

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 28th JUNE 2016

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[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **1.1 Welcome to H.E. The Lieutenant Governor**

#### **The Bailiff:**

First of all I would like to take the opportunity, as usual, of welcoming His Excellency to the Chamber. **[Approbation]**

### **1.2 Resignation of Deputy S.M. Wickenden of St. Helier as a member of the Public Accounts Committee**

Secondly, I give notice to Members that I have been contacted by Deputy Wickenden who has told me he is resigning as a member of the Public Accounts Committee, having been contacted by the Chief Minister and offered the position as Assistant Minister with responsibility for eGovernment. **[Approbation]**

### **1.3 Retirement of Jurat Marrett-Crosby**

Next, I would like to mention that Jurat Marrett-Crosby retired yesterday. I was going to say it was Friday but in fact it was yesterday, and there is therefore going to be a vacancy for the officer of Jurat. I give notice to Members that the election, if there is one, if there is more than one candidate, will take place at 9.30 a.m. on 28th July in the Royal Court. I very much hope that as many Members as possible will be able to attend because the election of a Jurat is an important part of our democracy.

### **1.4 Commemoration of the arch at Weighbridge Place and World War 1 Battle of the Somme**

I would also like to take the opportunity of mentioning to Members 2 events for this coming Friday. Not just mentioning it to Members, because you probably will be aware of it already, but also for any members of the public who are listening. The first is the commemoration of the arch at Weighbridge Place at 12 noon, and the second is the commemoration of the Battle of the Somme, which is going to take place in Howard Davis Park. There are no tickets for the commemoration of the arch at Weighbridge Place but the Somme event will be a ticketed event in the evening and Members and the public will be asked to be in their seats by 8.30 p.m. It starts at 9.00 p.m. and tickets are available, for those who are not invited, from the Bailiff's Chambers.

### **1.5 States Members' cricket match**

Finally, I would like to congratulate Members of this Assembly who have been successful in ensuring that the proper order is re-established with the cricket match against Guernsey. **[Approbation]** Congratulations to the Connétable of St. Brelade, who captained the team and the complete commitment of all Members, including Senator Routier who I am told broke his arm playing. Strained it. Obviously a strain on Senator Routier's arm is very important but we now come on to more important business, even so.



## QUESTIONS

### 2. Written Questions

#### 2.1 DEPUTY J.A.N. LE FONDRE OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING HOUSEHOLD TAXES AND CHARGES: [9501]

##### Question

Would the Minister complete a table utilising the description of household identified in Appendix B of P.58/2006, and for each of the household scenarios there set out, indicate the amounts payable by that household scenario for each of the years 2005, 2010, 2012 and 2015 in respect of:

- a) income tax ;
- b) GST, based on estimated household expenditure, per the relevant / most recent household spending survey;
- c) long term care charge (“LTC”);
- d) social security costs, assuming that all income is earned, all earners are employed rather than self employed, and also assuming a 60% / 40% split of income between the couples where both are working ; and
- e) Where children are referred to, take account (where necessary) of any changes in nursery education funding, and assume (where indicated) that one child may also be at a States fee paying school. Assume that any changes in States funding of education costs / grants during the period from 2005 to 2015 was fully passed on to the household by the year in question.
- f) Please provide a net total for each of the categories (a) – (e) specified above for each relevant year.

##### Answer

The level of detail being requested in this question (and in questions 9501, 9502, 9503, 9504, 9511) requires significant research and evaluation covering the years 2005 – 2019, and 200 different household types. It also covers all individual benefits, charges and tax changes - some of which have altered significantly (for example Income Support was not in place in 2005) and some of which remain under development (such as the Community Infrastructure Levy). There is also an element of subjectivity where assumptions would need to be made, for example:

- In the estimation of GST costs for household types
- Whether there is additional support, financial or otherwise, available privately (for example from extended families) for education costs
- Property tenure and rental levels to determine Income Support eligibility.

As such, this is a significant and intensive piece of work, toward which resources will be directed over the summer period, with the aim of providing a practical, informative and representative response to Members at the beginning of September 2016, and prior to the MTFP Addition debate.

At the same time, we should not focus solely on how income is raised and benefits are applied. Equally important is how the wide range of government expenditure is prioritised and allocated, who it helps, and the impact of these decisions on the wider economy, our cost of living, and our standards of living.

This is why the MTFP Addition is supported by the distributional assessment considering how income and expenditure measures affect different income groups, and the findings of the Fiscal Policy Panel on the economic impact of the MTFP Addition.

All this means that very extensive work is being undertaken as part of the planning of our public finances, making sure they deliver the best possible outcome for Islanders.

