. That means we must work together as the public service, Government and States Assembly to develop outstanding services for children and families. Children must be at the heart of everything we do. These 8 pledges are more than nice words. This is how we are going to hold ourselves to account. It sets a standard which we can hold one another to, to ensure we are delivering on our commitment to put Jersey's children first, irrespective of what our specific role is in the governance of this Island. Everyone has a role to play in the care and protection of children in this Island, from politicians to police, teachers and civil servants, to family, friends and neighbours. Children are everyone's responsibility. The Jersey Care Commission report stated that we need a system-wide endeavour to strengthen services for vulnerable children. This pledge is an important statement of long-term intent that children and young people will be uppermost in all of our minds as we go about the business of Government today, tomorrow and into the future. I invite

Members to show that commitment by signing the pledge today that can be found in the Members' room just at the side.

The Deputy Bailiff:

Very well, there is now a period of 15 minutes during which questions can be asked of the Senator in connection with the statement.

7.1.1 Deputy M.R. Higgins:

I will state right at the very beginning I shall be signing the pledge. I believe we should all do so. **[Approbation]** I would also like to say that we have had numerous reports but the basis of what we need to do for the future is to have a culture change. Part of that change means that not only do we have to keep records, proper records, accurate records, and change them when they are wrong - and there are problems in that area - but also we need to have honesty, integrity and a willingness to admit mistakes and not try to cover-up failings. It is my belief that unfortunately that is the culture that we have at the moment and unless we can eradicate those problems, the dishonesty, the failure to admit mistakes and to stop covering-up, we will never get to the bottom of this. I will fully support the changes to the ...

The Deputy Bailiff:

Deputy, I have allowed you a fair preamble but there is a question at the end of this somewhere, is there, because this is questions at this minute?

Deputy M.R. Higgins:

I will leave it and just say I hope the Minister will agree with me. I would like him to say if he does agree with the need for honesty, integrity and no cover-ups.

Senator S.Y. Mézec:

I thank the Deputy for his question and I agree with the sentiment behind it. Culture change is needed and I hope that we are in the early stages of that. I am heartened by what I have heard not just from the new chief executive of the States but also the new Director General of the Children, Young People, Education and Skills Department. I think that when we make mistakes in this journey, and we will make mistakes in this journey, we ought to be brave enough to hold our hands up, admit when there are mistakes, learn from them, ask others to hold us to account and challenge us when those mistakes are made, because sometimes those mistakes may be perfectly innocent, not necessarily poor decision making, but accidents happen and circumstances change that might not be reacted well to. I think we ought to be holding our hands up and ensuring that nothing is brushed under the carpet. I think this mission is too important really and they owe it to us to be honest not just to ourselves but to the public. That I hope is the culture that we will see developing in future in Jersey.

7.1.2 Deputy G.P. Southern:

Does the Minister accept that in order to improve the lot of children we must collectively address the issue of the number of children living in relative low-income households and reduce income inequality in Island families? Will he commit to investigate, set and publish targets for improving income distribution figures for families with children?

[12:30]

Senator S.Y. Mézec:

Yes, the Care Inquiry report made abundantly clear, and it should have been clear beforehand anyway, that the effect of relative low income on families can be very negative on children's upbringing and does often increase their chances of ending up in care or having some sort of

altercation with the legal system or authorities. That is something that we must deal with in this term of office. I have made it one of my personal top commitments. I know that it is a top commitment for other Members of this Assembly because, frankly, we pay the price for this later on if we do not address the inequality there is in the Island. In terms of targets, pledge 8 in this refers to setting and publishing clear standards. I know that the Deputy will agree with me when I say that I do think there should be an early Income Distribution Survey. I think that we should be pushing for that to get a better picture of where we stand and how things have changed since the last Income Distribution Survey. If any new Members have not read the previous one, I encourage them to do so because it demonstrates the levels of people in our society who are living in relative low income and I hope would inspire them to want to see the change to reduce those levels. I want to see tangible targets for improving those levels, not just wishy-washy statements about social inclusion or anything like that. I think we should be setting clear targets.

7.1.3 Deputy M. Tadier:

Does the Children's Minister agree that part of the problem here is that Jersey historically, and still currently, has been operating a low tax, low spend model as a Government and that, effectively, when it comes to Children's Services, like many other departments we have done things on the cheap; we have underinvested for decades and now we are reaping the consequences of that model? If so, what influence can he bring in the Council of Ministers to make sure that there is a fundamental change in the amount of money we spend on social good and outcomes? What chances does he think he will have of implementing that change?

Senator S.Y. Mézec:

The Deputy will know that I obviously come from a similar philosophical perspective to him on this. I think that it does not necessarily matter where you come from on the political spectrum to know that some of the failures that we have had in recent years have been directly connected to funding that has been allocated. I think it is widely regarded that the previous Children's Plan, as great a document as it was, did not live up to what it should have done because there was not funding allocated to it. There is a new Children's Plan being drafted at the moment and when that is brought forward we absolutely must identify the right funding to make sure that it is a success. Pledge 7 commits us to providing sufficient funding to make sure that we can be effective when we make changes to our Children's Services. That is something that will, I am sure, provoke some very difficult discussions as we are all competing for different priorities, but I hope that with this commitment the rights and the needs of children in our society will be top of that list of priorities and we can say to ourselves that when it comes to the children in our society we will not sell them short and we will not provide them with platitudes. We will provide them with decent, well-funded services that they can benefit from.

7.1.4 Deputy M. Tadier:

A supplementary, if I may: does the Minister also agree that it is not simply sufficient to say that we will safeguard sufficient funding for Children's Services, but we need to also provide sufficient funding for all the things that underlie the welfare of the vulnerable and children, including access to primary healthcare, which we know is very expensive and inaccessible for many in Jersey, including for those with children, but also to what some might see as nice to have like culture? Education obviously is fundamental, and sports, which all feed very much into social outcomes and into health outcomes, including for children. We cannot do things on the cheap and that funding must be put in adequately in all of these areas.

Senator S.Y. Mézec:

At the end of the day, spending money on the children in Jersey is an investment in Jersey's future. These are people who will one day work in our economy. These are the people that will care for us

in our old age, so I think we should see it as an investment. It is something that will lead to future prosperity for the Island. It is not just right to do it for those economic reasons but right to do it morally, that everybody in this wealthy Island should be having a happy, safe upbringing where they can thrive and flourish.

7.1.5 Deputy R.J. Ward:

It is good to hear the Minister talking of actions. Can the Minister commit at the earliest opportunity to update the Children’s Law 2002, which is now 16 years old and includes such phrases as “legitimate” and “illegitimate” to describe our children, which is absolutely outrageous?

Senator S.Y. Mézec:

I wholeheartedly agree with the Deputy. While some might have considered it an old-fashioned technical term, it is inappropriate to describe any child as illegitimate. All children are legitimate and special and should be treasured. I agree with him that our Children’s Law is out of date, not just because of the language it uses but because of the lack of provisions in it in other important areas. Work is currently being done to examine our options for updating the Children’s Law, whether that would be a comprehensive update or whether it would be a withdrawal and replacement. Some of the things we will need to consider in that new Children’s Law will be issues that were brought up in the Ofsted report to do with support for care leavers and when children are leaving care to have decent processes in place so that they can continue to receive support into their adulthood. I would just make this point. Everybody in this room who has kids knows that when they turn 18 you do not forget about them and stop supporting them. I am 27 and my parents still support me. You continue to support them into their adulthood. I think it is right that that should be reflected, because if that is the way that parents show love to their children, that should also be what we do as a society for those children, too, and that has to be reflected in our Children’s Law.

7.1.6 Senator K.L. Moore:

Will the Minister commit to publishing the clear targets that he will set for defining action in this area and also commit to publishing them on a quarterly basis alongside any monitoring and improvements that have been made?

Senator S.Y. Mézec:

Absolutely. I am envisaging some sort of dashboard that we can have online so that members of the public are able to track the progress that we are making. Some of the recommendations that we have from this report are quite tangible recommendations. They are things that are quite practical that we can be getting on with and will be quite easy to track our progress in. Some of those are going to be difficult, and I look back to the Care Inquiry report, which made recommendations on things that are, I think, going to be difficult to assess when we have succeeded, things like “the Jersey Way” and having a more inclusive community where people have faith in our institutions to deliver justice for them. That is going to be difficult to track, but I certainly do envisage having something online that is updated, maybe not even quarterly, maybe even more frequently than that when there are updates. I think that we have to be transparent about this and be ready to be held to account if we fall short of our own targets.

7.1.7 The Connétable of St. Lawrence:

What does “whole system change” mean and what does it involve?

Senator S.Y. Mézec:

It is a good question and I think there are 2 elements to it. The first is the actual management of our Children’s Services, and the Ofsted report spoke about things like the fact that there is not particularly good information sharing between different agencies. If that is not happening, then it can be much

harder to identify what specific support children need. If it becomes harder to identify it might take longer to identify, in which case things can escalate in that meantime, which is difficult then for early intervention. There have also been difficulties with leadership structures up until now. Part of the work of the improvement plan is to address that and I know that there are changes going on there which should be helpful. That is the practical side to the question, but then there is also the wider side to the question about, generally speaking, our culture and how we approach this together. That I think is a little bit harder to equate and measure, but I agree with what the report says about green shoots. I personally think I am seeing changes in attitude from people and how they see them fitting into this bigger picture. I think that is really important and I am quite positive about that.

7.1.8 Deputy K.F. Morel:

Given that yesterday in the video published on the internet the Minister said that with regard to funding and the pledge: "I will be able to say I need the funding to deliver this and you have signed up to this, too." He intends to use this pledge as a tool to get what he wants, so to speak, what he believes is necessary, which is fine from a ministerial perspective. I was wondering if the Minister would give a reassurance to the Assembly because as a scrutineer I am concerned and I would need this kind of reassurance in order to be able to sign up to the pledge believing I can deliver on the pledge in the areas where I work. I am concerned where he says: "We will ensure that any regulatory and legislative changes needed will be progressed swiftly." My concern is that the Minister, in the way that he intends to deal with the Council of Ministers, as is their business - he wants to hold it up and say: "You said this so you must give me the funding" - that he will not turn to Scrutiny, who when faced with legislation which they may question and they may feel is inappropriate or poor quality legislation, he will hold up this pledge and say: "Sorry, you said that you would pass this swiftly. I do not want any more questions." Can the Minister give this reassurance?

Senator S.Y. Mézec:

That is an absolutely excellent question. I am very glad that Deputy Morel has asked it. I think back to what my position on this would have been in the previous term when I was head of the Scrutiny Panel that examined our Children's Services. Let us be clear: this pledge cannot, should not and must not be seen about co-opting anybody to any specific voting pattern or any particular tactic in this Assembly that they do not feel is right. I think that this pledge for each person signing it might take a subjective view on it: what is swift? We may have disagreements on what that means, but I think it is the commitment that we would share, which is that we should be progressing things quickly. If there is a problem with something and it needs to be pulled in for scrutiny, then I think that that justification can be taken by saying: "The reason we are pulling this in for scrutiny is because we believe in putting children first and we want a good piece of legislation at the end, and that will require us having our input on it." I do not think that it prevents that and I certainly will not use it to stifle Scrutiny doing their job. I am looking forward to working with Scrutiny and them holding me to account. The reason we will be doing that is because we all sign up to the broad principle, which is that we want the best Children's Services and the best environment for children to grow up in in Jersey. We may have disagreements from time to time about practically what that involves, but those will be well-meaning disagreements because we are coming from the same perspective in wanting the same end.

The Deputy Bailiff:

I am afraid that brings the time allocated for questions to this Minister to an end.

Deputy R. Labey:

This is a really important issue. Can I ask that we have an extension of time? I did put my light on. I have not been able to ask the question. I think it is such a very important issue. We have not had a chance as an Assembly to be consulted or talk about this pledge and the issues that surround it. I

would ask the Assembly's indulgence that we extend this question time for another 10 or 15 minutes, please. **[Approbation]**

The Deputy Bailiff:

There appears to be general support. You propose that there is an extension for how long?

Deputy R. Labey:

Fifteen minutes.

The Deputy Bailiff:

Is that seconded? **[Seconded]** Members kindly show if they are in favour of that extension? For form's sake, those against? Very well, we will extend the period of question time in connection with this topic by 15 minutes.

7.1.9 Deputy R. Labey:

Would the Minister agree with the following statements? Simon Bellwood, the person one might call the original whistle-blower, should have been promoted for his actions and instead was sacked by Ministers. We were told that lessons would be learnt. Lessons have not been learnt. We still do not have a satisfactory whistle-blowing policy. The last whistle-blower had to go to Gary Burgess at the *J.E.P. (Jersey Evening Post)*. He paints a picture once again - once again - of management and people in Children's Services putting the protection of their own positions above the protection of children. I despair. Never mind about signing a pledge, how can I get action on this?

Senator S.Y. Mézec:

The Deputy makes an incredibly powerful point and the Care Inquiry itself spoke about the culture of fear that often exists and the fact that some people do not want to speak out, not just because they might fear repercussions from senior people in their area but also because a lot of the time these workers' whole livelihoods is tied to their jobs because of their accommodation and everything that goes with that. That is going to give rise to some very difficult decisions about how we can create a working environment in these services to ensure that everybody feels like they can speak out.

[12:45]

I am heartened by the actions that have been taken by the new Director General of the department, who has already been in touch with workers in the department to help identify to them clear lines which they can take if they feel like they ought to whistle blow. Going directly to the Director General is one option. Going to me is another option, and I have had correspondence from those who have spoken to the media as well. I have passed on concerns to be looked at and if there are not satisfactory results, then I will have to challenge it in some form or another to ensure that those who are working in the system genuinely believe that they can speak out when necessary. I know that the current chair of the States Employment Board has spoken about whistle-blowing policy and that is obviously something I would want to contribute to as that is brought forward. I think it is fundamental that everybody should feel able to speak out, especially when it would be at the detriment of the well-being of people who often are simply not capable of speaking out for themselves. We have to take on that responsibility and help them.

7.1.10 The Deputy of St. Peter:

I must applaud the Senator for his initiative, his actions and his commitment to supporting children in the Island. Like Deputy Higgins, I will be signing this pledge. However, I have a concern about his use of words like "priority for spend" and "funding for children". We have many other vulnerable people within our community: elderly, disabled, mentally ill, *et cetera*. Will you be, in your capacity in the Council of Ministers, ensuring a more balanced view of support of these other members of our

society and promote them as well or make sure they are not left behind with your commitment to children, which is most worthy?

Senator S.Y. Mézec:

It is an excellent question from the Deputy and it is absolutely right that the role of this Assembly and this Government is, of course, not just to look after one category of vulnerable people but to make sure that everybody who is in need in our society is provided the support that they require. I think this partly ties-in with the question that Deputy Southern asked about relative low income. There are measures that we will undertake to support children in Jersey that will also extend to other categories of vulnerable people in our society, who will also benefit from it. If we are, for example, investing in health care, that will have a benefit to other vulnerable people who are not necessarily children. If we are trying to reduce poverty in the Island, that will have a benefit for all types of people in Jersey who live in poverty. I reiterate what I said before that the children of today are the adults and the workers of tomorrow, so the investment we provide for them today will be something that we will all reap the benefits of in future. I agree that we have to look out for all of the vulnerable in Jersey. I think that it is fair to say, though, that there does need to be a particular emphasis on children given the history we have in Jersey and given the amount of damning reports we have. When we fix the elements of the system other people will benefit, not just those that we first went to help.

7.1.11 Deputy M. Tadier:

My honourable friend Deputy Ward reminded us that language is important. When we still have words like “illegitimate” and “legitimate” on the statute books to describe children, that is not a good thing. Similarly, even though it touches on my own department, I am very uncomfortable with words such as “high-net-worth” and “high-value residents” because the implication is that there must be an opposite, which means that we have low-net-worth individuals living in our society and that we have low-value residents. I am sure they will be the first ones to feel that sometimes abstract mantle that they have to wear. With this in mind and with the pledge also in mind, does the Minister agree that one way that we can show social solidarity across the board is by accepting that the care of our children, especially the vulnerable children, and other vulnerable people in our society is not just the responsibility of one Minister of the Council of Ministers of this Assembly but it goes beyond that? That is what the Care Inquiry told us. Irrespective of what our ability to influence policy is, whether it is as a Minister, a Back-Bencher or a member of the public, we can all play our parts. Again, with that in mind, what would he say to Members of this Assembly who have stated publicly that they have difficulty in signing that pledge? Could he give them a reassurance that it is the duty of everyone in this Assembly to sign up to that?

Senator S.Y. Mézec:

Everybody will have their own way of expressing how they feel about these issues. What I want is for as inclusive an approach as possible and for anybody who has any difficulty with these issues, I am more than up for speaking to them and coming to some sort of understanding of how they feel and what can be done to address those feelings. I think that the language we use is important and I have spoken to victims and survivors of abuse about some of the way that they feel language needs to be changed to be a bit more inclusive and sensitive to how they feel. I think that getting to part of what the Deputy raised in his question is that this cannot be a temporary political priority. It cannot be an item in this Strategic Plan and then we forget about it in 4 years. We may find, and I hope we find at the end of this term, that we have made huge progress and that we will have outstanding Children’s Services at the end, but just because you achieve something good does not mean it stays good for ever. Things can slip and if we do not do what we can to create the best foundations for this, then we risk that in future. I want us to have a focus on ensuring that we do the right thing not just in the short term but in the long term as well.

7.1.12 Deputy R.J. Ward:

Could I ask what training will be available for States workers for the role of corporate parent?

Senator S.Y. Mézec:

I will just find my notes. Yes, there is going to be multi-agency training, which is going to be starting this month. There are 4,000 States staff who are going to be trained over the next 9 months. There is an event on Thursday which I will be speaking at alongside the Director General for the Children, Young People, Education and Skills Department. I think there has to be a recognition that no matter what role you have in our society, but particularly in the States because we have direct control over that, we should all be doing what we can to safeguard the welfare of children, particularly vulnerable children. That may mean from time to time if you have to interact with a young person as part of your job that you just might spot something and you might with a bit of training be able to connect the lines together or be able to help take somebody to where they will get the service provision that they need. That is not necessarily obvious, so I think that the training that we are about to undertake will hopefully be a positive step for helping with that.

7.1.13 Deputy R.J. Rondel:

Just firstly, I would say I support the Deputy in this role 100 per cent and his commitment cannot be questioned. I was a little disappointed yesterday when I heard the Chief Minister respond. It appeared it was not an understanding of the need of urgency in doing something positive. If I could give you an example. I have had dealings on mental health issues with several constituents who are still in desperate need. I also 2 weeks ago represented a 15 year-old with a social worker. She came in, lovely lady, really nice, and she questioned the child for 40 minutes, started to gain his trust and a relationship, and that is important. Before she left I said: "Is there anything else?" and she said: "I have to tell you I am leaving the Island in 2 days' time." I was gobsmacked because she had built up the relationship and it falls apart just like that. It is not right. I had to come back early from a planning site visit to meet her at 12.00 p.m. because she had other appointments in the afternoon. It turns out those appointments were to sell her property over here and visit people. Now, I am sorry, this is not good enough. I said: "What happens now?" "Oh, I will pass it on to the next person down. I do not know who that will be because we are so short-staffed." This is not right and I will fight every breath for justice for these people.

The Deputy Bailiff:

Deputy, I have allowed a significant preamble but you really must get to the question. There are other people who would like to ask a question.

Deputy R.J. Rondel:

Okay. Would the Minister and his team please support the urgency... the urgent need for action?

Senator S.Y. Mézec:

The Deputy makes an incredibly powerful point and it is no wonder that certain cases end up where they do when those young people ... how can you expect them to build up the trust when they are speaking to a different person every time? We know that half of the social work front line workers are agency staff, often perfectly well-meaning people like the example Deputy Rondel has given, who are doing a good job but who for whatever reason are not permanent here. There are young people who are suffering as a result of that. That is absolutely unacceptable. It is referenced in the Care Commission report. We are going to have to find a way of making the working practices and recruitment in that service much better. I think it is very upsetting when you see some of the people who have been failed by our service. It is not good enough and we have to do so much better. It is

going to be difficult to get there, but we simply cannot be in this situation ever again. It is not acceptable.