## **2.2 DEPUTY J.A.N. LE FONDRÉ OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING RECEIVABLE HOUSEHOLD INCOME: [9502]**

### **Question**

For the Household scenarios and years identified in Q9501, please provide the financial impact of any items within the remit of Social Security that might be receivable for each household scenario where applicable, (for example GST food costs bonus; income support payments; free TV license; Christmas Bonus; Cold Weather Bonus; Winter Fuel Allowance etc), and providing a sub-total of all such items included against each household scenario. Assume that any benefits that are triggered by a set of external circumstances (for example temperature) are applied consistently in each of the years for which these calculations are performed.

### **Answer**

The level of detail being requested in this question (and in questions 9501, 9502, 9503, 9504, 9511) requires significant research and evaluation covering the years 2005 – 2019, and 200 different household types. It also covers all individual benefits, charges and tax changes - some of which have altered significantly (for example Income Support was not in place in 2005) and some of which remain under development (such as the Community Infrastructure Levy). There is also an element of subjectivity where assumptions would need to be made, for example:

- In the estimation of GST costs for household types
- Whether there is additional support, financial or otherwise, available privately (for example from extended families) for education costs
- Property tenure and rental levels to determine Income Support eligibility.

As such, this is a significant and intensive piece of work, toward which resources will be directed over the summer period, with the aim of providing a practical, informative and representative response to Members at the beginning of September 2016, and prior to the MTFP Addition debate.

At the same time, we should not focus solely on how income is raised and benefits are applied. Equally important is how the wide range of government expenditure is prioritised and allocated, who it helps, and the impact of these decisions on the wider economy, our cost of living, and our standards of living.

This is why the MTFP Addition is supported by the distributional assessment considering how income and expenditure measures affect different income groups, and the findings of the Fiscal Policy Panel on the economic impact of the MTFP Addition.

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## **2.3 DEPUTY J.A.N. LE FONDRÉ OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING HOUSEHOLD INCOME SCENARIOS FOR MARRIED PERSONS: [9503]**

### **Question**

Please perform the same calculations as required by Q 9501 and Q9501 for the following household scenarios:

<b>Married, wife working, 2 children at a States nursery, no mortgage</b>	£60,000
“”	£75,000
“”	£85,000
“”	£95,000
“”	£105,000
<b>Married, wife working, 2 children at a States nursery, mortgage £360,000 (capped at £300,000)</b>	£75,000
“”	£85,000
“”	£95,000
“”	£105,000
<b>Married, wife working, 2 children at a States nursery, mortgage £340,000 (capped at £300,000)</b>	£75,000
“”	£85,000
“”	£95,000
“”	£105,000
<b>Married, wife working, 2 children at a States fee paying school, no mortgage</b>	£60,000
“”	£85,000
<b>Married, wife working, 2 children at a States fee paying school, mortgage £340,000 (capped at £300,000)</b>	£85,000
<b>Married, wife working, 2 children at a States fee paying school, mortgage £240,000</b>	£60,000
“”	£60,000
<b>Married, wife working, 2 children at a non-States nursery, no mortgage</b>	£60,000
“”	£75,000
“”	£85,000
“”	£95,000
“”	£105,000
<b>Married, wife working, 2 children at a non-States nursery, mortgage £360,000 (capped at £300,000)</b>	£75,000
“”	£85,000
“”	£95,000
“”	£105,000

<b>Married, wife working, 2 children at a non-States nursery, mortgage £340,000 (capped at £300,000)</b>	£75,000
“”	£85,000
“”	£95,000
“”	£105,000

### Answer

The level of detail being requested in this question (and in questions 9501, 9502, 9503, 9504, 9511) requires significant research and evaluation covering the years 2005 – 2019, and 200 different household types. It also covers all individual benefits, charges and tax changes - some of which have altered significantly (for example Income Support was not in place in 2005) and some of which remain under development (such as the Community Infrastructure Levy). There is also an element of subjectivity where assumptions would need to be made, for example:

- In the estimation of GST costs for household types
- Whether there is additional support, financial or otherwise, available privately (for example from extended families) for education costs
- Property tenure and rental levels to determine Income Support eligibility.

As such, this is a significant and intensive piece of work, toward which resources will be directed over the summer period, with the aim of providing a practical, informative and representative response to Members at the beginning of September 2016, and prior to the MTFP Addition debate.

At the same time, we should not focus solely on how income is raised and benefits are applied. Equally important is how the wide range of government expenditure is prioritised and allocated, who it helps, and the impact of these decisions on the wider economy, our cost of living, and our standards of living.

This is why the MTFP Addition is supported by the distributional assessment considering how income and expenditure measures affect different income groups, and the findings of the Fiscal Policy Panel on the economic impact of the MTFP Addition.