7.1.14 The Connétable of St. Lawrence:

Of course, it is not only children who have been failed, it is the families as well; the families who support our vulnerable children. I would just like to say that I, too, know of cases that Deputy Rondel has just referenced where families are frustrated and disappointed with the number of social workers that they are having to deal with in relation to vulnerable children. My question is: what emphasis does the Minister place on providing support for those families of vulnerable children?

Senator S.Y. Mézec:

I think that one area that we need to get to grips with is early intervention, when families are in those early stages of potentially developing issues that need to be addressed that those issues can be addressed so those children will not feel the full impact of hitting a full crisis and that they can stay with their families and that when their families face difficult circumstances with whatever it may be, it may be poverty, it may be domestic violence, it may be having decent accommodation to live in, that we can do what we can in those early stages. As Minister for Housing, I have seen incidents that have been very upsetting where I have been able to see that a family is going to become homeless at some point in the future. It is obvious that it is going to happen because of their particular housing arrangement and we have not been able to provide them support until they have hit that crisis. I am aware of one incident where children had to have counselling to understand why what had happened had happened to them. I found it deeply upsetting that we were not able to do something earlier to stop that from happening in the first place. I think that focus on early intervention is key and we have to do much better at it.

The Deputy Bailiff:

That brings the extended period for questions to the Senator to an end. Is the adjournment proposed?

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

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

[12:58]

LUNCHEON ADJOURNMENT

[14:15]

COMMUNICATIONS BY THE PRESIDING OFFICER

8. The Deputy Bailiff:

Before moving on to Public Business, I have an announcement to make on the part of the Bailiff in the following terms: "I apologise that I cannot be with you personally to deliver this message in the States. However, I wanted States Members to be among the first to know that Her Majesty the Queen has approved my request to be permitted to retire from the office of Bailiff on 12th October 2019. By then, I shall have completed nearly 5 years as Bailiff and some 20 years of public service. This is a time which is right for me and for my family and with what is now a new Assembly having been in place for 15 months, it seems as good a time as any to make way for a successor. There will be plenty of opportunities for goodbye messages nearer the time as I have more than 12 months left in office, all being well. I should like to take the opportunity to say that, like my predecessors, I have tried to be useful in the role as Presiding Officer in this Assembly, a role which is not always

straightforward and sometimes positively challenging, but it has been stimulating. Notwithstanding the debate about the role of the Bailiff in the Assembly, I have always appreciated that Members have approached that subject without personal rancour.”

PUBLIC BUSINESS

9. Draft Limited Liability Companies (Jersey) Law 201- (P.85/2018)

The Deputy Bailiff:

Very well, the first item of Public Business is the Limited Liability Companies (Jersey) Law - P.85/2018 - and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Limited Liability Companies (Jersey) Law 201-. A Law to provide for the establishment and regulation of limited liability companies, and for connected purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

The Deputy Bailiff:

Who is proposing this?

9.1 Connétable R.A. Buchanan of St. Ouen (Assistant Chief Minister - rapporteur):

I am, Sir. The Draft Limited Liability Companies Law proposes the introduction of a new legal structure for Jersey, the limited liability company or L.L.C. as it is more commonly known. Jersey’s position as one of the most stable and successful international finance centres in the world is deserved and it is the responsibility of Government to have the ability to continue to drive excellence and innovation in what we do. In order to prosper, we must be innovative and the proposals I bring before you today have that concept at their heart. This concept is one of the general principles of the Government’s published Jersey Financial Services Policy Framework, the others being stable, responsible, excellence, and working together. The L.L.C. law is, therefore, intended to permit and govern the creation and use of L.L.C.s in Jersey. It is envisaged that the introduction of a U.S. (United States) familiar vehicle would contribute to Jersey being an increasingly attractive jurisdiction for U.S. and equivalent European business as well as catering for our growing U.S. market generally. North American assets and funds administered in Jersey in 2016 totalled approximately £169 billion. The addition of L.L.C.s to Jersey, which would combine various features of Jersey limited companies and Jersey partnerships, would also provide a new corporate tool for the finance industry. Caution has been taken in forming these proposals. In expanding into new markets we must not endanger the stable and consistent business we have worked hard to create. For that reason, we have given specific regard to ensuring that Jersey L.L.C.s fit within our existing statutory and regulatory frameworks. We have ensured this in order to be consistent with our status as a leading and regulatory-compliant international finance centre. We have taken the idea of L.L.C.s and adapted it to ensure it fits correctly into our legal system. Of course, this has meant full public consultation and the response by Government, discussions with the Law Officers, the Jersey Financial Services Commission and the Economic Affairs Scrutiny Panel for their support of this proposal. What is an L.L.C.? I would like to take some time to explain exactly what an L.L.C. is and why it will be of benefit to Jersey. L.L.C.s are a legal structure, so this may be thought of as introducing a new entity in the same category as a regular limited liability company or limited partnership or L.L.P (limited liability partnership), a law for which this Assembly voted to bring in force at a previous sitting. L.L.C.s combine elements of structures that already exist in Jersey. Very few of these elements are novel to Jersey. It is the combination in L.L.C.s which make them attractive. The L.L.C. provides the key ingredients for both companies and partnerships, the limited liability protection of a company and

the constitutional flexibility and privacy of a partnership. Lastly, the Jersey L.L.C. enables a choice between management structures and taxation of both. The use of L.L.C.s can vary greatly but it would be likely to include simple businesses undertaken by one or more persons, the ultimate holding vehicles for large company structures, and a special purpose vehicle in which many finance and fund structures will be located. The L.L.C. will be a transparent entity for tax purposes. Either profits would be allocated to the members of the L.L.C., who are required to pay income tax in their jurisdiction to which they are tax resident, or they will have the ability to be elected to be treated as a company for tax purposes instead. It shares this transparent trait with the already established L.L.P.s. Indeed, the closest jurisdictional equivalent in Jersey, where for obvious reasons legal structures have been designed and modelled on U.K. structures, is the L.L.P. However, as the Jersey L.L.P. was designed more strictly in line with partnership and U.K. law, it can be considered a more restricted vehicle than the L.L.C. Further, U.S. law has also devolved so that some L.L.C.s may create a series, in a similar manner to Jersey protected cell companies. Jersey L.L.C.s will have this feature. In terms of basic structure, an L.L.C. consists of one or more members, which will sound familiar to shareholders in a company but in substance are more akin to partners in an L.L.P., and, if appointed, one or more managers, which may sound similar to a managing or general partner to a partnership but in substance are more akin to directors of a company. The L.L.C. will have a separate personality but not be a body corporate, and that is akin to a Jersey L.L.P. and, therefore, has the ability to hold assets and enter into contracts in its own name, akin to both a limited company and an L.L.P. So what is the benefit? The adoption of L.L.C.s is consistent with the Jersey financial services core principles, specifically innovation. I spoke at the beginning of this speech of the importance of not standing still in financial services. We must give room for our largest industry, the largest taxpayer and the largest employer to prosper. This Assembly has heard a lot about Brexit in the last 2 years and the unknown outcome of the event that is a difficulty for all of us. It is commonly acknowledged that Jersey has to look outwards to markets outside of Europe, which represent a significant potential growth area. L.L.C.s are part of this outlook. L.L.C.s are the formation choice of U.S. investors. This is a familiar vehicle of choice in the North American market, a market that is growing significantly already in Jersey. Indeed, from 2012 to 2016, we saw a 358 per cent increase in North American assets in Jersey. This market is identified as a growth area by both Jersey Finance Limited and the Government. L.L.C.s were a transparent vehicle for Jersey purposes. Jersey is a signatory to the O.E.C.D. (Organisation for Economic Co-operation and Development) Multilateral Convention to Implement Tax Treaty Related Measures, designed to prevent base erosion and profit shifting, known as B.E.P.S. The introduction of L.L.C.s is entirely consistent with Jersey's O.E.C.D. B.E.P.S. commitments as well as its commitment to international standards on beneficial ownership. In addition, Jersey must always be cognisant of where other financial centres are in terms of competition. The adoption of L.L.C. legislation will put Jersey as a fast follower. Some of the more U.S.-facing jurisdictions such as Caymans and Bermuda have already rolled out L.L.C.s. We want to be a leader in this part of the world but we also want to get it right, spending time making sure that we have the proper elements of L.L.C.s and blend them into our Jersey law in the correct fashion. Guernsey is yet to have an L.L.C. law. In conclusion, I propose the draft L.L.C. law to this Assembly as a significant and positive development in Jersey's financial services legal offering. These proposals are a result of significant thought and analysis as well as excellent engagement with the public, the industry, Jersey Finance Limited, the J.F.S.C. (Jersey Financial Services Commission), and indeed the Economic Scrutiny Panels for both this and the previous Assembly. I propose the principles.

The Deputy Bailiff:

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

9.1.1 Deputy G.C. Guida:

Sorry, just a quick question. Could you give us an example of the difference between an L.L.C. and a normal limited company as already exists in Jersey?

The Deputy Bailiff:

Does any other Member wish to speak? I call on the Connétable to respond.

9.1.2 The Connétable of St. Ouen:

The difference is relatively simple in that a normal limited liability company would have shareholders and directors, where an L.L.C. would normally have a partnership agreement at its core and the partners would be the owners of the company.

The Deputy Bailiff:

Very well. Presumably, you move the proposition. Shall we take it on a standing vote?

The Connétable of St. Ouen:

Yes, please.

The Deputy Bailiff:

Those in favour of adopting the principles kindly ...

The Connétable of St. Helier:

Could 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.

POUR: 38		CONTRE: 0		ABSTAIN: 0
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

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

The Deputy Bailiff:

Does the Economic Affairs Scrutiny Panel wish to scrutinise this matter, Deputy Morel?

Deputy K.F. Morel (Chairman, Economic Affairs Scrutiny Panel):

No, we have no desire to call it in but I would like to say a couple of words if I may. That was just to say the panel has ...

The Deputy Bailiff:

Did you wish to speak at the point of the Second Reading?

Deputy K.F. Morel:

Okay, yes. I apologise, I thought we were there.

The Deputy Bailiff:

The option is to call the matter in or not but by all means speak at Second Reading or Third Reading, indeed, if that is more appropriate for you.

Deputy K.F. Morel:

That is where I thought we were.

The Deputy Bailiff:

Very well. How do you wish to propose the Articles, then, Connétable?

9.2 The Connétable of St. Ouen:

The regulations are technical in nature and fairly numerous. Given we have just had our lunch, if agreeable by the Assembly I would like to propose them *en bloc*.

The Deputy Bailiff:

Yes. I am not sure the proximity of lunch is a particularly good reason for proposing them *en bloc*.

The Connétable of St. Ouen:

I am sure it is not but given the humour that we had this morning I thought I ought to make an attempt.

The Deputy Bailiff:

Very well, we will take it on that basis. So, you propose them *en bloc*. Are the regulations seconded? **[Seconded]** Very well, does any Member have any questions on the Articles or any of them? Those in favour of adopting the Articles kindly show. Those against? The Articles are adopted. Do you propose the matter in Third Reading?

9.3 The Connétable of St. Ouen:

Yes, I would like to propose them in Third Reading and I will endeavour to answer any questions Members may have.

The Deputy Bailiff:

Is the matter seconded in Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading? Deputy Morel.

9.3.1 Deputy K.F. Morel:

Yes, I just wanted to say that while the Economic Affairs Scrutiny Panel had looked at this law in detail and we were as happy with it as you can be, not knowing the effect of something in advance it is just impossible to know exactly how the L.L.C.s will pan out. Our concerns, as it were, were about the reputational impact that L.L.C.s could have on Jersey if used inappropriately, as has happened across the U.S. In many cases L.L.C.s are the vehicle of choice for legitimate and less legitimate businesses in the U.S., so we are just going to keep a watching brief - and this is just to let the Assembly know - to see how L.L.C.s are implemented within the industry in Jersey. Over the next couple of years we will look to review them and to see whether there has been any adverse reputational impact with L.L.C.s.

9.3.2 The Connétable of St. Helier:

I have a slightly tangential question which the Assistant Minister may not be able to answer now. It relates to the law drafting that has led to this Bill being laid before the States.

[14:30]

I am sorry to go on about St. Helier's needs but that I suppose is my job. I was at a meeting of Havre des Pas residents with the Deputies last week and there was general consternation that their request for a 20-mile-an-hour speed limit has not been actioned by the Minister for Infrastructure in spite of this being requested not months but years ago. My question to the Assistant Minister is: when was this piece of legislation triggered? How long has it been in law drafting? Is it a case that quality of life issues that require legal changes take a back seat when legislation required by the financial services industry is prioritised? I think that is an important matter not just for this issue but for others as well.

The Deputy Bailiff:

Of course, the purpose of Third Reading is a debate as to whether or not this proposition should be adopted in Third Reading, Connétable, but there we are. Does any other Member wish to speak in Third Reading? I call upon the Connétable to respond.

9.3.3 The Connétable of St. Ouen:

If I can pick up on Deputy Morel's reputational issues. I think when I first read this I had the same concern. However, I think I would draw to his attention the excellent structure we have in place in which regulation by Jersey Financial Services Commission is imposed on all financial services businesses. They are very tightly controlled and they are acutely aware of reputational issues that can damage the industry and I feel confident that even though we have lost the Director General they will do a very good job of policing this legislation and making sure that we avoid the pitfalls that he alludes to. I have more difficulty in answering the Constable of St. Helier's question. I think all I can do is carry back to the Council of Ministers his concerns and have a discussion with the Chief Minister and see if we can find some drafting time for the legislation that he needs. Other than that, I have no other answer that I can provide other than that.

The Deputy Bailiff:

Very well. Do you maintain the proposition?

The Connétable of St. Ouen:

Yes. Can I call for 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.

POUR: 41		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hagarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				

10. Health and Safety Appeal Tribunal: reappointment of members (P.92/2018)

The Deputy Bailiff:

The next item is the Health and Safety Appeal Tribunal: reappointment of members - P.92/2018 - lodged by the Minister for Social Security, and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to reappoint Mr. David Martin Rothband and Mr. Nigel Collier-Webb as members of the Health and Safety Appeal Tribunal, in pursuance of Article 17 of the Health and Safety at Work (Jersey) Law 1989, and the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations 1989, with immediate effect, for a period of 3 years.

10.1 Deputy J.A. Martin (The Minister for Social Security):

There is really not a lot to say about this proposition. It is a reappointment. I would like to thank both of these gentlemen; one working for 6 years and one working for 3 years already on this tribunal. Unfortunately, these were the only 2 people who put their names forward after adverts in the *J.E.P.* So I hope the Assembly will pass this proposition, but if there are any other questions about this, then I will try and answer them.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Those in favour of adopting the proposition kindly show. Those against? The proposition is adopted.

11. Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 6) (Jersey) Regulations 201-(P.93/2018)

The Deputy Bailiff:

The next item is the Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 6) (Jersey) Regulations - P.93/2018 - and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 6) (Jersey) Regulations 201-. The States, in pursuance of Articles 2 and 6 of the Sea Fisheries (Jersey) Law 1994, have made the following Regulations.

The Deputy Bailiff:

Minister, I understand the Assistant Minister is to act as rapporteur? Yes, Assistant Minister.

11.1 Deputy G.C. Guida (Assistant Minister for the Environment - rapporteur):

I will be presenting this. I apologise, it is pretty long but the department wanted to make sure that I read this right. The Sea Fisheries (Minimum Size Limits) (Jersey) Regulations 201- is the Regulation which controls the minimum size by which fish and shellfish can be landed, offered for sale, sold or retained by fishermen within Jersey's territorial seas for fisheries management purposes. The proposed amendment to increase the minimum size from 95 millimetres to 110 millimetres carapace length for crawfish is a simple and sensible change that brings us in line with our neighbouring jurisdictions. The minimum size restrictions on landing, sale and retention of fish and shellfish is a tried and tested management measure employed in fisheries management across the world. The rationale is simple, in that the minimum size allows fish to reproduce at least once, but often multiple times, prior to recruitment into a fishery. It works well, particularly with shellfish, which are robust and have high survival levels if they are captured and released. With respect to crawfish, the biological evidence shows that most females are mature by the existing size of 95 millimetres, but the most productive females have a carapace length of between 95 millimetres and 110 millimetres.

The size increase will allow not only more opportunity for that part of the stock to reproduce, but also at the time in the lifecycle when the individuals are most likely to successfully reproduce. This gives the most bang for your buck, so to speak. Crawfish have been caught by Jersey fishermen for many years in small numbers, and while not economically important to the fleet, they are a charismatic species in our water. Catches have declined throughout recent years, thought mainly due to fishing pressure. Local fishermen, through the Granville Bay Agreement, have worked with neighbouring French fishermen on research projects, tagging crawfish in Granville Bay waters in order to better understand the local population and propose management measures that seek to redress the current situation and allow further recovery of the stock. One measure universally agreed between fishers, scientists and administrations in both Jersey and France is an increase in the minimum size that crawfish that can be retained. This change has already been adopted in France and in parts of the U.K. where crawfish are present. The amendment before the Assembly today brings us into line with our neighbouring jurisdictions. I hope Members will agree with me that this simple amendment is easy to support. The scientific evidence and rationale is clear. Members of the industry fully support the change, as do our French colleagues, and it brings us into line with neighbouring jurisdictions, thus demonstrating our commitment to joined-up evidence-driven management for our important marine resources. I would like to take this opportunity to thank the P.P.C. for their comments in relation to this proposition. I hope that the addendum provided the additional information sought. I would also like to thank the Connétable of St. Brelade and the members of the Environment, Housing and Infrastructure Scrutiny Panel for finding the time to meet my officers to discuss this proposition.

The Deputy Bailiff:

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

11.1.1 Deputy R. Labey:

I would like to thank the Assistant Minister for Planning and Environment for his gracious comments as regards P.P.C.'s report on the proposition, which asked for the evidence referred to in the report to the proposition to be given to States Members to be part of the proposition. No offence was meant, but it is very interesting to see that that evidence has revealed that the species of crayfish we are talking about is apparently, to quote it: "At near complete collapse of the species" which is terrifying. One is bound to ask if a 1½ inch restriction on the size of crayfish you can land is enough to halt the near-collapse of the practical extinction of the species. I think the Assistant Minister has been asked before for evidence as to how we can be assured that this goes far enough. I cannot remember the last time I saw one of these crayfish in a fishmonger's. I guess they get landed and get snapped up pretty quickly; no pun intended. But I wonder if the department and their French colleagues have considered the kind of measures that are in place in other parts of the world to protect shellfish like this, for instance, like the discouragement of landing ... I was going to say "pregnant", but I think that is possibly the wrong word in relation to these animals. The restrictions, the discouragement in landing egg-carrying females, and even with lobsters, it is rather depressing and distressing to see egg-carrying females on the fishmonger's slab when in other parts of the world this is discouraged, sometimes with a scheme in which fishermen take a little clip out of the tail of the egg-carrying female that they have then put back into the water and they get compensated for the little clip of the tail that they bring back instead. In his summing-up, I would like the Assistant Minister to give us the evidence and the assurances that 1½ inches less - if that is what it is, the measurement - on landing these sea creatures is enough to halt the near-complete collapse of the species and whether, with their French counterparts, better conservation measures have been looked at, including things like discouraging the landing of egg-carrying females, a possible scheme in which, as I say, a portion of the tail can be taken out of that female and fishermen are compensated for not landing it. Could he address that in this summing-up?

11.1.2 Deputy S.M. Wickenden:

I think I would say that due to the lack of getting the evidence that was quoted in the proposition to us, we have not had ample opportunity to put maybe an amendment for what Deputy Labey had talked about, which is unfortunate. When I first saw this proposition, I thought: "Of course that is going in the right direction" but once I received the report, I felt that it was facing in the right direction, but maybe we were not taking the step far enough, because it is concerning wording. Again we have, what, 2 kilograms in 2017. That might not just be about over-fishing, it could be about other climate issues. How are we reviewing this and what thresholds and steps need to take place to review it further and maybe make other changes?