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## **2.4 DEPUTY J.A.N. LE FONDRÉ OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING HOUSEHOLD INCOME SCENARIOS FOR SINGLE PERSONS AND MARRIED OLD AGED PENSIONERS: [9504]**

### Question

Please perform the same calculations as required by Q 9501 and Q9501 for the following household scenarios:

<b>Single, 1 child at a non-States nursery, no mortgage</b>	£60,000
“”	£75,000
“”	£85,000
“”	£95,000

“”	£105,000
<b>Single, 1 child at non-States nursery, mortgage £240,000</b>	£60,000
“”	£75,000
“”	£85,000
“”	£95,000
“”	£105,000
<b>Single, 1 child at a States nursery, mortgage £240,000</b>	£60,000
<b>Single, 1 child at a States fee paying school, no mortgage</b>	£60,000
<b>Single, 1 child at a States fee paying school, mortgage £240,000</b>	£60,000
<b>Single, 1 child at States nursery, no mortgage</b>	£60,000
“”	£75,000
“”	£85,000
“”	£95,000
“”	£105,000
<b>Single, 1 child at States nursery, mortgage £240,000</b>	£75,000
“”	£85,000
“”	£95,000
“”	£105,000
<b>Single OAP (65 for the whole year)</b>	£12,000
“”	£20,000
“”	£35,000
<b>Single OAP (75 for the whole year)</b>	£12,000
“”	£20,000
“”	£35,000
<b>Married OAP (65 for the whole year), wife has pension by virtue of her own contributions</b>	£30,000
“”	£45,000
<b>Married OAP (65 for the whole year)</b>	£20,000
<b>Married OAP (75 for the whole year), wife has pension by virtue of her own contributions</b>	£30,000
“”	£45,000
<b>Married OAP (75 for the whole year)</b>	£20,000

## **Answer**

The level of detail being requested in this question (and in questions 9501, 9502, 9503, 9504, 9511) requires significant research and evaluation covering the years 2005 – 2019, and 200 different household types. It also covers all individual benefits, charges and tax changes - some of which have altered significantly (for example Income Support was not in place in 2005) and some of which remain under development (such as the Community Infrastructure Levy). There is also an element of subjectivity where assumptions would need to be made, for example:

- In the estimation of GST costs for household types
- Whether there is additional support, financial or otherwise, available privately (for example from extended families) for education costs
- Property tenure and rental levels to determine Income Support eligibility.

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## **2.5 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE CONDITION OF PROPERTY AND INFRASTRUCTURE WITHIN PUBLIC OWNERSHIP: [9505]**

### **Question**

Notwithstanding the capital programme agreed by the States Assembly, could the Minister advise, as at 2016 and taking account of the current condition of property and infrastructure within public ownership and under his remit, what the actual cost would be to maintain (a) this property, and (b) this infrastructure, in terms of revenue and capital expenditure and state whether sufficient funds are being allocated to meet the standards expected by the public?

### **Answer**

The Department for Infrastructure has a large and wide ranging portfolio of property and infrastructure assets that it is responsible for the maintenance and safe stewardship of. These assets have very differing needs in terms of serviceable life, cyclical investment requirement and replacement cost. The investment needs of a highway or seawall, vary significantly from that of a Green Waste facility, sewage treatment works or Energy from Waste Plant.

Likewise the investment needs of these are often not directly comparable, thus the response has been broken down by area and caveated as appropriate to the specific asset class.

## **(A) PROPERTY**

The Department has an allocated property maintenance budget of £7.45 million in 2016 that is specifically allocated between Mandatory, Cyclical and Reactive Maintenance Works and Small Works Projects.

Maintenance funding is targeted to the operational property estate in a priority order to address Health and Safety matters, maintenance of structure and services, operational continuity and improvement works.

Funding of £750,000 is directed to ensure buildings meet all necessary statutory compliance requirements and to address any works identified.

Funding of £1.3 million is directed to cyclical maintenance works that seek to preserve the existing structure and services to avoid deterioration that would lead to extensive refurbishment or capital investment.

Funding of £1.3 million is directed to general reactive maintenance works that seek to preserve the existing structure and services by addressing general property reactive requirements.

The balance of funding is of £4.1 million is directed to the undertaking and approval of Small Works Maintenance Projects to maintain and improve the property condition to benefit service delivery by occupiers going forward.

These maintenance works will preserve the integrity of building fabric and services during the useful life of a building, but inevitably buildings become functionally and physically obsolete and will require more extensive remodelling or redevelopment.

Extensive refurbishment works identified through the small works investigation is predominantly channelled into the future capital investment requirement and bids into the capital programme are made in the name of the occupying department with input from the Department.

In recent years, capital bids have consistently exceeded capital funds available and programmes have had to be tailored to meet funding availability. Unsatisfied property related bids into the MTFP capital programme for 2016 – 2019 total some £30 million, which will need to be rebid for the next MTFP period along with other identified property investment requirements, such as funding to deliver renewal of much of the Mental Health estate and significant investment into the Highlands College campus. This provides another indication of the pent up demand for capital funding for the operational property estate.

A further indicator of investment requirement is the level of annual depreciation of £18.5 million in 2016. This is a crude measure of the erosion of value of built assets but gives a reasonable indication of the level of investment funding required to maintain the existing portfolio.

The majority of operational buildings are valued on a 'depreciated replacement cost' basis, which is a cost-based method of arriving at a value for assets which are normally never exposed to the open market. This methodology recognises the modern equivalent value of the asset to be replaced but does not incorporate any increases in service demand or other cost drivers, such as technological changes, building bye-law requirements or other legislative changes and other factors that could lead to a replacement building being more costly than its predecessor.

## **(B) INFRASTRUCTURE**

Determining the level of investment required to both maintain and replace large infrastructure assets with long serviceable lives is a complex process that is difficult to forecast with accuracy, particularly the further one looks into the future.

Developing a maintenance programme for networks, such as roads and sewer systems, requires detailed analysis of current condition, an estimate of future usage and assumptions as to costs going forwards based on local and international inflation factors, such as costs of labour and materials, emergent technologies, changes in regulatory requirements, potential impacts of climate change and the demand for services.

In addition, some the assets generate revenue in their own right through user charges and this revenue is subject to normal market forces, such as demand associated with the buoyancy of the economy, costs of consumables and energy etc.

One approach to considering investment requirements is to take the current value of these network assets and divide by their useful life to produce an approximate proxy sum for annual investment. The following table provides an approximate assessment of the various infrastructure asset classes to demonstrate the requirement, projecting 2016 base budgets forward and ignoring inflation.

<b>Infrastructure Asset Class</b>				
(approx current value)	£m		expected life (yr)	
Highways	480		30 - 50+	
Drainage Network and Pumping Stations	196		50 - 100+	
Sea Defences	242		100+	
<b>Other Major Assets</b>				
(approx replacement costs)	£m		expected life (yr)	
Sewage Treatment Works & Sludge Treatment	75		25 - 50	
Energy From Waste plant	120		25 - 35	
Green Waste process and Incinerators	5		5 - 15	
<b>Annual Funding</b>				
	2016	2017	2018	2019 +
<b>Capital</b>	£m	£m	£m	£m
Infrastructure Allocation	3.9	4.2	6.1	12 - 14
plus STW Replacement allocation from Infrastructure	4.5	4.5	8	
Replacement Assets (non-Infrastructure)	1.6	1.6	4	4.0 - 5.0
<b>Annual Revenue Maintenance Budgets</b>				
	£m			
Solid and Liquid Waste *	2.7			
Highways	0.5			
Sea Defences	0.35			

\* excluding routine maintenance undertaken by operational staff in EFW and STW for example

Given the many assumptions contained within these calculations, the absolute value of the figures should not be relied upon per se but rather considered as indicative of the scale of maintenance challenge to be addressed by the States and the funding models it adopts, if it is to continue to provide good stewardship of this important public infrastructure.

## **2.6 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING THE DUAL ROLE OF THE BAILIFF: [9506]**

### **Question**



Does the Council of Ministers agree that the dual role of the Bailiff in Jersey as both Chief Justice and Speaker of Jersey's legislature is at odds with international parliamentary best practice and what would the consequences be for Jersey's international reputation were the States to reject P.54/2016 'Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States' and vote not to implement a separation of powers with regard to the dual role of Jersey's Chief Justice and Speaker of the Jersey Assembly? Moreover, will the Chief Minister confirm whether collective responsibility will be exercised on this proposition, and if not, why not?

**Answer**

P.54/2016 'Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States' relates to the composition, practices and procedures of the States Assembly. It is therefore a matter for the consideration of the States Assembly and falls within the remit of the Privileges and Procedures Committee (Standing Order 128(a)). As such, the Council of Ministers is not required to adopt a collective position.

It is, therefore, for Ministers and Assistant Ministers to respond to the Proposition in accordance with their individual views on the outcome which would be most suitable for the States Assembly.

My comments on this matter have previously been set out clearly in P.160Com(4)/2013 (Elected Speaker of the States (P.160/2013): Comments1) which are extensively replicated within the Proposition.

**2.7 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING THE DUAL ROLE OF THE BAILIFF: [9507]**

**Question**

With regard to the proposition P.54/2016 'Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States', does the dual role of the Bailiff of Jersey as both Chief Justice and speaker of Jersey's legislature comply with international parliamentary best practice and would a decision to retain the current position and not to implement a separation of powers impact upon Jersey's international reputation?

**Answer**

The longstanding and unique constitutional position of the Bailiff is not simply a question of international parliamentary best practice. While comparisons with international best practice may be helpful, they must be seen in the light of what is appropriate for Jersey within the context of our own parliamentary system, our unique constitutional position and reflect the views of the public of Jersey.

In my view, there is no substantial evidence that the current position has an impact on Jersey's international reputation.