11.1.3 Senator S.W. Pallett:

As much as I want to, and we should be looking to protect obviously breeding stock of crawfish, some of the figures I find a little bit fishy. In regards to a figure just mentioned in 2017, where only 2 kilograms were fished - and in 2016, 121 kilograms were fished, which compared quite favourably to figures back in 2007, 2008 and 2009 - could the Assistant Minister explain that dramatic drop, rather than just saying it is a near-complete collapse of the species? I would be interested to know also whether the department took any action in 2010 when the figures dropped from 138 kilograms to no kilograms and whether appropriate action was taken at that time, or does he have an explanation for the ups and downs within the figures mentioned? But as I say, I am supportive: clearly we need to protect our fish stocks, but for me, the figures, there is a little bit more to them and I just want to know whether any other further action was taken at those particular times.

11.1.4 Deputy M. Tadier:

The issue of fish stocks is fundamentally important to future generations, whether it is crayfish or other types of crustaceans or fish. We are in a difficult position in here, because I think a lot of the speeches - as is common, and I have been there in the past - are saying that this legislation does not go far enough, but of course we cannot vote against this today, because without this, there will be the *status quo*, which is to allow crayfish of 95 millimetres and over to be taken. This is obviously better, but there are fundamental questions that need to be addressed, which I think Deputy Labey has done in both his speech now and this morning in Question Time. We need the information to be provided to us. For example, if there was a way to only collect male crayfish and leave the female ones, that would be at least a step in the right direction. That is obviously not something that is easy to do, especially if they are not in a season where they are in their reproductive cycle.

[14:45]

We need to know when the reproductive cycles are - that might be more beneficial - so that we can ban fishing in those periods. I do not know about the crayfish biology - I did not do my research properly before coming in today - but if, for example, there is a particular period, then it seems logical to say there will be no crayfishing in that period of time until the young have hatched. Similarly, it may well be that the more simple solution is to say we will ban the fishing outright, and even though we cannot necessarily influence what the French are doing, we can certainly legislate for our own stocks, which is obviously not ideal, because I think there needs to be bilateral agreements and enforcement on this. But it is a step: we can only really be responsible for own legislation and not that of others, although of course we can use diplomatic routes and we can always keep in conversation. I would like to think that the Minister will give us some reassurance today that this is a step in the right direction, but that in very short order - and I am sure he has already informed himself of that - he can inform us and speak to officers about ensuring that these stocks ... which we are told by his own department are in critical danger, it would seem, so we need to take drastic action. Once they are gone, they are gone. There is no point in taking half-hearted measures and thinking in 5, 10 years' time: "Oh, if only we had done it properly." I do not want to be part of a generation

which is responsible for a system of behaviour where we can only see certain species in captivity. I would like to think we can have a sustainable fishing model and certainly sustainable stock, whether we eat them in the future or not.

11.1.5 The Connétable of St. Brelade:

It seems clear in information that I have that disregarding the advice of fisheries scientists has been behind a lot of the great stock collapses of modern times, being the Atlantic cod, Peruvian anchovies and North Sea herrings. Would the Assistant Minister confirm that the department will be taking note of scientific advice and transmitting that to the fishermen so that we do not find ourselves in this perilous situation?

11.1.6 Deputy J.H. Young:

A number of Members have spoken about the importance of the regulatory regime of which the proposition being debated is part of. What I would ask Members to bear in mind are a number of things. The department resource, which is an expert one, is in fact required to regulate a very large area, some 4,000 square kilometres. If you look at that map, it is the bottom two-thirds, which includes complex areas, some of which are in sole management by Jersey, others which are under an agreement, the Bay of Granville Agreement between Jersey and the French, and others in French control, of which Jersey boats have access to. Of course both of our countries are working to the E.U. regimes that set out the rules in terms of species and limits and so on. The proposal you have on the table has come forward as a result of discussions that took place with the French fishermen, which includes representatives from Paris and the regions, which I attended, and Deputy Guida was able to address in the French language. Obviously we have a situation here where we have a very strong consensus that this is a step in the right direction. I accept what Members have said, that they want to have more information. I certainly can arrange it, but I am not in a position here to be able to provide information on what was done in 2010 or whatever when I was not in the States, but I will arrange for that information to be available and to ensure that Members are briefed on scientific issues. I accept there was a mistake here. There was a procedural mistake while Government was in recess, where we are going through major organisational change and the papers did not make it on to the appendix, and I am sorry that Members did not have that information early enough. But what I would ask Members is to go with this, because it is in the right direction. I fear myself I would not be looking forward to having to go and speak to the French again and say: "By the way, you remember that agreement that we spoke about?" It is not an insignificant part, but the less significant part of all the 101 issues, the species and limits that apply in the current negotiations on the renewal of the Bay of Granville Agreement, which we are trying to conduct against the background of a Brexit situation, which is looking at fundamental issues. I am asking Members please to support this one, but we will make sure - I will make sure - that you get more and more information, because everybody wants to ensure species conservation is as effective as it can be.

The Deputy Bailiff:

Does any other Member wish to speak on the principles? I call on the proposer to respond, please.

11.1.7 Deputy G.C. Guida:

The first thing I would like to point out is that of course the Fisheries Department is the steward of all stocks of anything you can find in the sea. It is their only job, to make sure that this is maintained and used properly. Yes, they are extremely attentive to everything that happened. They have in-house scientists and they communicate with the rest of the world eagerly and constantly and are absolutely not shy of asking for help if they need it. In many of those species, we are talking about worldwide stocks of very large ranges. For the crawfish, we are talking about something from Norway all the way down to the Mediterranean, so it is an absolutely huge area and each country and even each region in France research by regions studies done and see how the populations are

evolving. Of course our own decisions are not just about the catch in Jersey, but about the catch in the rest of Europe. Brittany has its own numbers and we just need to look at those to know exactly what is going on. Our own numbers, for Senator Pallett, are not smooth because they are so small. It is very difficult to have proper statistics when you catch 10 one year and then 15 the other year and then nothing. It is very difficult to follow, but if you look at over the 10-year period, it does not look very good. If you look at it on the larger period, I can give extraordinary figures. The French catch in 1947 was 2,678 tonnes, not kilograms, but tonnes. In 1990, it was 186 tonnes, and we expect that this has gone down by another 50 per cent since then. It is not exclusive to crawfish, it is every resource of the sea that we are exhausting. The comments made by Deputy Labey were completely reasonable and they are in fact so reasonable that they are already in use. There is a season for catching crawfish. They reproduce between about September and March, an overlay of a couple of months. They keep their eggs... they carry their eggs for 6 months, and indeed, there is a complete ban on picking up a female with eggs. Each female will carry several thousand eggs, so it is one of those species where if you allow them to reproduce one more year, you do not get an extra brood, you get 5,000 extra animals. I would like to mention as well that the measurement is not the length of course of the crawfish itself, it is just the cephalothorax, the upper part of the carapace, and there is a very specific measurement: 1½ centimetres in that region can equate to a difference of 500 grams in the animal, but most importantly, in several years of reproduction. Because females are noted to start reproducing between 87 millimetres and 95 millimetres, if you catch them at 95 millimetres, they will have had one chance at reproduction. If you catch them at 110 millimetres, they will have 4 or 5 opportunities, so we are multiplying the chances of the crawfish by several times. That is an order of magnitude that halves that. Sorry about not giving you all the evidence you would have liked to see. It is a defect of scientists in general that they are so immersed in their science, they think that everybody knows that stuff and it is completely normal. Of course, again, the Fisheries Department does nothing else but look at this all year. This is something that has been several years in the coming, so yes, everybody should know about this; we have talked about this several times this week. I apologise, I will make sure that you do get the right information the next time we propose something like this, and there will be quite a few times, because we are the stewards for fish stocks and we want to make sure that they remain. I think that is it. I urge Members to support the amendment.

The Deputy Bailiff:

Those in favour of adopting the principles, kindly show. The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				

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

The Deputy Bailiff:

Does the Environment, Housing and Infrastructure Scrutiny Panel wish to scrutinise this matter, Connétable?

The Connétable of St. Brelade (Chairman, Environment, Housing and Infrastructure Scrutiny Panel):

No, Sir. We have adequate presentations from the department and are satisfied with it, thank you.

The Deputy Bailiff:

How do you wish to propose the Regulations? There are only 2.

11.2 Deputy G.C. Guida:

I would propose the Articles *en bloc* and it is simply that in part 3 of the schedule to the Sea Fisheries (Minimum Size Limits) (Jersey) Regulations 2001, in column 2, with respect to crawfish, the number 95 should be changed to 110. I urge Members to support this amendment.

The Deputy Bailiff:

Is the Regulation seconded? **[Seconded]** Does any Member wish to speak on the Regulations in the Second Reading? Those in favour of adopting the Regulations, kindly show. Those against? The Regulations are adopted. Do you move the Regulations in the Third Reading, Assistant Minister?

Deputy G.C. Guida:

Yes, I do.

The Deputy Bailiff:

Is it seconded? [**Seconded**] Does any Member wish to speak in the Third Reading? Those Members in favour of adopting the Regulations in the Third Reading kindly show. Those against? The Regulation is adopted in the Third Reading.

12. Draft Sea Fisheries (Les Écréhous) (Jersey) Regulations 201- (P.94/2018)

The Deputy Bailiff:

The next item is the Draft Sea Fisheries (Les Écréhous) (Jersey) Regulations 201- (P.94/2018) and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Sea Fisheries (Les Écréhous) (Jersey) Regulations 201-. The States, pursuant to Articles 2, 5 and 29 of the Sea Fisheries (Jersey) Law 1994 have made the following Regulations.

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

Thank you for the previous decision. The Assistant Minister and I decided to spread the work, as it were, in view of the amount of work we have on at the moment. This proposal now is the second under the Sea Fisheries regime, so all the points I have made about the importance of the regime apply to this one, but of course this is an area-based change and it concerns an area of Les Écréhous reef, where unfortunately I think I asked for the map to be put on the board. I think there is a small area marked, but anyway, within the proposition you have the area shown in a small plan, which is a very small part of that area. I think it is around about 140 square kilometres out of 4,500 kilometres, so it is a small portion. It seeks to establish an area where certain types of fishing gear, i.e. known as parlour pots - I think there are other names for them - would not be used, would be prohibited in the regulations. As I am sure Members will know, the offshore reefs of Les Écréhous and the Minquiers are internationally recognised as important for many marine species and they are vital habitats. Of course they are already designated under the Ramsar Convention, part of the Coastal National Park, and I hope will be recognised in the future as Marine Protected Areas under the OSPAR Convention, and indeed proposals are on the go to make them a Site of Special Interest, which they currently are not. This particular Regulation is part of an ongoing programme. Last year the Assembly supported the management of mobile gear fishing vessels in the reefs to connect the seagrass habitats which are present. Obviously they are part of the vital web of ecosystems that support that special place. This is another bit of the jigsaw. Of course it is known that certain habitats inshore, including the offshore reefs, are nursery areas for many fish and shellfish species, and including our key crustaceans, lobsters and others. It is where the juveniles, if you like, are brought up, so they are the areas where they are the source of future stock for recruitment to the larger fishery.

[15:00]

Therefore those measures need to be in place to make sure that the future of the fishery is preserved. Of course fishing is no different to other areas of life: I am not an expert fisherman myself, I do not fish, but we have been told about the technology of it and of course now fishing vessels and so on are equipped with satellite location positioning gear, everything is logged, so obviously the techniques, there is a lot more information available. Of course we do need to have these checks and balances and the types of pot being used is one such need, to have a restriction on parlour pots. Of course the parlour pots, the reason why they are used is because they are efficient, they are very good at catching crayfish, because once they get in, they cannot get out, whereas the type of pots being allowed, they can escape. Of course there is another issue. I have been told that also you do get

cannibalism in these parlour pots if there are 2 in there, because they cannot escape, and that obviously is a loss. What we want to do, at the moment the protection that this particular Order is proposing is identical to that as in the Minquiers. It is already in the Minquiers and it is proposed to extend it to Les Écréhous. That Minquiers proposal has been there for many years, and of course when that was introduced there was concern about the fishermen, that this would not be the right thing, but it was done. Now the evidence is the fishermen are saying they fully support those changes. It was the right thing to do and they want to see it extended here. Of course the Jersey Fishermen's Association, which represents the commercial fishing industry, are - it says on my notes - almost 100 per cent in favour. I see from the supplementary note, I think it says 96 per cent, so there is not universality, but there is a very strong majority in the fishermen that this should be done. The Marine Resources Panel, which is the official body of liaison with Government, is also in favour. Of course we are dealing with a part of the sea here which again, as I referred to earlier, this is not within Jersey's 3 miles and therefore not within our sole control. It falls within the area covered by the Bay of Granville Agreement, which means therefore the arrangements have to be agreed under that agreement with France. Of course that has happened, those discussions have taken place and again this proposal was brought forward with the support of colleagues from the liaison with the French fishermen, so we are able to recommend it. I hope that this simple change is easy to support. Again, I am sorry that the evidence was late in coming, but of course I think in this case since it has already been tested in the Minquiers, it would seem sensible and logical that it be extended to this area when the fishermen want it. Can I thank the Environment Scrutiny Panel as well? Because I know that the fisheries officers were available to talk about that with the committee and I was grateful that that exchange of information successfully happened. I will try to do my best to answer questions if Members have them.

The Deputy Bailiff:

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

12.1.1 The Deputy of St. Martin:

In the last proposition, Members indicated to the Minister and the Assistant Minister to take care on protection of species and to prosecute sustainable fisheries, which is exactly what they are trying to do with this proposition, which is in itself an additional part to additional protection at the Les Écréhous reef. These various propositions with added protection have been a long time coming, a lot of work has gone into them, especially by officers involved at the department. Sometimes it has been challenging and sometimes it has taken quite a while to get the agreement of fishermen on both sides of the water. But as the Minister says, this has worked really well at the Minquiers and now we have a lot of protected and sustainable fishing that goes on in the Minquiers, so I would urge Members to support the Minister in this proposition as much as they can.

12.1.2 The Connétable of St. Brelade:

Just really to ask the Minister if he proposes to extend the box any further. It seems to me that the box being proposed is relatively small. I appreciate it is a step in the right direction, but would he confirm that there is an inclination by the department to extend that further?

12.1.3 Deputy R. Labey:

I just wonder if the Minister might address my previous comments about the egg-carrying females in the lobster species. Do we have to wait for a species to be at near-complete collapse before we take action or can we as an Island, in our waters, take action to protect the species, for example, encouraging fishermen - and the ones I have spoken to have said: "If everyone was doing it, I would do it" - do not land the egg-carrying females of lobsters. Even the compensation scheme I talked about earlier, could he address whether there is something proactive we could do in our waters as an

example so that we are not waiting until the species are on the edge of extinction before we take action?

The Deputy Bailiff:

Does any other Member wish to speak on the principles? I call on the Minister to respond.

12.1.4 Deputy J.H. Young:

I would like to thank the Deputy of St. Martin for his support and his comments, which are very helpful. In relation to the point raised by the Constable of St. Brelade about the area, that is a very good question. The Jersey fishermen did propose that a larger area, a larger box, should be covered by the Regulation. However, as I pointed out, this area is outside our exclusive 3-mile limit and therefore is part of the area that is covered by the Bay of Granville Agreement, where part of that agreement applies for all these matters to be discussed in proper sessions with the French, so I do not think we would be able to act unilaterally. The J.M.C. (Joint Management Committee) is a very important provision that we should not lightly set aside. In other words, by negotiation, on this occasion we arrived at this small area, which is progress, but certainly I think the point that is being made, I think by both the chairman of the Environment Scrutiny Panel and Deputy Labey, is that, yes, there does need to be more monitoring to see whether this can be extended. I will certainly not hesitate if the officers tell me that this should be extended. I would be happy to bring this information before the House. I have sent a text message to our fisheries officers, who are outside, about whether we can control ... I think the Deputy's question was: "Can we prevent/prohibit the catch of female lobsters carrying eggs in our own waters?" Obviously again this is going to be playing back my own comments, of course based on the science, so I think what we would have to do with those proposals is to have it based on science, but of course it would need to be on catches within our own waters, because there my understanding is we are able, within the nought to 3 area, to set our own rules. I have a note here. I have to say I will read it out - I cannot tell you what it means - and it says: "Lobster fishery M.S.C. (Marine Stewardship Council) certified as sustainable" so I think that means that our current fishery is regarded as sustainable, but I will take it away and arrange for further information to be provided to the Deputy if there is an issue with that. Having dealt with those comments, I will have an appel on that. I propose the regulations.

The Deputy Bailiff:

The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				

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

The Deputy Bailiff:

Does the Environment, Housing and Infrastructure Scrutiny Panel wish to scrutinise the matter, Connétable?

The Connétable of St. Brelade (Chairman, Environment, Housing and Infrastructure Scrutiny Panel):

No, Sir. The panel are pleased to support the proposition.

The Deputy Bailiff:

How do you wish to propose the Regulations, Minister?

12.2 Deputy J.H. Young:

Could I propose them *en bloc*, Sir?

The Deputy Bailiff:

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

12.2.1 Deputy M. Tadier:

Just regarding Article 2, part (c), it says that: “Any pot or trap that is so constructed that fish (other than molluscs) having entered it cannot escape from it would be prohibited.” Can the Minister just explain? It seems to me that one example of mollusc fishing would be for whelks. Is he satisfied that a whelk trap satisfies all the requirements in part (b)? For example, does a whelk trap have an entrance which is at least 14 centimetres wide? Also can he shed some light on what is termed as “fish” in that definition? Because it seems to me that it is quite possible, for example, that a lobster

or a crayfish could enter a whelk trap and not be able to get out, given the fact that whelks are much smaller than a lobster. It also says that it should not be constructed so that it traps other fish. Can he just provide some clarity on that particular area of what is meant by that part of the Article?

The Deputy Bailiff:

Does any other Member wish to speak in the Second Reading? I call upon the Minister to respond.

12.2.2 Deputy J.H. Young:

I think Deputy Tadier should be given an award for the most creative question. But seriously, it is good that we are doing this detailed review of the letter of the law. I certainly looked at this, but of course clearly this part of the Regulation has been taken from that which is in place elsewhere and has worked successfully, so as far as I am aware, I have not been informed on any points of law that have arisen as to whether a fish has managed to get in or out of a parlour pot or not. I am not sure how you would either identify that or enforce it. But I think the intention of this description is it is really designed to ensure that crustaceans can escape, they can get out of it if they get caught, whereas if there is the type of structure to the pot that prevents that, then we get damage and cannibalism and you end up with dead animals, which are not good and the fisheries do not want. That is really the intention of it. It has worked well elsewhere. What I will do, I shall rely on higher powers outside this - better knowledge than mine - to give the Deputy more detail on that point. If it is necessary to amend it, I shall bring something back.

The Deputy Bailiff:

Those in favour of adopting the Regulations in the Second Reading, kindly show. Those against? The Regulations are adopted. Do you move the matter in the Third Reading?

Deputy J.H. Young:

Can I propose the Third Reading, Sir?

The Deputy Bailiff:

Is it seconded in the Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading? Those in favour of adopting the Regulations in the Third Reading kindly show. Those against? The Regulations are adopted in Third Reading.

13. Draft Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 (Appointed Day) Act 201- (P.95/2018)

The Deputy Bailiff:

The next item is the Draft Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 (Appointed Day) Act 201- and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 (Appointed Day) Act 201-. The States, in pursuance of Article 22 of the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 have made the following Act.

The Deputy Bailiff:

Deputy, do you have something you wish to say on this?

The Deputy of St. Peter:

Yes. I am sure I am not on my own, being a private dwelling landlord, but I am also on the committee of the Jersey Landlords Association, so I would like to seek your guidance as to how I can proceed with this debate.

The Deputy Bailiff:

Yes. Being a landlord of course is a role that you share with a broad section of other people and therefore that would not of itself cause you any difficulties. Having an interest in the other way that you have declared is something you have declared to the Assembly and there is no reason for you to withdraw.