**2.8 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE DUAL ROLE OF THE BAILIFF: [9508]**

**Question**

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<sup>1</sup> [http://www.statesassembly.gov.je/AssemblyPropositions/2013/P.160-2013Com\(4\)corrected.pdf](http://www.statesassembly.gov.je/AssemblyPropositions/2013/P.160-2013Com(4)corrected.pdf)

With regard to the proposition P.54/2016 ‘Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States’, would a decision to retain the current position of the Bailiff of Jersey as both Chief Justice and speaker of Jersey’s legislature impact upon Jersey’s international reputation and, consequently, its economy?

**Answer**

I am not aware of any substantial evidence that the current position has an impact on Jersey’s international reputation or economy.

**2.9 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF THE EDUCATION AND HOME AFFAIRS SCRUTINY PANEL REGARDING MEANS TESTING THE PROVISION OF FREE NURSERY CARE: [9510]**

**Question**

Further to the publication on 14th June 2016 of the Panel’s report ‘Nursery Education Fund’ (S.R.2/2016), does the Panel intend to conduct a review into the efficiency or otherwise of the Minister’s decision to means test the provision of 20 free hours’ nursery care, as opposed to providing universal funding?

**Answer**

In the Panel’s report (S.R.2/2016) on the Minister for Education’s original proposals to means test parents for eligibility to 20 hours a week of nursery education funding for their child in a private nursery, we concluded that the policy to establish a £75,000 threshold had not been adequately researched, or subjected to impact assessment. This led to many significant issues being raised that the Minister has been unable to adequately answer. The Panel strongly recommended that, until such time as proposals were developed with appropriate levels of research, impact assessments or consultation with stakeholders, the proposition should be withdrawn.

Whilst the Minister has withdrawn the original £75,000 threshold and replaced it with a proposed sliding scale upwards from £85,000, the Panel is not yet satisfied that this revised means testing policy has been developed with any more appropriate levels of research, impact assessments or consultation with stakeholders. In the absence of such information we are unable to satisfactorily complete a full and objective assessment of the efficiency or appropriateness of introducing means testing in place of a universal funding provision, or reach a suitably informed conclusion.

The Panel will shortly begin work reviewing relevant parts of the forthcoming MTFP Addition. This may include further examination of nursery education funding if, as anticipated, it is contained within the MTFP Addition. We will report our findings and recommendations publically to the States at the earliest opportunity.

**2.10 DEPUTY J.A.N. LE FONDRE OF THE CHIEF MINISTER REGARDING THE PROPOSED INTRODUCTION OF HEALTHCARE, WASTE DISPOSAL AND COMMUNITY INFRASTRUCTURE CHARGES: [9511]**

**Question**

- i) For questions 9501, 9502, 9503 and 9504, please update all calculations for the year 2019, and identify separately for each household scenario therein the amounts for the healthcare charge, the waste disposal charge and the community infrastructure levy (all as proposed in the MTFP Addition) and as applicable to the household scenarios in the questions identified.

- ii) In respect of questions 9501 to 9504 and this question, please complete the table below, showing under each year the total of (f) from 9501 added to the calculations from 9502, and perform the same for the scenarios identified in questions 9503 and 9504:

Household Scenario	Household Income	2005	2010	2012	2015	2019

- iii) In respect of part (ii) above please produce the same table but showing as a percentage, the result of the total for each year divided by the relevant household income.

### Answer

The level of detail being requested in this question (and in questions 9501, 9502, 9503, 9504, 9511) requires significant research and evaluation covering the years 2005 – 2019, and 200 different household types. It also covers all individual benefits, charges and tax changes - some of which have altered significantly (for example Income Support was not in place in 2005) and some of which remain under development (such as the Community Infrastructure Levy). There is also an element of subjectivity where assumptions would need to be made, for example:

- In the estimation of GST costs for household types
- Whether there is additional support, financial or otherwise, available privately (for example from extended families) for education costs
- Property tenure and rental levels to determine Income Support eligibility.

As such, this is a significant and intensive piece of work, toward which resources will be directed over the summer period, with the aim of providing a practical, informative and representative response to Members at the beginning of September 2016, and prior to the MTFP Addition debate.

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## **2.11 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE IMPACT OF FOREIGN CAPITAL UPON THE HOUSING MARKET: [9512]**

### Question

What research, if any, has been undertaken into the impact of foreign capital upon the housing market and, in particular, the number of houses bought by funds in the buy-to-let market and its impact on house prices generally and will he publish this information? If the Minister does not have the information will he agree to research its impact on –

- housing prices;
- the ability of local people to get onto the housing ladder;

- (c) rental prices; and
- (d) house price inflation?

**Answer**

In Jersey, the ownership and occupation of freehold properties is reserved almost exclusively for people approved under the Control of Housing and Work Law as having entitled or licenced status. The only properties that can be brought by people without their qualifications are share transfer properties, which are substantially flats. The lead statistical indicator in this area, the House Price Index, shows that the prices of one and two bedroom have remained stable in recent years.

So, while the Control of Housing and Work (Jersey) Law 2012 does not prevent investment in share transfer properties, it does restrict the ability of non-locally qualified persons to occupy such properties, and where foreign investment does take place, it makes available additional homes for the private rental sector, which contributes towards meeting our housing needs, and we are not experiencing price increases.

For these reasons, it is more beneficial for us to continue to focus on delivering the published housing strategy – focusing on delivering more supply in the private and social housing sectors, initiatives to get the best use out of our existing housing stock, improving standards and our neighbourhoods.

**2.12 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING INVESTIGATIONS BY EXTERNAL POLICE FORCES: [9513]**

**Question**

How many times has Article 26 of the States of Jersey Law been used to authorize an external police force to conduct an investigation into any matter since ministerial government was introduced in 2005? How many times, and for what purpose, has Article 26 been used in the same time period? Are investigations by external police forces are usually determined by the Chief of the States of Jersey Police and is the cost usually met from the Police budget?

**Answer**

Article 26 of the States of Jersey Law 2005 provides Ministers with powers to enter into agreements for any purpose of their office, acquire, hold and dispose of movable property, do any other thing which the Ministers can do by virtue of their office, and do anything reasonably necessary or expedient for or incidental to any of the aforementioned matters. These general powers provide a legal basis for numerous and various actions, decisions and functions undertaken by Ministers on a daily basis in the performance of their role and duties as Ministers. Therefore, there is no record of how many times and for what purpose Article 26 has been used since 2005, nor is there a record of the Minister having utilised Article 26 other than further to the recent complaint made by Mr Roy Boschat.

If it is appropriate for an external police force to investigate a matter, ordinarily the Chief Officer of the States of Jersey Police would invite an external police force to do so, and the cost would be absorbed by the police budget. In exceptional circumstances, for example, where the Chief Officer of the States of Jersey Police refers a complaint about the States of Jersey Police to the Minister, the power in Article 26 of the States of Jersey Law 2005 to enter into an agreement (with an external police force) can be utilised. A decision on which budget may be used to pay for an investigation would depend on factors such as the nature, extent and estimated cost of an external investigation.

## **2.13 H.M. ATTORNEY GENERAL WILL TABLE AN ANSWER TO A QUESTION ASKED BY DEPUTY M.R. HIGGINS OF ST. HELIER REGARDING HIS POWERS TO CONDUCT CRIMINAL PROSECUTIONS: [9514]**

### **Question**

Will H.M. Attorney General publish the source of his powers exclusively to conduct all criminal prosecutions in Jersey? Will he further identify the legislative provisions that cover his role in overseeing the charging decisions of Centeniers in Parish Hall Inquiries and in the Magistrate's Court and his power to discipline Centeniers for any infractions or failures in their duties with regard to their role in prosecutions?

### **Answer**

The exclusive power of the Attorney General to bring criminal prosecutions is a customary law power confirmed subsequently by statute.

An Order of the Privy Council of 23 November 1749 declared that:

*“the Procureur is the superior officer and the proper person to commence and carry on all criminal prosecutions...”*

The 1847 Commissioners' report on Criminal Law confirmed this position. The then Bailiff of Jersey, Sir John de Veulle, stated :

*“In all criminal cases, or such as partake with that character, without exception, the Attorney General is, ex officio, public and only prosecutor, by whom all proceedings against a party accused are instituted and conducted”.*

The position was summarised thus in Charles Le Quesne's 1856 “A Constitutional History of Jersey”:

*“He is, from his office, public prosecutor. No individual is allowed to prosecute for crime, except the Attorney-General, on behalf of the Crown. All reports of the police to the Royal Court are to be presented to him, and the accusations against prisoners, in consequence of those written reports, are brought forward by him ... He is the upholder of public order, and can prosecute for all crimes and misdemeanours.”*

This was enshrined in statute by Article 6 of the “*Loi (1864) Régulant la Procédure Criminelle*” as follows:

*“Les poursuites auront lieu au nom du Procureur-Général; mais l'Avocat-Général pourra conduire la cause et prendre la parole, soit en la présence soit en l'absence du Procureur-Général, selon qu'ils en conviendront”*[Prosecutions shall be undertaken in the name of Her Majesty's Attorney General, but Her Majesty's Solicitor General may conduct the case and make speeches, either in the presence or in the absence of the Attorney General, as they may agree].

The Attorney General's customary supervisory role over the Honorary Police is also confirmed by statute. Article 4 (3) of the Honorary Police (Jersey) Law 1974 (the 1974 Law) provides that “...*the Honorary Police shall be under the general supervision of the Attorney General*” and Article 3(4) of the same Law provides that:

*“Where a Centenier declines to charge any person, the Attorney General may give such directions to such persons as the Attorney General thinks appropriate.”*

The 1974 Law confirms the power of Centeniers to charge, but “*without prejudice to the customary powers of the Attorney General in the prosecution of offences*”.