The Connétable of St. Ouen:

I wish to declare a similar interest, Sir. I own a lodging house and my wife is the chairman of the Jersey Lodging House Association.

The Deputy Bailiff:

In which case the ruling applies in exactly the same way to you in those circumstances.

Senator L.J. Farnham:

Likewise, Sir. I am a director of a company that acts as a landlord.

The Deputy Bailiff:

Very well.

Deputy M. Tadier:

It is just to get clarity. This happens time and time again and it seems to me that obviously there is nothing preventing people taking part in debates, Members taking part in debates of this nature, but it seems that every Member of this Assembly who, in a personal capacity, has a rental property from which they receive money directly or indirectly needs to declare an interest. Perhaps tenants do as well; perhaps tenants need to declare an interest.

[15:15]

I would like to declare an interest as a tenant of a private landlord, Sir.

The Deputy Bailiff:

Does anyone who is a tenant or a private landlord wish to declare an interest? Does anyone else who is a landlord wish to declare an interest who has not already done so?

Senator Lyndon John Farnham

Senator Sarah Craig Ferguson

Senator John Alexander Nicholas Le Fondré

The Connétable of Grouville

The Connétable of St. John

The Connétable of St. Peter

The Connétable of St. Ouen

The Deputy of Grouville

Deputy Susan Jane Pinel of St. Clement

The Deputy of St. Martin

The Deputy of St. Ouen

The Deputy of St. Mary

Deputy Graham John Truscott of St. Brelade

Deputy John Hilary Young of St. Brelade

Deputy Kirsten Francis Morel of St. Lawrence

Deputy Gregory Charles Umberto Guida of St. Lawrence

The Deputy of St. Peter

The Deputy of Trinity

If you could remain standing, because that will be recorded for the purposes of ... I think it is quite clearly the case that those interests are shared with a significant number of the population as a result of this declaration alone, but as I say, that is not something that disqualifies anyone.

Deputy M. Tadier:

Obviously - it is by way just of comment - it is a higher proportion than in the general public in this Assembly, but that is perhaps to be expected.

The Deputy Bailiff:

Thank you. There is no ...

Deputy M. Tadier:

But, Sir, I do have a point of order.

The Deputy Bailiff:

If you have a point of order, please do ask me for a ruling.

Deputy M. Tadier:

It is just that it is important that these things are recorded, because those who stood up cannot be heard on the radio.

The Deputy Bailiff:

I am sorry, Deputy, what is the point of order? The point of order is a question to which I have to make a ruling.

Deputy M. Tadier:

Yes, the point of order, Sir: is it right that when declarations of interest are recorded that they are done so in a public way so that those listening on the radio can know who those Members are, rather than just having a visual standing up?

The Deputy Bailiff:

I think we have to adopt a practical method. There were a large number of people standing up. It will be a matter of record as to how people speak and how they vote and it will be a matter of record as to whether there was an interest declared.

Deputy M. Tadier:

Sorry to labour the point, and I know the chairman of P.P.C. is not here, but I think the Greffier did take a note of the names of those who stood up, so could we just have those names read out for the public record, please?

The Deputy Bailiff:

No, I think it is sufficient, the declaration that has been made. I am not going to order that anything is read out in particular. If members of the public are interested, I am sure they can establish the position from consulting the record. Very well. Yes, the citation was read. Minister.

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

This is a very important piece of legislation, which is my responsibility today to follow the efforts of many other political Members and members of the community over many years, who have called for legislation to enable us to have in place minimum standards which affect housing. For as long as I can remember, arriving in Jersey, I have had heard reports throughout - as we all have - of bad housing conditions faced by many Islanders. One of my early experiences of this was as a census enumerator in the early 1980s going around and visiting people's homes in the urban bedsit area of town and personally I was pretty shocked. Though I was a Londoner and I know about London housing conditions, I certainly did not expect to see that. But that was decades ago, and to their credit, over the years the States have introduced many initiatives to try to improve matters. I just mention a couple for example, lodging house registration, we introduced building regulations, which were extended for dwellings, which were extended to agricultural workers and so on. But of course it is true that not everybody shares in Jersey in the equal access to the housing market. Obviously that is partly the reasons of our legislation, of 'quallies' or their economic opportunities through their possibly low pay. The improvements made by the States have helped, but I still believe that there are situations where people face homes which are unhealthy, damaging to their health and unsafe in some cases. Of course, particularly with tenants who generally do not have control over the management over the property, effectively as a tenant, generally one takes what is there, accepts what is there, so the gestation of the law has brought it to the point where it concentrates on rental dwellings and sets minimum standards of health and safety in homes. These are standards that have been in force for many, many decades in other jurisdictions. Of course I am here today and it falls to my responsibility to propose to you that this is now time to switch this law into legal effect, but of course it was approved by the States in principle in October 2017. In fact, then it was subject to a Scrutiny review by the then Scrutiny Panel and the law was revised during November to take account of Scrutiny's published conclusions and it came back for a Third Reading of the law, which was approved in December 2017. Of course in preparation for this debate I went back through the old Hansards and read through and I am pleased that there was unanimous support for this. There were no votes against. Of the Members at the time who voted, I think about 20 Members then are still now Members of the States. But obviously the reason why I am covering it in a bit more detail is because obviously there are quite a number of Members who were not in the States and were not party to that vote. I know that, reading the Hansard record again, it had been hoped that this law would be in place before the elections, but for reasons I do not know it did not gain sufficient priority, a piece of social of legislation that did not make it, did not make the cut. Today I hope to put that right. I have heard it said: "We do not need this." I listened to the radio this morning and it was heard there that there was already a law in place, it was said. I know there is a law I have come across before, an old public health law, pre-war, 1934, and it is written in French. I understand there are cases that have gone before the court where it has been found that that law is not suitable for the purposes of dealing with this subject, so it has to be replaced. For decades ... maybe not decades - it probably overstretches it a bit. I cannot be sure, because environmental health did not used to be in the Environment ministry; it lived within the Health ministry. I know that previous Ministers for Health have strived hard to bring this law before the States, but it did come over to the previous Minister for the Environment, and to his absolute credit he brought it forward and moved things on. But of course in the meantime, I think my understanding is that the work on this particular law has taken about 6 years. The environmental health officers, I think they are now called, they used to be called public health inspectors ... even sanitary inspectors I remember, because when I was a young

teenager, I was a trainee public health inspector. One thing that stuck in my mind, I remember going to a basement of a flat in central London, because in London you have underground rooms, people living below ground, and next to a pub where the toilets were discharging into her dwelling. I remember that and I thought: "How disgusting" and of course that was in the 1960s. Thankfully, those horrific situations we are not talking about here, but we still get around 200 complaints a year. The information I have is around half of them are considered warranted, in other words, that improvements are required. What the team are trying to do is to bring forward a law which allows this Government to make a proportionate response and to have a law which provides for the most important risks, the risks that can be fatal, to be guarded against, for those risks to be guarded against. The intention is that if this law goes through, the Appointed Day coming to effect on 1st October, and the Ministerial Order which is already ready and the code of practice to help landlords set out some information how ... whether there are issues they will be able to supply; is all in place. The risks, and I think what I am grateful for, obviously we published that with the media and of course we did have a presentation to Members and I am grateful to those Members that attended the presentation last week where the Public Health team explained the risks that would be dealt with within the Ministerial Order. The 3 that I definitely want to highlight as being the most important are the issues about: carbon dioxide monitors because carbon dioxide, where there is an appliance which produces carbon dioxide, a monitoring device to ensure that that is detected; a smoke alarm - obviously the risk of fire; and also gas installations where they have been subject to proper annual inspection and certification to ensure that they are safe. In terms of other risk, I think the long list of 29 I have been asked: "Oh, are you trying to stop - correct - every list about we must have double glazing?" No, that is not the intention. I am told the most significant risks are damp, which particularly affects children: affects their lungs in their early years and is seriously detrimental; and of course the other in this spectrum for persons of my age, the risk of falls and breakage and damage, you know, stairs and all the rest of it in unsuitable premises. Those are key risks. So I think setting those standards, their purpose in the law is we are ready to go. I am told my team will be able to have the resources in place to be able to regulate this without additional resources. They have reorganised over recent years to try and focus on the most important things and I agreed to do so, and they are going to operate it with a light touch. So in other words, with all enforcement - and over the years I have had lots of experience of work in a regulatory framework - I think enforcement needs legal powers as a backup and the law proves that. Generally they are there to try and work in construction and help support people and give people an opportunity to fly. So I think I have covered enough in terms of an opening proposal. I think I will just say a word about the issue of regulation and licensing; I know this concerns a number of Members. In fact, for myself, I have asked the question: "What is the focus of this new law?" The focus of this new law is to have minimum standards; have the ability in the law to set those standards and by order and to have a code of practice which will enable people to comply, and a procedure in the law where notices can be served in the event of persistent failure to comply and other powers. But the law also includes, and I want to be quite open about this ... it includes a power for the States - not for the Minister, for the States - to bring in a registration scheme of all rental places; and that would have to be brought forward by regulation which means the States would have to approve it; it means it would have to go through extensive Scrutiny review and it would have to go through a broad-based consultation, unquestionably. There are a number of things that the law says the regulations may cover. Registration is one thing. Another topic is the issue of annual licensing, obviously with a fee or without a fee; I do not know. My position as Minister is at the moment I am giving no commitment to the registration and licensing coming forward.

[15:30]

I want to see how this law goes in practice. The argument it seems to me, that I can see a sense in us knowing more about the base of properties which is a vital States resource. In the moment I think

we rely on incomplete and unsatisfactory information. So I can see a case for registration, rather perhaps like we instituted a system a number of years ago for registration of States boreholes. But this is about water supply where nobody knew how many people were extracting water and we introduced the registration system eventually and that, I think, has been successful. For the moment I am standing here saying to you: “Yes, it is in the law. The power is there for regulations to be brought to the States.” But whether or not that happens and how it happens, is going to require further work, further consultation, work with Scrutiny, and then subsequent political decisions of when or where or whether. So that is in the law. But I think, having had a lot of experience over the years in bringing forward laws, it is important. Given the timescale, it takes several years - in this case 6 years - to progress to a law, it is better to put those powers in the law but do them by regulation - have these powers by regulation which has enabled the States to downstream, to control, how that is done. So I think, as we speak at the moment, I do not believe it is true to say that this will contribute to extra costs. Tenants, I do not think it is going to have impact on our housing stock other than to drive for a general improvement, and I strongly recommend it to the States. It is not a panacea. It is one element of a whole raft of housing measures, one of which is obviously the increase of supply. But nonetheless it is an important element. So I think I am going to wait to reply to Members’ comments.

The Deputy Bailiff:

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

13.1.1 Senator S.Y. Mézec:

Just very briefly. Obviously I am very pleased that this is before the States and I hope that it will be accepted with a very large majority. The proposition to introduce minimum standards in the first place is one of the first debates I took part in as a States Member in 2014 when it was brought as a Back-Bench proposition from Deputy Tadier, who I think ought to be thanked for his years of campaigning to improve housing standards in Jersey. This law I think is a significant step in the right direction in setting and enforcing minimum health and safety standards in the rented sector. I think it is long overdue and this is about setting minimum standards, not luxury standards. I do not think it is too much to ask that people should be entitled to have a roof above their heads and in a property which is safe to live in which is not going to make them ill and for which they are not being charged extortionate amounts for a property that is not fit for purpose. I think that it is right that ultimately when a property is not of that standard that we have the right to say: “No, that cannot be rented out. It is not appropriate for that to be done.” I think this is really important, long overdue, and I look forward to seeing the results of it being implemented.

13.1.2 The Deputy of St. Peter:

In principle we must ensure a reasonable standard of housing enjoyed by the Island’s tenants. However I am concerned that we have too many disconnected initiatives to protect landlords and tenants alike. We have Rent Safe, MyDeposits and now this proposed legislation, and I think using a registration system is going forward, which the Minister has just said. I believe we have about 16,000 rented properties owned by approximately 8,000 private landlords, and we are the second biggest contributor to the Treasury behind Finance. I feel picking-off tactical solutions from the perimeter does not help landlords and tenants alike. If the Assembly has such deep concerns about landlord behaviour then a full and detailed consultation should take place and brought back to the Assembly at a later date. I will however support this proposition to give the Environment legal support for successive cases. But I believe we need far more detailed and creative thinking in the future to protect the many landlords and the major challenge we have, which is the supply of housing both affordable and not affordable highly in this Island which is fundamental to our growth in the future.

13.1.3 The Connétable of St. Ouen:

I would just echo Senator Mézec's comments. But I do have a concern that some of us will receive an email from the chairman of the Jersey Landlords' Association of which I have considerable knowledge. Our concern is that we feel substantially under consulted in this process and lodging houses' representatives ...

The Deputy Bailiff:

Did you say "our concern"? You are standing here as a Member of the Assembly in your position as Connétable, not on behalf of any pressure group on the outside. So by all means make the arguments, but you are not standing for them.

The Connétable of St. Ouen:

I would like to express my concern that this particular group has been under-consulted and I would urge the Minister in the coming days and weeks to spend the time consulting with this particular organisation as they do represent a substantial proportion of rented properties in this Island, and given the building projects we have in mind, will provide a substantial amount of capacity to house people who are in the Island on a temporary basis.

13.1.4 The Deputy of St. Mary:

I would just like to go back to the opening remarks of the Minister. As he then said, the matter was debated in full towards the end of last year. As I recall, the Scrutiny Panel got criticism from certain Ministers for daring to call it in as they wished to take further time to scrutinise it, which we did with the support of the then Minister I might add. We did it in fairly good time and the Assembly, as a whole I think, almost unanimously approved the proposition at that stage. The point I wish to make is that we are here talking about basic standards; that is all we are talking about. So the criticism levelled at the Scrutiny Panel then was that we were delaying the implementation of that which was not our concern. In fact, on the contrary we had hoped along with the Minister, that this Appointed Day and the Regulations in turn would by now be in place, and I am sorry that they are not. But I do wish to emphasise that the panel of the day felt that this was legislation well-overdue. It does relate to basic standards and I for one shall be supporting the proposition.

13.1.5 Senator T.A. Vallois:

I am glad to follow the Deputy of St. Mary because I worked with him on this particular scrutiny of the legislation initially. I was rather shocked this morning listening to the radio and the chairman of the Landlords' Association when the Scrutiny Panel themselves asked for comments from the Landlords' Association and we got no response, which was put in our comments and they are made public at that time of the debate. I am fully behind this, but I think what we need to know as an Assembly is what priority the Minister is giving to bringing the regulations forward for the licensing scheme to ensure that it is appropriately fit for purpose and that the enforcement can take place.

13.1.6 Deputy K.F. Morel:

Just quickly to ask the Minister - and it may be last year's Environment Housing Infrastructure Panel can help - just whether there is any concern that some properties may be withdrawn from the market either through enforcement or by landlords because they do not meet the minimum standards.

13.1.7 The Connétable of St. Brelade:

Briefly, from the point of view of the Scrutiny Panel, I dare to say this is not the place to say whether it has been drawn-in or not for this purpose. But it is the panel's intention to scrutinise the regulations in due course.

13.1.8 Deputy M. Tadier:

The first point to make is obviously this is an Appointed Day; it is not to reopen the main debate. I would appreciate that, of course, there are new Members in the Assembly who did not have a chance to comment on the original proposition and that they might want to add their voices to that, and that is understandable. The reason I made comments earlier when there was a declaration of interest is first of all I think we need to remember that whatever it is, that we all have different interests to declare sometimes in different debates; it is important that we just put that on the public record. It has to be said that there are a disproportionate number of *rentiers* historically in this Assembly compared to that in the civic population. I think out there, I am just guessing but, we can imagine there might be about 10 per cent of the population in Jersey who rent out properties. It might just be one; it might be something they have not heard; it could be something that they do more formally as a business. But there seems to be a disproportionate amount in the States and we could talk about other socioeconomic groups which are not represented in those that are over-represented in any Assembly. That is not necessarily a direct criticism, but we are talking about representative democracy; it is important to put that on the record. So just to talk about some of the rationale there. I think it is important that we have transparency in this for Members. That is no doubt one of the reasons it has taken so long in the Jersey context to do something which is basic; it should be, and when I hear some of the arguments that are put forward against basic regulation, these are things that we would not accept in any other sector. We would not accept it in a restaurant. We would not say: "Well, I should be able to open up a restaurant, and if I want to serve bad food that causes people to be ill because I do not observe basic hygiene standards, then I should be able to do that because the market would not pay and it is a supply issue. So if you have a number of bad restaurants in the Island it just means you have not got enough restaurants. We should build more restaurants so that people can go somewhere. If we do not have enough affordable restaurants on the Island, build more restaurants." It is a completely absurd argument, and we have seen that demonstrably in Jersey, whether it is to do with rental prices or the quality of accommodation that is being offered, the market can only do so much. Remember in the Jersey context we do not have a free property market anyway: we have a restricted property market where some people are not even allowed to rent, let alone buy. So we have residents in the Island who could quite easily buy if they wanted to; they have the money, they have the income, they could get the mortgage. But they are just told: "Hey, you are not allowed to buy. In some cases you have to rent off a company, the directors of whom do not even live in Jersey." These are the kind of issues that we have to grapple with, and it is very complex. I do not disagree with it, but the spirit that we can all sign-up to today, and this is the second point, is that the law which we are being asked to endorse does not give us the fine detail. For some that would be a problem. But I think what we can say, and even to the sceptics about this particular type of legislation, is that I think we can wait for the detail to come in and that is the time where we should all be looking at it, both from a ministerial point of view and from a Scrutiny point of view. The bottom line is that we already have a system where condition reports are enacted at the point of a new tenancy being taken over in the private sector. So the landlord and the tenant will go around the property together, they will go through a condition report and they will sign that off together, and then that will be included when the deposit is then handed over to MyDeposits. There is an argument, for sure, to be had about whether MyDeposits are the best people to be handling the money and why the money cannot be kept in Jersey, and why that pool of money perhaps cannot be used in a way that might be more beneficial within the Island, whether it is kept privately or separately by some arm's length body of Government. Those kinds of arguments I think need to be heard. But the point is, these mechanisms have never been formalised. So while the deposit, there is a requirement in the law for a deposit to be paid in, there is no requirement for that to be noted. It is very much retrospective, and we wait until a complaint is made; we wait until a complaint is made on quality grounds or in the case of a deposit say: "My money has not been paid in. There has been a dispute." What we need to make sure is that the law is much more proactive. So it does not seem unreasonable to say that in the Jersey context if you wish to be a landlord we expect you to sign up to basic

standards, meet these conditions; and once all these things have been done you are then accredited and then you can rent your property out. I think there is a tendency, and we need to make sure because in the past we have seen the likes of such regulation. This is not an area that we can do light touch. If it is going to be done it has to be done properly and we have to say to people that yes, there may be a human rights argument in terms of your enjoyment of property but that is not an absolute right. That is a qualified right. There is a converse duty on any Government on the States to provide and ensure adequate housing standards for all of its citizens, not just those within social or rented dwellings. If we accept that responsibility, and we have been talking about vulnerable children today, and there is a link between poor housing and outcomes for children, and for the elderly, because it is not just about children of course; there are many elderly residents who live in substandard accommodation in all of the sectors perhaps, and who cannot necessarily or will not be complaining about that.

[15:45]

That is why the issue of being proactive in this instance is so important. So I think we should all be supporting this debate. There will be questions. But if I can just add one last word of caution: I am concerned that we may, to a smaller or lesser degree, be setting the Environment Department up to fail because when we looked at this on Scrutiny it seemed that it certainly did raise a not insignificant amount of money from landlords, but there was not any additional staffing or resourcing that was going to be put to the Environment Department; certainly not enough. I would like the Minister in summing up to address that issue. Is this simply a cash cow that was put forward or primarily a cash cow that was put forward by the previous Government as part of the C.S.R. (Comprehensive Spending Review) savings under the guise that it was doing something right for social conditions in Jersey? But we are not going to be giving the right resources to his department to be able to fulfil the job. What does he think in the end the manpower requirements are going to be from this and can it be done from existing resources or do we need to allocate some of that funding towards better resources for either his department or the Minister for Housing to be able to police it, because part of the issue is the legislation for the other part is of course, the effective policing of this law.