Any failures on the part of a Centenier in respect of his or her role as prosecutor will be considered and determined by the Attorney General pursuant to his customary and statutory powers referred to above, having regard to the relevant provisions of the disciplinary code contained in the Schedule to the Police (Honorary Police Complaints and Discipline Procedure (Jersey) Regulations 2000.

**2.14 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE ESTABLISHMENT OF CHURCHES: [9516]**

**Question**

What are the rules relating to the establishment of churches in the Island other than the established church? What are the rules relating to church clerical staff being allowed to live in the Island temporarily or permanently?

**Answer**

All churches with paid staff need a business licence under the Control of Housing and Work (Jersey) Law, 2012, in the same way as any other organisation with paid staff.

Any licence issued must specify the maximum number, if any, of registered or licenced staff permitted, with any licenced staff having immediate access to qualified housing. All staff, in the same way as anyone else moving to Jersey, are required to obtain a registration card which outlines their residential status, and persons from outside the European Union/European Economic Area may also be required to satisfy immigration rules.

As to any other rules that would prevent the establishment of a church, there are none that are immediately apparent, appreciating that the freedom to manifest religious belief and freedom of association are rights under the Human Rights Law.

**2.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING TEACHING POSTS: [9517]**

**Question**

Will the Minister list by subject, including science, maths and English, the number of teaching posts advertised, along with the number of applicants for each post, for September in each of the years 2013, 2014 and 2015?

What proportion of the appointments made in the years above were made to persons who did not have qualified teacher status or were not specialists in the relevant subject, and what proportion of secondary lessons were taught by subject specialists in 2015?

What proportion of the teacher workforce, primary and secondary were newly qualified teachers in each of the years 2013 to 2015?

**Answer**

Teaching posts advertised by phase and subject.

[Figures are for States schools only and for the whole calendar year. Some posts may have been advertised for an additional subject: For example, English with history. These have only been counted once by main subject.]

Subject	2013		2014		2015	
	Ads	Apps	Ads	Apps	Ads	Apps
Primary	39	354	29	224	27	319

Secondary						
Business	1	2	1	11	-	-
Computing/IT	1	7	-	-	3	26
English	4	26	8	43	6	27
Geography	3	6	4	9	5	33
History	1	4	4	53	2	3
Maths	5	24	7	49	6	48
MFL	4	26	8	41	1	11
Psychology	4	26	2	9	1	3
Science	6	20	9	87	7	36
Other (incl RE, SEN, JMS, PE)	11	41	10	61	10	99

Recruitment of newly qualified teachers.

	2013	2014	2015
Primary	15	11	12
Secondary	10	13	4
Total	25	24	16
Proportion of workforce	3.4%	3.3%	2.2%

All teachers recruited for States schools are now required to have qualified status. Information about teaching by specialists is not currently available.

## **2.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING MATERNITY LEAVE RIGHTS: [9518]**

### **Question**

Can statutory employee maternity leave rights be protected under zero hours contracts, and if not, what measures might be put in place to extend this statutory right into this sector of employment?

### **Answer**

Statutory maternity leave rights are protected under Part 5A of the Employment (Jersey) Law 2003 (the “Law”) irrespective of the type of employment contract, zero hours or otherwise.

Individuals engaged under zero hour contracts are “employees” for the purposes of the Law. The term “zero hours” often refers to casual work. The main principle being that the employer does not have to offer work and when it does, it is dependent on the arrangement as to whether the employee has to accept the work offered.

### **Maternity Leave**

Compulsory maternity leave (CML) is 2 weeks in duration and it commences on the day the child is born. An employee is not permitted to work during compulsory maternity leave (Article 55D(1) of the Law). This right is automatic and there is no qualifying period. An employee on a zero hours contract is therefore automatically entitled to 2 weeks CML. An employee on CML is only entitled to be paid remuneration by her employer if she would normally have been required to work during that period under her contract of employment (Article 55D(2) of the Law).

In addition to the 2 week leave period for CML, subject to certain conditions, an employee is entitled to unpaid ordinary maternity leave (OML) and is entitled to either 6 weeks' or 16 weeks' OML depending on their length of service. An employee who takes OML is entitled, during the period of leave, to the benefit of all of the terms and conditions of employment, except any terms and conditions about remuneration (Article 55G(1) of the Law). It is therefore for the contract to stipulate what remuneration will be paid, if any, to an employee who takes OML.

An employee who has worked for her employer for a period of less than 15 months (ending with the beginning of the expected week of childbirth) is entitled to a total of 6 weeks OML. There is no qualifying period. However, an employee who has worked for her employer for a period of 15 months or more (ending with the beginning of the expected week of childbirth) is entitled to a total of 16 weeks OML. In computing a period of employment the continuity of employment provisions under Article 60B(2) of the Law apply. Continuity of employment can be broken. It is broken if there is a week whereby the employee's relations with the employer are not governed by a contract of employment (and the conditions set out in Article 60B(2) do not apply). If it is established there is no contract of employment governing the relationship between the parties during a period where no work is undertaken by the employee (the period being no less than one week) the continuity of employment breaks.