13.1.9 The Deputy of St. Martin:

I am going to wholeheartedly support the Minister on this. As has already been said, this is an Appointed Day Act. It has had the debate and I appreciate that some Members in the Assembly today will not have been part of that, but I can tell those new Members that when we did speak about this previously it was wholeheartedly supported. This is about minimum standards. This is about helping people who pay too much to live in accommodation which is substandard. This is about their health. There is very little more to say, other than the question that I leave with the Minister is I would like him to clarify exactly his position on the detail about the regulations because - maybe I misheard what he said - but I would like his assurance that he will come back to this Assembly with the detail, with those regulations so that we can move forward with this as quickly as we possibly can.

13.1.10 Deputy R.J. Ward:

May I say, as I am sat here listening to all of the comments on this, I think we need to remember that all landlords, you have a responsibility because while I refer to them as properties I think we should refer to them as homes because they are people's homes. Many people are giving a vast majority of their wage each week, month, in order that they can live in this home. So there comes a responsibility for that home to have a decent quality. I think we as an Assembly should certainly be voting for that.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition? I call on the Minister to respond.

13.1.11 Deputy J.H. Young:

I would like to thank all the 9 Members who have spoken; there are some very good points. I think I do need to deal with them individually. Yes, I want to explain to the Deputy of St. Peter about the Rent Safe scheme. The Rent Safe scheme is purely a voluntary scheme whereby during the period of gestation in the law, the department has worked with landlords on a voluntary basis to try and give them advance information and advice as to how this law will have effect. I think that is a good move. It is not a statutory scheme; it is a voluntary scheme which has helped us to get where we were. But of course it is potentially a precursor to registration. I think the issue of registration, which is an issue which would have to be dealt with by regulations, is a downstream issue if then it comes forward. I will deal with what will be in that and what will not in a minute. But the whole issue of Rent Safety is a voluntary scheme. Yes, I hear the issue of consultation but I am very pleased with what Senator Vallois had to say. I printed out, I went through all the Hansard reports of all the debates and the Scrutiny Report, and it is quite clear for some reason or another, it is recorded that the Jersey Landlords' Association did not take that opportunity. I cannot explain that, but obviously there we are. But nonetheless the principle, as we move forward with this work, of working with the community is right and I will always want to do that. But here we are consolidating a really important change which has been 6 years in the making. It has had huge efforts by past Ministers, past politicians and we are putting in place the basic minimum. What happens next is another day. Deputy Tadier raised a lot of very helpful points. He asked about light touch. I think what I was trying to put there is the practical way in any regulatory department one goes about trying to implement the law. One does not start by hitting people, in my view, with statutory notices and Big Brother and putting people in court straight away. One goes through a step-by-step arrangement: dialogue, constructive debate, help; but eventually there is no getting away with it. A law that does not have any teeth is useless in a regulatory framework. This has teeth. Of course there are appeal rights in there. So if any landlord does not like this there are appeal rights. One of the things that the Scrutiny Panel previously raised was the question that whether or not a Royal Court appeal process was appropriate and the agreement was that if in the future we can establish a tribunal system for regulatory decisions, because frankly it is so long overdue it is not true, then this will be changed over to make that possible. On the issue of staffing, well, one of the key questions I have asked: "Can you do this?" I had several conversations with the team who have been focused on this for a number of years. They say they can. But I put it on the record that I am also advised that what Deputy says is about resource allocations in the current Medium Term Financial Plan is true. The chief officer has told me that it was assumed in the Medium Term Financial Plan that is in force currently for 2019, that a licensing scheme will be introduced and a saving of some £800,000 or £900,000 has been put in in the assumptions made in the Medium Term Financial Plan. Join in the issue of the hospital charge and the waste charge and all those things and the infrastructure, but here is another one. Now, I can undertake this: what I want to do is to see how the department can put this into place, and then assess that whether it arises. But I will not be party to going along with carving up budgets and putting people in a no-win situation; that is a fail. I would not be party to that because we have to do that. Now I apologise to the Deputy of St. Martin. I did not properly explain what I meant about this issue of putting the detail into regulations. What I should have explained is that the actual detail about the actual health hazards that the minimum standards, the law provides that they are set by Ministerial Order. That Order is ready. The intention is, if you approve this, then that Ministerial Order will be signed. The content of it was as outlined by the Environmental Health team in their presentations on the main hazards, and like all Ministerial Orders it is subject to legal challenge anyway through whatever processes that safeguard on subordinate legislation there are. The issue with regulation is the tasks of registration and/or licensing. The law says this Minister and the States are going to pass regulations for those 2 things. That is where the issue of money comes in: i.e. annual licensing fee and so on. I am asked what my intentions are on that. I am saying I am not personally ruling it in or ruling it out. I want to hear a wide range of views. I want to hear the Council of Ministers view on that; I want to hear broader-based views; I want to

see how the department gets on for the next 3 months. But there is no question, I think, in 2019 we shall have to have addressed that subject and then I am afraid it will come forward to that time. But nonetheless, I hope that those answers ... I hope I picked up all of the questions. Sorry, oh yes, about whether properties are lost. I think the message is, I sent the message out in this text thing - old fashioned text, you know; I have not got sophisticated IT. I have the message that there will be a few. There will be a few that are lost to the system where something is so seriously inefficient, dangerous and the very strong legal powers have to be enforced that this property should not be lived in. That means it cannot be re-let until it is put right. Now I believe that there will be some of those. I cannot stand here and say there will not be, there will. But I believe those will be exceptions. I think we have to have that. There is also the issue - I think the previous Scrutiny Panel did something about it - they raised the issue of what they call revenge evictions. That was a risk that evictions may be triggered because people make complaints. I think there are safeguards in the law, and I think that has been dealt with there. Hopefully I have picked up all Members' comments and I will make the proposition and ask for the ... where am I? Have we done the Articles? It is an Appointed Day, Sir, is it not?

The Deputy Bailiff:

It is an Appointed Day, you can ask for the appel if you were going to.

Deputy J.H. Young:

Yes, please. Can I make the proposition and ask for the appel?

The Deputy Bailiff:

The appel is called for, I invite Members to return to their seats. I ask the Greffier to open the voting.

POUR: 39		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				

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

Deputy J.H. Young:

I thank the Assembly.

14. Draft Amendment (No. 36) of the Standing Orders of the States of Jersey (P.98/2018)

The Deputy Bailiff:

The next item is Draft Amendment (No. 36) of the Standing Orders of the States of Jersey - P.98 - and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Amendment (No. 36) of the Standing Orders of the States of Jersey. The States in pursuance of Article 48 of the States of Jersey Law 2005 make the following amendments to the Standing Orders of the States of Jersey.

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

Members will remember the age of collective responsibility. As compared with, say, the “Age of Aquarius”, it was not exactly a period of harmony and understanding. In fact, confusion and discontent reigned and as a way of navigating through this Deputy Wickenden brought a successful proposition, which called for those that were bound by collective responsibility to be listed on the particular proposition. As we know, collective responsibility is no longer with us and so the resulting amendment to Standing Orders that reflected Deputy Wickenden’s proposition is otiose and this proposition seeks to remove it from Standing Orders. So we go back to where we were before we had collective responsibility. I move the proposition.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Those in favour of adopting the proposition kindly show. Those against? The proposition is adopted.

15. Entitled status on social and economic grounds: changes to legislation (P.99/2018)

The Deputy Bailiff:

The final item on Public Business is the Entitled status on social and economic grounds: changes to legislation - P.99 - lodged by Deputy Perchard, and I ask the Greffier to read the citation.

The Greffier of the States:

The States are asked to decide whether they are of opinion – (a) that Regulation 2(1)(e) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013 should be amended so that it cannot be applied to persons employed by the States or States-owned bodies; (b) that, pending enactment of the legislative changes required to implement paragraph (a), Regulation 2(1)(e) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013 should not be applied to the recruitment and employment of any future Chief Executive of the States of Jersey following the current post-holder; (c) that policy guidance issued under the Control of Housing and Work (Jersey) Law 2012 should be amended to include defined and measurable criteria for the application of Regulation 2(1)(e) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013; (d) that decisions to grant entitled status under Regulation 2(1)(e) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013 should be taken by the Housing and Work Advisory Group; and (e) to request the Chief Minister to bring forward the necessary policy and legislative changes by 31st March 2019 to give effect to these measures.

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

May I start by saying it is an honour to bring my very first proposition to the Assembly? **[Approbation]** For something that is incredibly technical this has been incredibly emotive for some Members. I would like to start by giving some context to my proposition, following which I will give you an incredibly brief summary. I would like to just zoom in on part (a), in particular, which is causing the most confusion in the Assembly.

[16:00]

The context is as follows. In May just after the election, I became aware of the Housing and Work policy document. There is the law, the regulations and the policy. I became aware of the policy. I met with Senator Gorst, who was Chief Minister at the time, to raise my concerns and he immediately set up meetings for me with officers from his department and the Population Office, with whom I met at the beginning of June. My primary concern in the policy was that it allowed 2(1)(e) residents, also referred to as “high-net-worth” or “high-value” residents, to buy any residential property, which was new. The requirement, in addition to that, would be that they have to sell it on to entitled residents but the fact that that was allowed to happen at all was causing me concern, so I began my research. While carrying out my research into that particular issue I found that the definitions for high-net-worth resident was severely lacking in the law, regulation and policy document. In fact, the only real concrete definition I could find was in the tax legislation - so not the actual Article itself - which states that high-net-worth residents, as of 1st January this year, must pay £145,000 in tax contributions. Prior to this the requirement was £125,000 a year and the difference was that at the time of awarding high-net-worth status this £125,000 was expected but if that payment fell away or the income of the said individual fell away, they would simply lose their entitled status, whereas now, irrespective of whether income changes or not, they still have to pay £145,000 a year. That is just a bit of technical background for you, which is completely relevant to the understanding of the purpose of this proposition. Alongside, this information I would like you to be aware that in order to be considered a high-net-worth individual, in order to be awarded that status in the first place, you have to be seen to bring “social or economic benefit to the Island” or your presence must be “in the best interests of the community”. That is what it says in the policy. That is what it says in Article 2(1)(e) in the regulations. However, “social benefit” is not defined at all anywhere. Neither is the term “best interests of the community”. In fact, to award someone high-net-worth residency on these grounds alone, if they did not fulfil the economic requirement of £145,000 in tax, is technically illegal from 1st January this year. This is what we are talking about. From now on forwards. That is something that I think you need to be aware of because part (a) of my proposition technically should not happen; it is technically impossible. It says: “That Regulation 2(1)(e) of the Control of Housing and Work

(Residential and Employment Status) (Jersey) Regulations 2013 should be amended so that it cannot be applied to persons employed by the States or States-owned bodies.” The only way that we can give high-net-worth residency to a States employee from now is if we pay them £725,000 a year to do their job or we choose to pay their tax contribution of £145,000 a year. That is the only way that we can give high-net-worth residency to a States employee as of now. That is my understanding. But once I finish speaking I will invite the A.G. (Attorney General) to correct anything I have said that is incorrect. But that is my understanding. I believe that to be correct. Part (a) does not prevent us from saying when we want to be able to offer entitled status in the public sector in the future, we want to because we have a dearth of social workers and the only way we are going to do it is if we give them something more. My proposition does not stop anyone from going away and developing that policy and proposing that and discussing it and consulting on it. We can do that. That is not what this is about. This is not about blocking that from happening. This is about clearing what is currently very muddy water. We need to have legislation that deals with high-net-worth individuals, and if we want separate legislation that deals with public sector employees then let us do that. But at the moment it is muddy and that is unhelpful for the public perception of what it is to be a high-net-worth individual, how they are valued, how they are defined, and how they are measured. Furthermore, it allows us to be more precise in the way in which we choose to define and measure criteria for applicants who wish to become high-net-worth individuals, which is what part (c) is all about. Part (c) requests the Chief Minister, or the relevant Assistant, in collaboration to come up with a defined and measurable criteria for the application of 2(1)(e) residents. I think that one is self-explanatory and straightforward. Part (d) is another interesting one. I apologise, I do not know if I should have started this, I am happy to vote on it in parts. Is that now?

The Deputy Bailiff:

The answer is it is entirely a matter for you, being your proposition, you are entitled to take the parts separately if you want to. We deal with that though when we could come to the vote on the individual parts at the end.

Deputy J.H. Perchard:

Thank you. I am willing to do that. I have been asked by the Chief Minister if I would be, and I absolutely am willing to do that, because part (d), I understand as well, people might have a particular opinion on it. Maybe even some views that I have not considered and I am more than happy to listen and accept those with more expertise in that particular area. The rationale behind putting the decision back into H.A.W.A.G. (Housing and Work Advisory Group) is because I believe that the policy regulations are currently quite subjective in themselves because of this lack of definition of what it means to be a high-net-worth individual and, for me, if you have a slightly subjective policy or regulation, and then ask one single person to make the decision, you are going to end up with an inconsistent process. You either need really harsh criteria and one person making the decision, so you cannot go wrong. It is consistent. Or, yes, we have flexibility, we have more room to make individual decisions on a case-by-case basis, but then I really do feel that if we are going to do that that you need more than one person making the decision because it will reduce our subjectivity. That is the rationale but I am perfectly willing to hear your views on that. Obviously, the last one is just asking the Chief Minister to bring forward the necessary changes by the end of March, which we did discuss, and I believe he is happy with but obviously we will be hearing about that, if anything has changed. The final thing I would just like to state, and it is more of a reiteration than anything else, is that we have inconsistency between our tax legislation and our policy. In fact there are things in our policy that would not be legal to do because of our tax legislation. For example, regarding the £145,000 we expect in tax contribution for high-net-worth individuals it states: “A lower contribution may be accepted if other economic or social benefits for the Island would likely result from the applicants taking up residence.” That is incorrect. This policy desperately needs to be updated

because that is not legally or technically correct. We cannot make allowances or exceptions from 1st January this year based on this ground. This is out of date now. For me this proposition is, and always has been, about amending a technical issue in our policy documents and regulations, clearing muddy waters about what it means to be a much needed highly skilled public sector employee and a high-net-worth resident because in the future we may decide - we may decide - high-net-worth residency is something that we are less inclined towards. We might not want it as much. If we have muddied that camp further by giving social workers and nurses high-net-worth residency how are we going to split that up later? That is what part (a) is about for me. Part (b) is just a braces and belts approach. Part (b) is a gesture. Part (b) is not necessary. If part (b) does not go through it does not change anything for me. It is about gesturing and being clear to the public about what is not going to happen from now on. I really believe that voting against part (a) is a vote against enshrining in policy what is already entrenched in law. Thank you.

The Deputy Bailiff:

So you maintain the proposition? Is the proposition seconded? [**Seconded**] Then I open the debate.

15.1.1 The Connétable of St. John:

I congratulate the Deputy for bringing this forward. It is something that needs debating and it needs airing. In part (a) the proposition is that no high-net-worth or 2(1)(e) individual can work for States or States-owned bodies. I have some difficulty with this because if individuals come to the Island having made a fortune, possibly in telecoms or power generation, or in an area that would be highly beneficial for them to serve as non-executive directors in one of our arm's length organisation, Ports of Jersey, Andium Housing, S.o.J.D.C. (States of Jersey Development Company), Waterworks or whatever, this would prevent that from happening. I think we should, although this is to bring forward legislation and bring forward amendments, I raise that point because I think we should be embracing the skills that some of the high-net-worth bring. We should be encouraging them to join our arm's length organisations in order to allow us to benefit from their experience and knowledge. Part (b) is a temporary measure and I have no comment on it. Part (c) is interesting in that it reduces what used to be methods for which high-net-worth individuals could come. They could come for financial, social and other reasons. Now, because of the tax law, the only reason that they can be allowed is providing a tax revenue of £145,000 a year. Equally, in (d), this is a decision that is taken by the Chief Minister, which is delegated, or has been in the past, and it is currently, to the Assistant Chief Minister and, in this case, myself. Previously it was taken on an individual basis, and on taking the responsibility myself I immediately asked for the papers to be circulated to the H.A.W.A.G. committee. The decision is ultimately mine because they are precisely that; an advisory group. I think if we are to maintain ministerial government then it is for the Minister to make the decision. If we are to return to a committee system then one could, as this part (d) recommends, create a committee under the H.A.W.A.G. name, and it would be a H.A.W.A.G. committee who would make the decision. I am not particularly in favour of that because I think we need to stick to the principle of ministerial government. It is how we have agreed things should be done. I also believe there are times when a particularly swift answer is required. There has been a recent one in which they wanted to get their children into school at the beginning of term so that they could settle. This was a while back. So they could settle on the Island in time for the school term. I think it is important if one has a committee, and the associated difficulty of getting a quorum, it can be done by email, but it is not as tidy and it can be a much quicker and easier system if the Minister has that ultimate yes or no. So I would ask Members that they think carefully on this proposition with those observations I have.

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

I think at times we get very bogged down in a Wicker Man mentality in the Island.

[16:15]

Sometimes we do not, sometimes we do talk about the bigger points; we did this morning: children's protection. Massive issue. But this is not one of them. This is a trivial matter in the great scheme of things. If someone arrived here and they said: "What are you talking about?" "We are talking about the person running of our Civil Service and we have given him permission to buy a house here." People would be astonished that such a big issue is being made. There are so many things, big issues, some we did look at, some we did not today. I have just written a few down. The future of St. Helier, which we did touch on, but it is a big issue. The fiasco that the hospital is. Badly needs sorting out. It is a big issue. Airport rebuilding, which I know my friend from St. Peter is big into. Wage inequality in the Island is a big issue. The future of Fort Regent is a big issue. The child protection policy is a big issue. Anybody who went round the doors at the last election will find that population control was a big issue. One which we seem to have shelved for the minute. What are we discussing? Are we discussing 2,000 Syrian refugees suddenly being granted status to live here? No, we are not. What prompted this, and my maths is not brilliant, but it is one person, one man, who was given the right to live here. This person, in the form of Mr. Parker, is the very same person we are hoping will transform our government administration and bring it to the 21st century. As for the decision itself, and I am only speculating, because I am sure Deputy Perchard has spoken with Mr. Parker and has a lot more facts at her disposal than I do.

Senator J.H. Perchard:

Point of order, Sir. Is speculation technically okay?

The Deputy Bailiff:

I think as the Member has indicated the Member is speculating, but the Member must be very careful as to how far they go and what they say.

Senator J.H. Perchard:

Thank you for clarifying for me.

Deputy L.B.E. Ash:

Let us say when Mr. Parker is discussing his salary package here and they have reached a sum that he was amicable to and he said: "And I would like to buy a property here" and they said: "No, I am afraid that is a big sticking point; you cannot." Let us say for argument sake he turned round and said: "Okay, I will still come but I want £50,000 a year more to come here."

Senator J.H. Perchard:

Point of order, Sir, I am really sorry. But my proposition does not in any way have any impact on the current Chief Executive at all, so I am just wondering the relevance of his comments.

The Deputy Bailiff:

I am going to let the Deputy continue for a short while longer because, as I understand it, he is talking about the genesis of your proposition not the effect of it. He is entitled to do that. He is entitled to say: "This proposition has come from a single event" if he wishes dissuade people to pay less regard to it. I will let him continue for a moment, although I do think, Deputy, you should not be speculating upon what a particular individual might or might not have said and done. That is going too far, and I am sure you can talk to the generalities and make the same point, without talking about individuals and what individual conversations may have taken place.

Deputy L.B.E. Ash:

On a generality, if we were talking about £50,000 a year extra to any employee that we were looking to lure here, compared to offering them the right to buy a house here, which costs us nothing. It costs the taxpayer nothing to allow them to buy that house or that property. But if we were to pay them

£50,000 extra for 5 years, that is £250,000 it cost us. That is up to us to make that decision. Let us also say that we employed someone here who said: “We really want you to come over here, we want you to revolutionise the way we do things in the Civil Service. It is something we would really like you to do” and they said: “Fine, I will come over but I am not staying weekends. I will just come over. I will stay in a hotel and I will ship backwards and forwards.” What would the press have made of that? What indeed would the Deputy have made of that and what would the Assembly have made of that, of the person’s commitment to this Island? The person concerned fully committed to this Island ...

The Deputy Bailiff:

No, I do hesitate to take your course but this is not any longer about the genesis of the proposition. This is about your particular views about a specific individual’s basis on which they may or may not have come to the Island. By all means talk to the generality of the proposition but I do not think that particular course is taking us in a direction that is reasonable for us to go.

Deputy L.B.E. Ash:

I take your point, Sir, and I shall move on. To some extent, it is a pointless debate. I will move on to why because under the new 2(1)(e) legislation passed in January, in future it would not be possible to grant this right as anyone would have to pay a minimum, as the Deputy suggested, tax of £145,000, which would mean that no States employee - it is highly unlikely - would approach a salary to justify it. There is, as someone pointed out, they may have private income, which might justify it, in which case they would be entitled to apply to come here under the existing law. We could pass a law to make this 100 per cent definite, even though it is a *de facto* position, but why waste the time of numerous States employees in drafting something that is superfluous?

15.1.3 Deputy S.M. Wickenden:

I am glad to follow the previous speaker. I guess if he went round door to door to his constituents and said this was a trivial matter they might think: “Well, I have got to come and work and be here for 10 years to be given this place” and it will not feel trivial to them. This proposition is about making things equal and consistent in policy regulation and law. There are all sorts of other things and I think the comments paper sets out loads of different reasons. There is nothing to stop in future for an employee of the States of Jersey, or a future employee, to say within their contract: “Rather than you get 2(1)(e) status or you get to buy houses, we will pay £145,000 contribution as part of our contract to you” and then therefore they meet the requirement because it is up to a minimum of £145,000 contribution. That could be put in a contract quite easily and then meet the requirements. Of course, that is the decision that will have to be made. But what is trying to be done here, it is not about what the previous speaker was talking about an individual at all that has already happened. It is about making sure that policies, regulations, and the law all meet and line up. In the comments paper that we received last night, it says things about how work could be done to be able to try and achieve some of the things that are in this proposition. The wording is: “As Chief Minister, I am content to ask the Housing and Work Group to do this.” It does not say: “I am going to.” There is also ... I do not know of any work that is being done to look at this with any terms of reference or any fixed date in the future that says: “We are looking at this. These are the terms and reference” because we have pulled the policy that was put together over the last 6 years, and it has taken years to get to the point where there was something lodged for an actual policy that has been pulled by this Government. We do not know how long it is going to take to get to a point of having these policies in place in the future. I know that the Chief Minister in his previous role challenged time and time again the then Chief Minister about: “When are we going to see this population policy? What is happening? We do not know now, the proposition that has been pulled, what is happening going forward. When is the Housing and Work Group going to do this review? When are we going to see

the results? When will we have something? At least today here, with this proposition from Deputy Perchard, we have something that has a timeline and it has an effect. Everything else is just: “We may look at this and this could be included”, we have no certainties in that. At least today we have certainty on the decision that we make to fix some of the inequalities and some of the inconsistencies in there. I would like to also say to the Constable of St. John. He says a 2(1)(e) that comes in could not work for the States of Jersey and they could be a highly qualified person. They could consult. They are not an employee if they consult. They are coming in as a high-net-worth and they want to bring and give something back to the Island. There is nothing to stop a 2(1)(e) or the Government going to a 2(1)(e) and saying: “You have experience in this, would you like to help out? Would you like to share your experience to the Island, as you are now a member of this community and you are a member of this Island?” I think that that was not a very good argument for why (a) should not be allowed. They are not employees if they are consultants, they are only employees if they are employed and paid a wage. I am sure that every single one of the 2(1)(e)s that come here and have the right to live and be part of this beautiful Island would happily give their experience and knowledge in their areas of expertise to benefit this Island. I am sure every one of them and they would not ask a penny. I do not understand the resistance to this. The arguments that were getting put forward from certain areas is that it is about an individual. It is not. It is about equality. It is about making sure that everything is equal. There should be no problem with doing this. The Housing and Work Group, when they finally get on to doing their work and we see the terms of reference, can come back at a later date and say: “We have now looked at this in a broader picture and we are going to make these recommendations” and they can be changed. But this clears up and there should be no reason not to vote in favour of this proposition. I think it is very sensible. I applaud the Deputy for the hard work she has put in and it is a very well written report. I do not understand this resistance, it feels like the Back-Bencher wants to get something done again and I thought we had gone past that.

15.1.4 Deputy M. Tadier:

First of all, I think that not just because it is her first proposition but I think the subject of this proposition does need a debate. Because, I think, what she has done she has highlighted 2 issues but one primarily that I think a lot of us were thinking, and certainly the public were talking to us about, once they had found this out, is that there seems to have been - let us put it maybe euphemistically - a very strange mechanism that was used to grant one individual, one States employee, something that nobody else has ever been granted before and given him ... okay, we are talking about this current chief executive here, we are talking about a States employee and we have any number of essentially employed individuals in this Island for the States, and there will no doubt be some who do not work for the States but there are, who have to go through a different process. They are given what was the old (j) Cat, they are given essential employee status; we need you to come to Jersey, we recognise that you need to be able to own the house that you live in or to be given special ability to rent the property in which you need to live in order to do your job and establish yourself on the Island and there is a well-established principle. We have an individual here who said: “That is not good enough for me, I want something else” and that is his right to do that, as part of the negotiation, as part of his contract, to say: “I want something different to that.” What about the other individuals who are essentially employed? What about the social workers that come to Jersey that we have been discussing this morning about children’s needs in the pledge, *et cetera*. There are, equally, essential employees in Jersey with whom we cannot do without, just as the Chief Executive is no doubt an essentially employed person in Jersey. Why does he get that right to carve out a special privilege? Of course, the individual who could answer that today, the previous Chief Minister, is not here, so he cannot answer those questions today in this forum but no doubt he may have his own answers. I think these are the kind of issues we need to hear because it is something very bizarre outside the norm happened and it happened during an election period, effectively. It happened during the purdah,

more or less, but most of us were tied-up fighting an election and this very strange process happened. It is an issue of public interest. I have that memory of Deputy Ash standing there just saying: “Big issue, big issue, big issue.” **[Laughter]** Not who will buy my Big Issue but what is the big issue? I think it is so fundamental because, as other people have said, so many people have to wait a period in Jersey, often living in difficult circumstances, not in a home that is their own, even though they are very much part of our community working hard and where there is an established process. We know that the Housing and Work Law is used, I think, as a very blunt tool to try and control the population. It does not work; that is the other issue, it does not work. The population has been going up, I am not going to say exponentially but certainly more than any of us would have necessarily wanted and certainly more than the Government’s official policy stated that it should. In the meantime, we have people living in sometimes relative hardship because of these laws that, at best, sometimes are indiscriminate and ineffectual. Deputy Perchard does something, I think, valid to again focus on this issue and why is an exception being made? It is not a good way to start your career in Jersey; that is the point. He does not need that hanging over his head and I think we need some clarity about why that was given. But, that said, I would ask the Deputy whether she thinks that part (a) needs to be maintained because it seems that reading the comments from the Chief Minister, he says that that has already been achieved, so it is superfluous. The amendments to the law have already been put in. I would ask the Deputy if she is satisfied with that answer she could simply withdraw part (a). It seems that that has been satisfied already.

[16:30]

Part (b), I think, is slightly more arguable. It seems to me that part (b) is highly theoretical, if my reading of it is correct, given that the changes are already afoot. It seems very unlikely that a new chief executive is going to be appointed between now and the time when the new regulations come into effect, and that is the only circumstance that the part (b) would make sense. We could probably pass that. I would suggest that, although the official position of the Council of Ministers is to oppose part (b), it is very, very hypothetical, in my reading of it. We could probably pass that without any harm. But, again, it only talks about the employment and recruitment of a chief executive of the States. What about if there was another position where the Council of Ministers wanted to use a mechanism akin to this but it was not for the chief executive? It seems that does not prescribe that particular situation from happening. I think part (b) is much more marginal. I think if we could go one or the other. I think what parts (c), (d) and (e) do is it does open up the whole debate about what the 2(1)(e)s currently stand for. I have to be slightly careful, as I said earlier, and I think, hopefully, Senator Farnham and Senator Pallett will agree, that we seem to, in a relatively short time, have a good working relationship and we speak frankly with each other, and it is a well-known policy position of mine that I have ideological reservations about the whole ethics of a situation where you allow, what I would call, very rich people into your Island and, effectively, allow them to jump the queue on housing issues. That does not mean, as they say in French: “*Mettre de l’eau dans son vin*”, which means you have to put water in your wine. If you are a purist you could say that you would die in the ditch over certain issues. I think I am a realist, I understand that for many people, including the most wealthy on our planet, that taxes are optional and that you can decide to be mobile and go wherever gives the best deal. The first point to put on record is that none of these comments are at all judging or criticising any very rich people who live in Jersey because they are not the ones who are the policy makers. Any criticism of any schemes that exist are firmly of those who have made the schemes and those who are able to change or police those schemes. As I said earlier, and I hope that they will take this in the spirit it is meant, I am not going to be using terms like high-worth-net individuals in the future or high-value residents in the future. I do not see what is wrong with the old tried and tested acronyms and abbreviations of V.R.P.s (very rich people) or C.R.T.Y.s (considerably richer than yows), which at least got a laugh earlier when I was testing it out on the Back-Benchers here. But the serious point to be made is that part (c) says that there is a provision in the law which

says that people who can contribute to our Island, and it is not a small amount of tax, and all the additional work that they do, often under the radar socially and the contributions that they are in a position to be able to make, those are obviously valued by the beneficiaries who see that very good work and I think that needs to be recognised as well. There is theoretical provision for people to come to Jersey who are not financially rich but who might, nonetheless, be the type of individuals that we would like to give that benefit to. It is interesting that to come full circle it may well be that there was a strong case to give the 2(1)(e) provisions to a chief executive or at least in theory in the future to somebody like that, either who is in the gained employment of the States but who did not necessarily meet the tax requirements. The arguments about the £145,000 of tax contribution that you have to make in a year but what about the equivalent of £145,000 of tax? What if you had the best philosopher or somebody who is a really good accordionist or an even better guitar player than Deputy Mézec but who was not rich? He could come to Jersey, he could put on free concerts, he could inspire, he could teach and do work with the Parishes with the Youth Service and provide an intangible net contribution, which, if you did value it, came to at least £145,000 a year. I would quite like to see that scheme introduced where people can just apply to come and live in Jersey and jump the queue without having to live here for 10 years and be able to set themselves up in Jersey because they were the type of individuals who we feel would make Jersey a better place, not just because they could pay a certain amount of tax and maybe contribute in other areas. I will probably stop there because I think we are getting into the areas of philosophy, which are perhaps a little bit grey and at this time of day will not necessarily be fully appreciated. I think the Deputy has brought a very interesting proposition. Of course, there is the big elephant in the room, which is to say that there has never been an assessment of the cost-benefit analysis of the scheme, either in its current format or in the principle of it. It has often been that the 2 ideologies have been at loggerheads, so on the one hand you might have the purists saying: "Tax should not be avoided, this is our scheme and it should apply to everybody", as well as the practical arguments, of course, about how it affects local home-grown millionaires who might have to pay a 20 per cent tax rate on all of their income if they are drawing-down on it versus different arrangements for people who are brought in. The arguments about what kind of houses they can buy, at which level the price bracket is set and the knock-on effect it has on the rest of the market; all of those arguments versus the similarly ideological arguments on the other side, that it is better to have this money that we can put into social good and social investment than none of it at all; the pragmatic argument. I think that, of course, nobody wants to be reliving these arguments constantly but I think that at some point this proposition today might provide a forum. But the thing is to be there, to say: "This is what the scheme provides, this is what it does not provide and these are the consequences", both good and bad, so that we can have an open and honest debate about it and perhaps move it on from just an ideological one.

15.1.5 Deputy J.A. Martin:

Always a pleasure to follow Deputy Tadier. I just want to go back to the opening remarks, and I thought I had had this proposition down until the Deputy... I apologise, I was not here when she was opening it because I was downstairs printing off the comments. The explanation about where we were or what this proposition was trying to do was not just to stop anybody coming in again who could be employed in the States or a States body. But then when this has been explained that obviously it cannot happen now because a certain 1(1)(e) needs to pay a minimum of £145,000 in tax, that the Deputy then went on to say we need to look at this to bring in social workers and nurses and doctors. I go back at least 15 years when it was Deputy or Senator Terry Le Main was president at Housing and he made a ruling that nurses, doctors and I do not think it was social workers then but we were not so short on the ground, they would get age-wage qualifications and that has now transcended into licences, and social work is the same. I was not quite clear where the Deputy was coming from saying that we still may have a problem. I heard from the Deputy sitting next to me that he thinks that our laws are not encouraging enough social workers. I really, really want to get to

the bottom of this. I mean we have moved that the spouses of essentially employed nurses, social workers can work in any industry; it is the 5-year rule. We are looking at adult children, we are moving that. The comments from Deputy Wickenden, will H.A.W.A.G. really look at this? I can assure Deputy Wickenden I am on H.A.W.A.G. and we have discussed this preliminarily around the table; myself, the Constable of St. John, Senator Pallett and Senator Mézec, we really want to drill down and work with this. But I think in the context of everything it is a migration policy to get these people in and that will be a bigger piece of work with more States Members involved, absolutely and we want to do it, we want to get there. The comments from Deputy Tadier, the official line: there is no official line. These comments from the Council of Ministers are absolutely the truth; we all have an open vote and you have read it and the Council have literally discussed this. Up until today I was, and I probably still am, I think I agree with Deputy Tadier; (a) is covered. Do we need another law? This is where I go back down to the: what legislation do we need to bring in to shut this because it has been shut? Going back to the bigger debates, where do you put legislation in law drafting time? Do you put it on the big issues to get the social workers, to get the people you really want to do the running of the everyday ... the massive issues we have. Or do we want to try and bring some more legislation in, that probably, on the hoof - and absolutely total respect for a new Deputy to bring a proposition so early in that is very complicated - but it is on the hoof. I am sorry, but that is exactly what it is, to accommodate something that slipped through the radar. It will not affect the person doing the job now. It is covered. Again, is it covered under (c)? Already me and the chair of H.A.W.A.G. have a difficulty with (d), because I said around the Council of Ministers: "Absolutely great, we have a new chair of H.A.W.A.G. We see every 1(1)(e), the 4 of us and we have a good debate and we decide whatever request is there, whether it is passed or whether it is not. I did also say, you do not do legislation just because you have a good chair at the moment. I think it is a small advisory panel which could take the decision. I do not really hold that I might be out of the Island, the Senator might be out of the Island, and there is only the Constable of St. John left standing, because we are in the age of technology. I have been found in the tiny islands of the Philippines, when I was supposed to be on a Christmas holiday. I have been found for a decision if I need to make it. I really just want to leave it there. I think there is work being done. I think the Deputy is pushing at an open door. Something happened. It was not in purdah. Sorry, Deputy Tadier. It happened last year. A decision was made. We do not know what was said. We do not know if nobody else at the time who could come in and do this and do that. We are where we are. I just say I can live with what the Chief Minister has put. I am happy with (c), (d) and (e). I can live with that. However, please read, because he does say, literally: "The whole policy needs looking at." Until then he will not back (a) and (b). I think that is quite sensible. Unless I can be persuaded by the Deputy in her summing up, but I do not think so, because as I say I am quite happy ... not happy that it is going to be for ever and a day that this one law is covering another, so we should be happy. The bigger picture: get the legislation right, look at the essential employees we do need ... this does not do it. Just closing one door, does not open another really nicely for everyone else. We only have so many people over the road doing so much important legislation that we need ... we needed it yesterday. St. Helier needs 20 miles of roads. That is not a small issue for us, but I make light of that, but massive, massive legislation needs to be done. I think the debate is being had, I can ... and other people will vote differently and they are absolutely entitled. I can live with (c), (d) and (e), but then if you bring in (e) we literally will have to go across the road and say: "Well, what legislation do we need?" I think in the round, it would be good if ... I do not suppose that she will, but if she just says: "We have had the debate. Where are we going to go with this?" Much, much bigger piece of work ... I am on board doing it with H.A.W.A.G, but doing it with lots of Members across the States on a good advisory population panel that we need. We need this. We need the essential workers. This is a debate for today. I am still now thinking if I can support any of it. Thank you.

15.1.6 Deputy K.G. Pamplin:

I just want to start in the spirit that my friend and colleague, the Deputy of St. Clement, was in when he said, in his role as Assistant Minister for Treasury and Resources that he was not very good at maths. I raised my eyebrow. However, moving on, what I would like to do at this stage is to flesh out the spirit of goodwill measures that is coming across for the work that my colleague from St. Saviour has done. One thing that I have learned as a new Member, and having sat up there in my previous roles, is that one of the things that the people who elected us was - one of the things I certainly came across - the qualities of debates and propositions and the work that goes in. Absolutely I want to bring through some very detailed propositions on subjects which are very divisive, but are very much a part of our Island community.

[16:45]

That requires a great deal of work. I am currently going through that process at the moment. I cannot stress enough the work that Deputy Perchard has done on this; alongside being a new Member and learning the role; alongside, as I have and other new Members, meeting our constituents; working with our Constable on matters that come that we want to help with as well. It addresses an issue that I and many others have raised, and I know it has been addressed before, the lack of resource that we have as Back-Benchers needs addressing. This is one of those moments that because ... maybe fortunately during the summer recess, it has allowed the Deputy to spend more time on this and it is a lot of time. Had this been in the middle of when we were debating the Mid-Financial Plan or the Budget it would hinder the work and the research, because she does not have, like we would have, the resource to walk in and ask for researchers and help and that. It is absolutely to her credit. It sets the bar for all of us, as new Members, the work we can do as Back-Benchers when bringing forward propositions. I just want to hone in to the heart side of things. Again, the Deputy of St. Clement mentioned big issues as well. He is right to do that, because there are many that we, as new Members, are inheriting as legacy issues, which is outside of our control, but we are going to do our best to grapple with them much quicker. The response to this from people I have encountered in the public is it has caused a little bit of division. It is a subject matter ... if you go to your local pub or you get in the back of a taxi or you are picking up the kids from school, various things come up. This has come up of late. There is an issue of division in the public sector, because the best interests of our community ... that is how I define my role, what is the best interest of our community to do the right thing? I am yet to hear the level of legal argument and the Attorney General may be asked to clarify some points that the Deputies reach, to counter-argue that. That is all I wanted to say at this stage. Again, for public record, I commend Deputy Perchard for this huge detailed work.

15.1.7 Senator L.J. Farnham:

Congratulations to Deputy Perchard. I did email her when I saw this. She had engaged with the department previously and I hope we had been helpful. Thank you for bringing it. I am not sure what parts of it I am going to support just yet, but I wanted to make a couple of points. I could probably start with some of the comments of my colleague, Deputy Tadier. We are working particularly well in the department. The fact that myself and the 2 Assistant Ministers are quite a broad church of political views means we have a very positive dynamic. We are always challenging each other with these sorts of issues. Perhaps Deputy Tadier, when he said why should we not be granting status to people who will bring other talents and skills to the Island to benefit the community, which could be not just socially but economically as well, without having the financial resources of some of our high-net-worth visitors. It probably is a good argument for why we should retain some flexibility within the legislation. I would be reluctant to see that go. I do understand the point that is being made. There sometimes is a fine line between licenced and entitled and how we grant those for what periods of time. Some people who are hoping to make and bring considerable beneficial changes to our community will want some security of tenure. They will want a good amount of time to achieve that. If they do achieve it, somebody like our new chief executive, and achieve what we

are all setting out together to achieve then the economic benefits and the social benefits will be considerably in excess of any benefits we get from higher net-worth individuals, without, of course, underplaying their contributions. Moving on to high-net-worth individuals, and they do make up a tiny portion of the numbers that come in every year, we have been getting hundreds of people coming to work and ultimately settle in Jersey. I am not saying that we do not appreciate them. I have often said that every job and every human being in our community makes a contribution. Some more than others and some do not. Some come here for the wrong reasons and end up costing society. We might not have a defined criteria, but we do know that high-net-worth pay a minimum amount of tax, which is currently £145,000. We know that they have to spend a certain amount on a property. That is currently £1 million for an apartment and £1.5 million for a house. That is not enough as far as I am concerned. We are looking at that now. We are going to be reviewing that. That minimum figure needs to be enough, so it does not interfere with the majority of house sales or the local housing stock. I would like to see that increased. We know that the taxpayer receives about £4 million to £5 million a year in stamp duty from property sales. That, of course, does not include the many millions of pounds that are spent on top of that in home improvements. We know that the high-net-worth community give millions of pounds a year to the community via cultural or charitable organisations. Many of them do it anonymously. I am not sure how we could detail that. We know that 94 high-net-worth have moved here in the last 5 years. Those 94 families will this year contribute in the region of about £20 million to the Treasury, to the taxpayer, through taxation and stamp duties. We know that the high-net-worth community have established businesses, many of them around home office organisations, which employ hundreds of Islanders. We know that. I am not quite sure that I am convinced that we need to have a more detailed examination of the benefits. Would I really mind if we did? No, I do not think I would. If we did drill down deeper into that, we would probably find significantly more benefits that we have overlooked. That might be the outcome. I just wanted to raise those points. I am not sure, but I am reluctant to support the first part of this simply because I do think we need to retain some flexibility when we are deciding who can stay and for how long. Thank you.

Deputy L.M.C. Doublet:

Sir, could I ask the speaker to clarify a point of his speech, please?

The Deputy Bailiff:

Yes you could stand up and ask for a point of information.

Deputy L.M.C. Doublet:

The Senator was arguing against part (a) on the basis that we may want to use it to attract social workers or similar in the future. It is my understanding that as of 1st January this section of the law can only be used to attract workers who also pay the £145,000 tax, which unless a social worker had separate wealth would not apply to social workers at present. I wonder if the Attorney General could confirm my understanding.

The Deputy Bailiff:

Is that a point of clarification, a speech or a request for the Attorney General for advice?

Deputy L.M.C. Doublet:

It is possibly a point of clarification and a question to the Attorney General.

Senator L.J. Farnham:

I think the Deputy may have misunderstood my speech. I do not think I referred to social workers. I referred to a point Deputy Tadier made about individuals coming to the Island who might not be as financially well-endowed as required in the Tax Law, but might bring other skills and talents with

them which benefit the Island socially. We do have juxtaposition between the Tax Law and the Housing Law. I was arguing for retaining some flexibility within the Housing Law for such circumstances, so if we come across an individual family who wish to come the Island and can bring with them skills or talents or other reasons that will benefit the Island socially without having the ability to pay the tax under the Tax Law, we should retain that flexibility.

Deputy J.H. Perchard:

Am I allowed to ask the Attorney General to clarify something on that point?

The Deputy Bailiff:

Yes, certainly, at any point the Attorney General can be asked for legal advice, but let us finish this exchange first, if we may.

Deputy L.M.C. Doublet:

I think the Deputy is asking the same ...

The Deputy Bailiff:

Right, in which case what I think we do is we will now see if there is a question that could properly be put to the Attorney General. Yes?

Deputy L.M.C. Doublet:

I think, it is important to perhaps hear from the Attorney General the point I outlined in the beginning, which I believe to be true, in that you do not have any more flexibility by not putting (a) through, because my understanding is such, Attorney General, that the tax requirement of £145,000 will apply to every 2(1)(e) resident, as of 1st January this year. Would you mind clarifying that for us? Thank you.

The Deputy Bailiff:

Are you able to assist, Attorney?

The Attorney General:

Yes, Sir, I am. Both Deputy Perchard and the Council of Ministers' comments are correct on this point. Just to give a slightly longer answer, if I may. There has been no change to the relevant provisions of the Control of Housing and Work Regulations 2013 *per se*, in the sense that the conditions for entitled status under 2(1)(e) remain as they were, in that the Minister must be satisfied - and it is a matter for his or her discretion - that a grant is justified on social or economic grounds or both and as being in the best interest of the community and the person satisfies any condition to which the grant of such status is subject under paragraph 3. That gives the Minister the power to impose any conditions that he or she thinks fit. The test for the Minister, when considering an application, has not changed under the law, but what has changed will affect the way in the Minister can realistically exercise his or her discretion is the taxation context under Article 135A of the Income Tax (Jersey) Law 1961, which is entitled persons granted 1(1)(k) housing consent or entitled to status under Regulation 2(1)(e). What that says is this Article applies to determine is the basis of taxation of a person who has been granted Regulation 2(1)(e) status. Under Article 135A, paragraph 2(a), in relation to Regulation 2(1)(e) status, that is any 2(1)(e) status on any basis, granted on or after 1st January 2018. It must be subject to paragraph 3(a) of the Article. That in summary provides that whatever the income may be of the new 2(1)(e) individual, the minimum tax payable by them is £145,000 per annum. That is why, as Deputy Perchard said in her introductory speech to the Assembly, the passage in the Control of Housing and Work Policy Guidance presented to the States on 5th April, when it says at paragraph 118 that a lower contribution may be accepted if other economic or social benefits for the Island would likely result, is wrong and both she and the Council

of Ministers are correct when they say - I am quoting from the comments - that: "It is no longer possible to obtain 2(1)(e) status without having to pay a fixed minimum contribution of £145,000 per annum." I hope that clarifies the position and answers the question that I have been asked.

The Deputy Bailiff:

Is that a question, Deputy?

Deputy J.H. Young:

I wanted to ask a question on the legal advice.

The Deputy Bailiff:

Yes, I think it is a good idea to get the questions to the Attorney General on this aspect dealt with together and over, so please do.

Deputy J.H. Young:

Thank you very much. My question is related to the income tax status because in the guidance documents, which I understand was in March 2018, paragraph 122 deals with the requirement that somebody achieving that special status would be required, it says: "Any property purchased must be worth £1.75 million and if an apartment £900,000."

[17:00]

Is that related in any way to the income tax point that the Attorney General has just explained? Perhaps further, I would like an interpretation, I am not sure if the Attorney can provide it, whether any property purchased means somebody who has that special status can buy a lot of different properties as long as each of them are over that and perhaps do development and speculation? I would like clarification on that.

The Attorney General:

In relation to paragraph 122, which deals with conditions that will be applied when granting entitled status on economic and social grounds, it is right as the Deputy says to observe that this guidance indicates that a condition in relation to any property purchased is set out. The difference between that condition and this minimum contribution, the £145,000, is that the latter has force of law and it is in a statute and cannot be changed, whereas this is merely a condition that the Minister can apply or will apply in his or her discretion.

The Deputy Bailiff:

Would you like another point of clarification from the Attorney General, Deputy?

Deputy J.H. Young:

No, Sir. I just want a bit of advice, please. I would like to speak on that point. Do I do it now or do I hold back?

The Deputy Bailiff:

You are entitled to ask a question of the Attorney General succinctly, that does not prejudice your right to participate in the debate in due course.

Deputy J.H. Young:

Later on, okay.

15.1.8 Deputy K.F. Morel:

It strikes me that we need to have a debate about high-value residents and also, in that sense, how we attract public servants; 2 very different debates, but 2 important ones. One of the reasons we need to debate on high-value residents, I have to say, is having just heard the Minister for Economic Development, Tourism, Sport and Culture speak about the benefit of high-value residents. One thing he did not ask or mention was the cost of high-value residents. Something that is very rarely talked about is what cost do they place on us, what burden do they place on this Island in terms of rising accommodation costs, in terms of rising construction costs, in terms of the amount of space they take up. Land is one of our most important resources and yet most of those large estates are lived in by one family. There is a lot we have to debate there. Deputy Perchard's proposition is right, if for no other reason, that it has raised and aired these issues. It shows just how important it is that these issues do get an airing in this Assembly. It is disappointing to hear Deputy Ash speak in such terms, essentially trying to confirm himself as the arbiter of what is and what is not important before this Assembly. All of these things are important. If you speak to Islanders, the Deputy will find that there is a huge groundswell of anger and discontent about the award of the housing qualifications, to the chief executive. While I acknowledge that Deputy Perchard's proposition is not aimed in any way at that one person, it has to be taken into account that people are not happy about the way that that was done. Therefore, it is right to clear these muddy waters. Jersey has a habit and a history, unfortunately, of muddying the waters and using legislation for purposes that they really are not well designed for. I could talk about the Housing and Work Law being used as a proxy for a migration policy. We still do not have a migration policy. We are still using a law which does not really work or do the job properly. In that sense, it is important that these 2(1)(e) Regulations are designed to provide the certainty for high-value residents and not be used as a way to attract public servants, which Deputy Perchard is absolutely correct, should have its own policy and own means of attracting public servants. If you want to give them entitled status on day one of their arriving here and for life, that is absolutely fine, but that is a debate that needs to be had. So far, as we saw, it has not been had, so that is what is attempted here. I humbly would like to correct the Constable of St. John in his interpretation of part (a) of Deputy Perchard's proposition. I do not believe that part (a) would stop a high-value resident taking up a position within the public service. It is quite the opposite. It is putting the cart before the horse. In this case, it is trying to stop people who want to be public servants just being offered that as a way into the Island, so he has it the wrong way round, I would like to say. In this respect, it is a complex and technical proposition, but it is not in itself legislation. We are asking, in this proposition, the Chief Minister to go off and come back with the legislation that is needed. It is within the Chief Minister's ability to craft a piece of legislation that would work, which would stop high-value residents' legislation being used in the wrong way, which would ensure that one Minister is not responsible for deciding who does and who does not come here under the high-value residency regulations. We saw earlier this year how one very wealthy Russian citizen was granted the right to live here. I am sure the Minister that did that felt that this was a good thing and have huge economic and social benefit to the Island. A lot of Islanders felt otherwise. A lot of Islanders felt that that was a threat to the Island and a direct threat to the Island. The idea that a committee, in this case, H.A.W.A.G. should be used to make these decisions as opposed to one very subjective Minister, I think it is a good one and a sound one. We have a good example of why that is the case before us in recent times. I understand that people do feel that perhaps this is better within the Council of Ministers and that is how this legislation has come forward, but it will do eventually. If this proposition is adopted the Council of Ministers will go off and work on this legislation and will come back with a proposition, which I am sure we will all feel able to back. Thank you.

15.1.9 Deputy J.H. Young:

Listening to the debate carefully, I agree strongly that Deputy Perchard should be congratulated for allowing us to have a debate on what does seem to be, frankly, a policy that is full of holes and needs to be reviewed. Obviously, the purpose that the Deputy has brought here is to try and get us on the

right track for the future. I, like other Members and the Council of Ministers, wrestle with this. Are we better off with proposition (a), when it is really tautologous and is not really required anymore? I think I have been clear about part (b). I really think we are desperately in the middle of the need to back our chief executive officer, because we cannot go back, we have to reform our structure. Therefore, is there any possible link between an on-the-hoof decision and anything that could be conceived as any way other than being behind the work that we are doing to sort out the longstanding government structure is a negative? I was always inclined not to support part (b). Where I have ended up though is I think absolutely every firm policy, item (c), 100 per cent. I am totally in favour of that, that we have to have a review of the whole policy. My particular points there are what we have discovered. I thank the Attorney General for his explanation, so clear, that the link between policy 2(1)(e) and Income Tax Article 135A is so complex and, I think, potentially confusing and liable, I believe, to unintended effects if we alter it on-the-hoof. Therefore, I very much want to see that policy reviewed. For another reason, the policy was made by the previous Council of Ministers and I want it reviewed by the current Council and the States. I am particularly worried about the impact, and I follow up the Deputy's point, about the wider impacts on property transactions of persons receiving that status, opening up a situation where there is a purchase of a whole number of properties which effectively might have an effect, I do not know if it does or it does not, of impacting on our property market and availability of housing and so on. I would like to see that looked. For that reason I am 100 per cent behind part (c). I am definitely open to having decision-making by a broader group of Members, I always am on these difficult decisions, so H.A.W.A.G. seems to be fine. I do worry about part (e) and the idea of imposing a fixed timescale, because it is going to be difficult. I do think we have to now review this policy as a matter of priority, but whether we can do it by March, I do not know.

15.1.10 The Deputy of St. Peter:

I congratulate Deputy Perchard for her energies and her efforts. We are debating 2 things. Yes, I think I mentioned, before I get confused, when we have 2 separate subjects that get merged together and you do not really know what you are voting for and why. On one side I think we are voting on a States recruitment policy; do we use 2(1)(e) in order to allow and attract the best talent into the Island, which is essential. I know that has been closed down on (a) but it is still being debated as that subject which confuses the matters. The second thing is what is the value of high-net-worth individuals or - where has Deputy Tadier gone - the very rich to the Island. I have mentioned it here before, the concept of trickle-down economics. The concept is it is all very well having the amount of money that is generated by having high-net-worth individuals into the Island but what is the consequential effect of that, and that was alluded to by Deputy Morel. I personally have had some builders in recently. I know in the last couple of years I have watched the prices of all of their hourly rates go up consistently, and my local decorators have gone up by 50 per cent over 2 years. Now, I do not know why that has happened but it seems to be a coincidence there is a huge amount of development going on in the Island and quite a lot of that I think is probably high-net-worth individuals. So that is what I question in many other areas that we know where prices have been escalated and we have got 4.5 per cent inflation recently. I do not know whether that is directly as a result of 2(1)(e)s or not, however I think a study must be taken into that, a detailed study so we all fully understand it. Deputy Perchard and I have talked about this and we are in total agreement on this. One point is I am not sure I know how to vote, because I do not know which ones relate to which, of course. I got distracted there. However, as a point, if I do vote for all of these am I just saying the debate will be continued and the study will take place, or am I making any commitments on behalf of my Parish for any particular of those line items? That is not necessarily for the A.G., I will make my own mind up about that. But that is my point: 2 separate things, States recruitment and high-net-worth individuals. Let us not fuse them. Thank you.

15.1.11 Senator K.L. Moore:

I shall try to keep my comments brief as many of the points I wish to make have already been made, particularly by Deputy Morel. However, I - and perhaps this might help the Deputy of St. Peter in my comments - do think that Deputy Perchard has done an excellent job of putting together a package which provides a clarity and also an equality of arms. Former members of H.A.W.A.G. have in the past told me that they see before them people in a very emotional state, business people who come to H.A.W.A.G. asking for licences and a way that they can keep and employ people in our Island. There has been very little talk during this debate about the role of business and the reaction of business to the news that our policies were used in such a way for one individual but also that it could be done in future. So I ask Members to consider the essence of what I think Deputy Perchard is asking us to do, and that is to provide clarity around our policy and decision making, particularly when that is a small group of people with one decision maker as was described by the Constable of St. John. So I will wholeheartedly be supporting the Deputy in her endeavours and congratulate her on her hard work.

15.1.12 Senator J.A.N. Le Fondré:

Yes, we are in the somewhat curious position of discussing a subject which obviously has landed, to an extent, in the present Council of Ministers which obviously took place during the time of the previous Council of Ministers, and then after the ramifications in terms of the present status of laws and policy guidance. Hopefully the comments are reasonably clear that we have put in place but it is very much a matter for individual Members and it is really down to the difference in styles and approach. What I do want to say is I do commend Deputy Perchard on how she has put her matter together but I do rather feel she has confused a couple of areas. For example, it has been said that the proposition does not stop giving the status to States or States-owned body employees because essentially, she said at the time, we can go away and sort something else out.

[17:15]

Well, part (a) does stop us doing that. No question. Then there is the question of is it superfluous given the promise that we made about the introduction of the tax policy. Now, the issue around going away and sorting out a different method, which is what is referred to in the comments that were received - and I do apologise - yesterday. That is the point; I think we need to look at it. I think Deputy Martin was very clear in her comments that it needs to be looked at properly and in my view is. If we give the Council of Ministers a direction that we want to amend this law, as well as the amendment on the tax law, we have then got 2 issues to deal with if we ever do come back with any alternatives. In other words it makes it more complicated than from where we are. At present the barrier notionally - I shall discuss Deputy Wickenden's comments shortly - is close. So the door is locked, it is whether you want to bolt it as well in terms of Members. I think the issue one also has to remember is, and it has been looked at as well, we are dealing with people, we are dealing with individuals and therefore the circumstances can be subjective. It is always going to be ... I mean I know that applies across many laws we have but that is where, to an extent, there can be a certain element of subjectivity and that is why I am perfectly content personally to be ... I will be voting for part (c) and part (d). I will not be supporting part (a) and part (b). Now, interestingly enough, Deputy Wickenden has contrived at least 3 ways, I think, of getting round loopholes or generating loopholes to get round whether the existing status or the proposed one. Because under the existing status what we could do, which would be completely against the spirit of things, but hypothetically what we could do is that one department of the States would pay the Income Tax Department £145,000 a year, which is net nil, and that gets round that particular loophole. But equally, and I suspect that under the proposed mechanism we could not only do that, we then take the individuals on either as a consultant or self-employed status which would get round what is being proposed under part (a). So I am sure what I am saying is I think there is an area of work that needs to be done. My view would be do not change things now, let us deal with what we have got and then let the review pick it up and

come back to how we want to properly address matters. What I will also say to Deputy Wickenden, in terms of the comments he made around the population policy. Firstly, the Constable of St. John has requested on my behalf that the terms of reference start being drafted on the population review. The game plan when we withdrew the policy was that it would be ended up at around 12 months to come back to this Assembly, that was the game plan. I am sure somebody will hold me to account on that at some point around that time. What I would also say is part of that proposition, which I think was due to be debated in the next meeting, but I might be wrong, was for this Assembly to request the Chief Minister to go away and do some modelling; that is getting the right data to then evaluate the kind of policies we want to put in place. I gave directions to the Solicitor's Department about 3 weeks ago to begin that work so, in other words, we are slightly ahead of part of those elements of the policy. That is going to take 3 to 4 months I have been told, to get that work in place. But it will then give us proper data to then put the policy together. So I hope that demonstrates that things are starting to move and as soon as we can get the terms of reference sorted out then we will liaise with Scrutiny as to what that all looks like. I was just saying that ... it was not entirely relevant to the comments of this debate but just picking up the clarification that Deputy Wickenden arranged. I think there was a comment made possibly also by Deputy Perchard that part (a) was about enshrining in policy against what is already enshrined in law. I would suggest that part (a) is about enshrining it in law and therefore I do not think that was quite correct. Now, just going down some of the issues within the reports that have gone through. One of my reservations, I have talked about flexibility, I have talked about we want to get this sorted out and there is a view that we can go away and sort this out separately, let us shut this by March 2019. The thing that I am reminded of, although I understand it may be going to the Comité des Connétables at present, is wheel clamping. Wheel clamping was a bit of a knee-jerk reaction at the time and I am going to say 4 to 5 years ago, I might be wrong, there was basically ... I cannot remember if it was a background to the debate but anyway the upshot of it was that the Minister for Home Affairs of the day withdrew and basically made wheel clamping, I am going to say illegal, that might be the wrong expression but wheel clamping basically was heavily restricted in how it could be utilised. At the time the Minister said: "But we can sort out the concerns of landowners or people who have problems with parking" because there were these other ways of doing it, and he implied it could be done quite quickly. As I said, that was 4 to 5 years ago. I am told I might be wrong; 9 to 10 years ago and I believe it will be going to the Comité now. So that is my concern about when we have, nicely, this kind of clarity saying, "Oh, we can go and sort it out." Things sometimes get in the way. We know the door is locked and I am concerned about people not appreciating sometimes how long it can take. If one goes down this way how long it would then take to get that momentum back again; so then it certainly comes down to us. Comments have been made about the legislative demands and things like that, which is true, and I also make the other comment about Brexit. We have a host of legislation coming down the line. In other words enjoy the quiet period now, folks, because I understand that getting closer to Christmas and potentially after Christmas there is a host of legislation coming and that is all going to have to be drafted. So there will be constraints, I suspect, on other law drafting time at the moment and that is something I am seeking clarity on. One other thing I think, and we have talked about the uses around licensing of it versus entitled, licensing is obviously a different way one can get a housing status here but licensing is not permanent; you can lose your licensing arrangements. The decision that gave rise to some of this, and it is in the public domain, the relevant entitled status that gave rise to the debate is subject to some performance indicators that have to be achieved within 5 years or it will not be maintained.

Deputy J.H. Perchard:

Sir, I am really sorry to raise this as a point of order but I outlined at the beginning of my opening remarks my motives and the context for my proposition. I did not once mention chief executive

status and this will not affect him at all. I can assure the Assembly that that was not the driving force behind my proposition which I have been working on since May. Thank you.

Senator J.A.N. Le Fondré:

I am sorry but part (b) does refer to a chief executive. But anyway, what I was going to say is that hypothetically for an employee, and the Comptroller and Auditor General did some reports a few years ago, again, on compromise agreements. Sometimes in high profile positions they get very politicised and sometimes in those instances, therefore, if you have licence arrangements that can be if somebody decides to leave because of political measures or interference has taken place, the licence would therefore fall. In other words one does not necessarily have certainty of accommodation status other than to put it into entitlement. So I think that hopefully gives a bit of an all-round picture to an extent of some of the issues of what is a complicated situation. It would be good to see if we could deal with this in one session rather than splitting it overnight. For me, therefore, going back to the comments that I have issued, part (a) particularly for me is about let us get a piece of work done and come back to the Assembly and do that properly. Part (b), for me I wrap part (a) and part (b) together. Part (c) and part (d), I personally agree with a number of the remarks that have been made in this Assembly and that is why I will be voting for them. Parts (a) and (b) I will not be supporting. I know that different Members will have different views and so we will see how that falls in terms of we are in the hands of the Assembly. But for me, part (a) is around the subjects raised under part (a). We have to maintain that balance around flexibility and an element of subjectivity. I know the expression "loophole" has been used sometimes. Somebody asked me how long have I known about the loophole on social and my response was, "Well, since the 1980s." Because although I believe it has not been used very often, the social element, certainly I believe it was granted in the end but it was certainly discussed around a well-known actor connected with the Island, and also I believe a sportsman. It has been used very rarely but it has existed because it gave an element of flexibility where it was felt it was the right thing to do but obviously the financial criteria were not met. So I think, just looking forward, obviously this has been used in these circumstances. I think Senator Farnham made the comment about economic benefit because I think there is a reference in the comments of the report covering the proposition around: "The social and economic benefit of someone working in the public sector is not interchangeable with the economic benefit accrued by the States through tax revenue." But if you took somebody on who is going to, I do not know, save us £1 million a year, say, well, is that not the same as somebody paying tax of £1 million a year? I am obviously doing an accountant's argument but there is an economic cradle, there is a financial equivalence in my books. That is notwithstanding that we know this has caused some concern and what the Deputy is trying to do is address it and get to some consistency. I think that is the point where the difference in approach is either one shuts it down; as I said you are bolting the door as well as locking it. In my view it would make it more complicated to address it at some point in the future, or we say we will do a piece of work as part of the population policy. The end stop date is intended to be in 12 months' time and we can address that as part of that piece of work. I think, as they say, the choice is yours, Members, but I will not be supporting part (a) and part (b) and I will be voting for part (c) and part (d). Thank you.

The Deputy Bailiff:

Before continuing; Deputy Perchard, when you rose to your feet to interrupt the Chief Minister, you were not raising a point of order. A point of order is a matter on which the Chair must make a decision. You were asking the Chief Minister to give way in order to clarify a point in your own speech and that only works if the Chief Minister agrees to give way, which he did.

Deputy J.H. Perchard:

Thank you for both.

The Deputy Bailiff:

Just to clarify exactly what has happened there, as I see it. We have almost reached 5.30 p.m. I have nobody listed who wishes to speak but perhaps Members who do wish to speak could indicate so the Assembly can take a view as to whether we should proceed or not over the course of the evening. So anyone who still wishes to speak on the proposition I wonder if they could indicate. I will not take this as being the order in which you speak, just an indication as to whether people wish to speak. Very well. Well, if no one wishes to speak on the proposition I call upon Deputy Perchard to respond.

15.1.13 Deputy J.H. Perchard:

I will do my best to be concise in my responses to the points that have been made. For that reason, please forgive me for being very brief but I will just try and go very quickly. So I would like to thank Constable Taylor firstly for meeting with me on several occasions throughout this process, I very much appreciated that. He did reach out a few weeks ago, which I was grateful for, and then we did meet again yesterday. My understanding is that a high-net-worth resident, so someone who comes here to an (e) status and becomes a resident is not prevented from applying for a States job. I do not believe that is in any way problematic. I understand his comments regarding H.A.W.A.G. and, again, whether or not we return to that kind of group decision is obviously in the hands of the Assembly so I am not really going to dwell on that anymore. I would like to thank Deputy Ash for his comments. I do strongly disagree about this being a trivial matter, I do not think it is trivial at all. I would like to just reiterate again, I have been working on this since May. I met Senator Gorst about this specific issue in May and I had several meetings in June. This is the result of an extensive amount of reading and research including the 1949 Housing Law, 1970s Housing Law, any updates to any of those laws that have happened between then and now. So, I would like to reassure the Assembly that while I ... of course it is timely and, of course, the timing is the only aspect of this which was relevant to the current chief executive because we are still recruiting and, in my view, any legislation that affects States recruitments needs to go through as soon as possible because that is an urgent matter. But in terms of my actual motivation, I can assure you that it was initially prompted by the ability to buy property of high-net-worth individuals and I hope that has been made clear. Just to also add that no current high-net-worth residents and no current States employees will be affected by these changes.

[17:30]

I am not seeking to reverse any award of qualification, it will not have any impact on that award. We have updated the criteria for high-net-worth status several times throughout history and we have never retrospectively backdated new criteria on current residents, and that is obviously not going to be the case this time round. Thank you, Deputy Wickenden, for your comments you are absolutely right, this is about equality. This is about transparency and it is about accuracy. For me this has always been a technical exercise. We have a policy that is, and I quote the Attorney General if he does not mind, "wrong" and we have ... and now I am talking back in my own words, we have a 2(1)(e) legislation that is propped up by tax legislation. If we were to change that tax legislation and kind of forget that it is holding up the 2(1)(e) legislation we might not update that policy; it might not be relevant. The decision that we made might not be legal. I do not understand the problem with updating a law so that it stands up in its own right. I am very confused about the resistance to part (a) because, as I expressed to Senator Farnham, it does not restrict you it is not going to change anything. Because, as the Chief Minister pointed out in his comments, the restriction is such that you have to pay £145,000 in tax if you are to be a high-net-worth individual. No one in the public sector is going to be considered a high-net-worth individual on those grounds going forward. I do not understand the problem with just putting that in the legislation so the legislation is complete and whole and fulfils the criteria it is supposed to fulfil. It does not make any sense to me, this resistance. Deputy Tadier is absolutely right, there are many other essential employees who have come to Jersey and it does seem really bizarre. It was outside the norm to do what we did but it is done and this is

not an attempt to reverse that decision or even really talk about it. It is an attempt to correct a broken policy so that it is in line with the legislation that exists. This is an issue of public interest. I have been overwhelmed by emails and phone calls since this proposition was lodged and I can quite truly say that I have not had a single member of the public express to me any kind of negative response or even indifference regarding this proposition. I disagree with the idea that part (a) is superfluous for the reasons I have already outlined. It is not superfluous to update a law so that it does what it is supposed to do. It is not superfluous to update a law so that it says what it does. As I said before, it is currently being propped up by a different piece of legislation; the Tax Law and the Housing Law are 2 separate bits of legislation. It is not in there already and that is the problem. This is a technical exercise; that is my main issue. I would also like to thank Deputy Tadier for his comments about the generosity of some high-net-worth individuals and I think Senator Farnham alluded to this as well. Of course we have some incredibly magnanimous high-net-worth residents. Of course they contribute, some immeasurably, in a community sense to our Island but we are not measuring it at the moment and that is what part (c) is about. We are not measuring that. Of course it is hard to measure social benefit but as I expressed to the Assistant Chief Minister, Constable Taylor ... well, both Assistant Chief Ministers in our meeting yesterday afternoon, part (c) puts that into the Chief Minister's hands. If he so desires, in consultation with other Members or whoever he wishes to discuss this with, he could come out of this and say: "You know what we are just going to drop social benefit and have an economic line." That is within his remit after passing part (c) today. Now, he may say: "I would like to be able to offer high-net-worth status to a world class musician." That is different from ... and who might not meet that tax criteria but the reason I have left this open and not proscriptive is because I acknowledge that consultation is required. I acknowledge that discussion is needed and I acknowledge that the Council of Ministers themselves may wish to take ownership of this, and that is exactly why I have left it as open as I have. Deputy Martin was right when she said that a public sector 2(1)(e) cannot exist now, as of 1st January, unless we do one of the 2 things outlined at the beginning; pay them £725,000 or pay their £145,000 contribution. But I do not think we are going to do either of those things, so she is absolutely right; this cannot happen now. But what I was trying to express in my introduction, that I think might have got lost, was that I was not suggesting that we should offer entitled status to public sector employees. I was suggesting that if we decide we want to, then let us talk about it and let us find a different way to do it and put it in a different form of legislation; or update the policy to allow for it; or come up with a new licence with a different name for it. But I am not saying that we are going to do that or we should do that. I am just saying we can; this does not block that and I think that was something that was a bit unclear. But it is a different debate for a different day. I will not repeat myself about (a) being superfluous or covered because I think I have made it clear that I personally do not perceive it to be covered because the Tax Law is propping up the legislation. This is not on the hoof but I think that has been made clear. Deputy Pamplin, thank you for your comments. I do not think I should add to that but thank you for your input. Senator Farnham, I think we dealt with that in the time with the Attorney General. But just for the sake of Members who perhaps were not in the room, part (a) does not ... it was suggested that blocking part (a) reduced flexibility but that is absolutely a false statement, it does not change the flexibility at all because the tax legislation is inflexible. Just a slight correction, and you were probably just rounding up, but it is £900,000 for a flat and £1.75 million for a house are the requirements to purchase property if you are a high-net-worth resident. The Senator suggested that he would like to see this increased. Part (c) would allow that to happen. That is exactly the kind of freedom that part (c) will give the Council or the Ministers or anyone who is consulted on this legislation. If one thinks that is not a high enough amount to spend on a property as a high-net-worth resident, that is the Chief Minister's gift to give. Senator Farnham, thank you for explaining those figures I thought that was quite helpful. Thank you, Deputy Morel, you captured my intent to provide a kind of certainty of what a high-net-worth resident is and how we can value or measure a high-net-worth resident. The Deputy indeed obviously understood the fact that we should have a separate

debate for public sector employees, which is also part of the rationale for part (a), which will separate them. This proposition is indeed a request for the Chief Minister to craft legislation to ensure that high-net-worth legislation is not used in the wrong way, it is not misused for a purpose for which it was not intended. It has always been intended for the outer limits. It has, since its conception. I think £5,000 was the contribution when it was first started but that has always been defined by income, it has always been defined by wealth, it has always been defined by money. Pretending that it is not used for that is silly because it will just mean that we have legislation that is a bit muddy and we do not really want that, I do not think. Deputy Young, I think I have addressed your concerns. Deputy Huelin, the same, I think I have addressed your issue with part (a). Thank you for nodding at me. Senator Moore, thank you for your comments. Chief Minister, thank you for your comments. They were clear because the Chief Minister alluded to his comment paper having clarity and it was clear but I can assure the Chief Minister that I am not at all confused about this issue, in fact I think I am probably technically the least confused of us all on this particular thing. But I think we should not shy away from things that are complex. The Chief Minister has said: "My view is if we want to amend this law and the Tax Law it is very complex." I think, yes, it is very complex but that is exactly the point. We want to take on these complex issues to end up with better laws and policies that are not wrong or broken. The lack of support for part (a) is absolutely baffling to me. Obviously, it is in your hands but for me ... obviously it is in the Assembly's hands, my apologies, I am still getting used to the third-person thing. But obviously it is in the Assembly's hands; it is technical; it is a gesture; it is about transparency; it is about equality. It is about the public perception as much as anything else and that is absolutely paramount to everything we do, because if we are doing wonderful things but the public think that we are not, that is a problem, and *vice versa*, of course. One of the other statements made by the Chief Minister was do not change things now and my response is that we are not. We are not. We are updating a policy that has broken bits. Regarding the part (e) with the date, I have to just say I am slightly disappointed. I was unaware that that was an issue. I did meet with the Assistant Chief Ministers yesterday afternoon about 3.00 p.m. and then obviously we received the comment paper about 4.30 p.m. I sat down with the Chief Minister and with one of the Assistant Ministers a couple of weeks ago and at either point the date was not discussed with me, so I do not really know what to say about that. I would have been more flexible. I said every time that I have spoken to them that I am very willing to collaborate, and I will do whatever I can to make this collaborative before it comes to the Assembly, so I am sorry that it did not happen on that particular point but I am afraid I was not aware. I think I will just stop because I am aware that time is going on but thank you very much for the consideration and for listening to my personal position. **[Approbation]** I will accept votes on each paragraph.

The Deputy Bailiff:

Yes. So you would like each paragraph to be voted on separately. What I have to say to Members is that according to my reading of the proposition, if (a) falls then (b) falls as well on the basis that the wording in (b) is tied to (a) expressly.

Deputy J.H. Perchard:

Yes, Sir, that is correct.

The Deputy Bailiff:

So there is no point, if you want to vote for (b), in voting down (a) is the simple answer really, so you will have to choose which you wish to do. Very well.

Deputy J.H. Perchard:

The appel please, Sir.

The Deputy Bailiff:

The appel is called for. The first vote is on the adoption or not of paragraph (a) of the proposition. The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

POUR: 21		CONTRE: 23		ABSTAIN: 0
Senator T.A. Vallois		Senator L.J. Farnham		
Senator K.L. Moore		Senator S.C. Ferguson		
Senator S.W. Pallett		Senator J.A.N. Le Fondré		
Senator S.Y. Mézec		Connétable of St. Helier		
Connétable of St. Lawrence		Connétable of St. Clement		
Connétable of St. Brelade		Connétable of St. Saviour		
Connétable of Grouville		Connétable of St. John		
Connétable of St. Martin		Connétable of Trinity		
Deputy of Grouville		Connétable of St. Peter		
Deputy of St. Ouen		Connétable of St. Mary		
Deputy L.M.C. Doublet (S)		Connétable of St. Ouen		
Deputy R. Labey (H)		Deputy J.A. Martin (H)		
Deputy S.M. Wickenden (H)		Deputy G.P. Southern (H)		
Deputy K.F. Morel (L)		Deputy K.C. Lewis (S)		
Deputy G.C.U. Guida (L)		Deputy M. Tadier (B)		
Deputy of Trinity		Deputy S.J. Pinel (C)		
Deputy of St. John		Deputy of St. Martin		
Deputy M.R. Le Hegarat (H)		Deputy of St. Mary		
Deputy S.M. Ahier (H)		Deputy G.J. Truscott (B)		
Deputy J.H. Perchard (S)		Deputy J.H. Young (B)		
Deputy K.G. Pamplin (S)		Deputy L.B.E. Ash (C)		
		Deputy of St. Peter		
		Deputy R.J. Ward (H)		

The Deputy Bailiff:

Part (b) accordingly falls away. We are now voting on part (c). I ask the Greffier to open the voting.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				

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

[Approbation]

The Deputy Bailiff:

We now vote on part (d). I ask the Greffier to open the voting.

POUR: 39	CONTRE: 5	ABSTAIN: 0
Senator L.J. Farnham	Connétable of St. Saviour	
Senator S.C. Ferguson	Connétable of St. John	
Senator J.A.N. Le Fondré	Connétable of St. Peter	
Senator T.A. Vallois	Connétable of St. Ouen	
Senator K.L. Moore	Deputy of St. Martin	
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Mary		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy S.J. Pinel (C)		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		

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

The Deputy Bailiff:

Lastly, the vote is on part (e). I ask the Greffier to open the voting.

POUR: 39		CONTRE: 5		ABSTAIN: 0
Senator L.J. Farnham		Connétable of St. Peter		
Senator S.C. Ferguson		Deputy S.J. Pinel (C)		
Senator J.A.N. Le Fondré		Deputy of St. Martin		
Senator T.A. Vallois		Deputy L.B.E. Ash (C)		
Senator K.L. Moore		Deputy G.C.U. Guida (L)		
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
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 of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Deputy Bailiff:

Very well, that concludes Public Business and we now move to arrangements for future business.

[17:45]

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

There have not been any changes to the listing of Public Business from what is on the Consolidated Order Paper.

The Deputy Bailiff:

Do Members agree to take future business ...

16.1 Deputy J.H. Young:

Sir, could I seek your direction on P.100? My information is, and it is subject to confirmation, that an appeal has been lodged to the Royal Court under Article 12 of the Planning and Building (Jersey) Law. I have no idea of the timetable of that, so please could you advise what the rules say about that debate going ahead, because it indicates what I need to prepare and so on?

The Deputy Bailiff:

Minister, I believe the matter is being currently considered by the Bailiff. There is no reason to remove it from the listing as of now but if it is in effect *sub judice* it may not be debated on the next occasion.

Deputy J.H. Young:

Could I ask for clarification of when I would know, because obviously preparing for a major debate like that involves a lot of work and preparation? We are now within 2 weeks of this and so I think if it is uncertain I think I would ask for it to be moved to the following session to allow time for the decision.

The Deputy Bailiff:

The placing of this particular debate is a matter, firstly, for the proposer of it, Deputy Wickenden in this case, or, secondly, for the Assembly. Deputy, do you wish it to remain 25th September at this point?

Deputy S.M. Wickenden:

Sir, I am still considering what I am going to be doing with this proposition and when I make up my mind I will ensure I will copy in the Minister.

The Deputy Bailiff:

Very well. I think you have heard that, Minister, and I am sure the Deputy will let you know as soon as he is able to let you know and, in the event that it is clear the matter is *sub judice*, well, of course, that will be a matter that will be brought to your attention as soon as possible.

Deputy J.H. Young:

Yes, Sir. I must say I am disappointed that we have not got the clarity on it because ... but there we are. If that is the situation I have to accept it, but I make my point.

The Deputy Bailiff:

Yes, indeed. Very well.

16.2 Deputy M. Tadier:

It is just an observation that on 9th October there does not seem to be any business at the moment. I am assuming there will still be a sitting because there is question time.

The Deputy Bailiff:

Yes.

Deputy M. Tadier:

So it is just a request to the chairman. Is there any possibility of either bringing matters forward from the 23rd that could go on that? It does not need to be decided now but just to advise those bringing those and similarly those on 25th September that might wish to be deferred to the 9th, because presumably, I think we are on a very tight deadline. Anything that is lodged now is probably not going to make 9th October unless there is a special agreement to take it before.

The Deputy Bailiff:

No. Well, not without the agreement of the Assembly under Standing Orders, I think, Deputy. But the chairman has heard and I am sure he will give consideration to that, otherwise it will be an extremely short sitting on 9th October.

Deputy R. Labey:

There is nothing wrong with that.

The Deputy Bailiff:

No. It is entirely a matter for the Assembly as to what it deals with and when.

Senator S.Y. Mézec:

Sir, just very briefly a reminder to Members that the pledge to Jersey's children and young people is in the Members' room on the left as you exit the Chamber and it would be great to see Members showing their support.

The Deputy Bailiff:

Very well. Do Members agree to take the future business as set out by the chairman? Yes. Very well, the States stands adjourned until 9.30 a.m. on the 25th September.

ADJOURNMENT

[17:49]