**2.17 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE OUTSOURCING OF SERVICES:  
[9519]**

**Question**

What measures, if any, are under consideration for the incorporation of parts of the Health and Social Services department as part of the modernisation programme, prior to future outsourcing of services?

What consultation, if any, has been had with employee representatives over the potential extent of outsourcing and what safeguards can be put in place to protect the quality of service delivery and employee terms and conditions?

**Answer**

There are no plans to incorporate Health and Social Services ie for it to become a company like Jersey Post, Ports of Jersey or Andium Homes. The department is, and will remain, a public service organisation.

I can confirm that I am reviewing the governance arrangements for health and social care to ensure that Jersey has the best health and social care system for the future. The review will look at how different health and social care systems across the world are organised and establish what we can learn from them and what is best for Jersey. This work is expected to begin in Q4 2016.

In terms of consultation with staff representatives over outsourcing – were this ever to arise – the Chief Officer and senior Directors of HSSD regularly meet trade union representatives in the HSSD Staff Partnership Forum where all business, finance and service developments are shared and discussed. Full details of savings plans have been shared and a commitment given that if any plans are developed that might involve outsourcing they will be subject to consultation with the unions.

The safeguards that are already in place to protect the quality of service delivery would continue to be applied by the senior clinicians and officers in the Department.

The “safeguarding of employee terms and conditions” would be managed using States’ policies that have been developed in partnership with the trade unions.



**2.18 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE MANAGEMENT OF VACANCIES ACROSS DEPARTMENTS: [9520]**

**Question**

What policies are in place to manage vacancies across departments? To what extent are these policies reliant on the non-replacement of posts when they fall vacant, for employees to work extra shifts to cover for absent colleagues and the need to employ agency staff to fill rotas? How many agency workers have been used in each department in the first quarter of 2016 compared with the first quarter of the previous year?

**Answer**

Our employees are our most valuable asset. However, the public sector must react to changing circumstances, and reform is essential if we are to fund our priorities while also balancing the books by 2019.

To do this, government must innovate, learn and adapt so that every pound counts towards securing Jersey's future. In support of this, since the start of 2015:

- Actual staffing numbers (FTE) have reduced from 6,340 to 6,080, a reduction of 260
- Monthly overtime has reduced from £649,000 to £450,000

These changes have occurred as part of working with staff and their representatives to redesign the way we provide services. This is done while also managing vacancies as a means of reducing headcount naturally as staff leave, undertaking programmes such voluntary redundancies, and applying other policies such workforce planning, and redeployment so we protect our staff as much as possible.

This has resulted in modest fluctuations in the use of agency staff, which are measured on a rolling 12 month basis, as outlined below, as part of the overall changes that are taking place in the public sector.

<b>Agency Staff</b>	<b>01/05/2015</b>	<b>01/07/2015</b>	<b>01/10/2015</b>	<b>01/01/2016</b>	<b>01/04/2016</b>	<b>01/05/2016</b>
Chief Minister	19	22	20	16	21	24
Environment	2	5	5	3	4	4
EDD/EDTSC	2	2	2	-	-	-
Education/Sport & Culture	-	4	3	4	2	2
Health & Social Services	30	29	35	32	29	33
Home Affairs/CCA	12	10	14	13	13	15
Non Ministerial States Funded	15	16	20	21	16	18
Social Security	39	39	42	37	32	32
TTS/Infrastructure	9	14	18	11	17	24
<b>Grand Total</b>	<b>128</b>	<b>141</b>	<b>159</b>	<b>137</b>	<b>134</b>	<b>152</b>

## **2.19 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING USER PAYS CHARGES: [9521]**

### **Question**

The Minister stated during the States sitting on 14th June that he had ‘no plans to bring forward significant user pays charges’. Could the Minister define what he meant by ‘significant’ user pays charges?

### **Answer**

My department seeks to deliver services to Islanders in the most efficient and effective way possible, while prioritising the safety of patients. Services are always under review to ensure value for money. I was making the point that, at this time, I have no plans to bring forward such initiatives – ‘significant’ or otherwise. Was I ever to do so, those needing protection from charges would be protected.

Health and Social Services is one of the priority areas highlighted in the Strategic Plan and the Medium Term Financial Plan and consequently £40 million of additional annual funding will be provided for health and social care by 2019. As already announced, this spending will be supported by the introduction of a new health charge so we can care for Islanders as our society ages.

## **3. Oral Questions**

### **3.1 Deputy C.F. Labey of Grouville of the Minister for Health and Social Services regarding the basis on which former residents of The Limes Residential Home had been accommodated: [9523]**

Further to the Minister’s answer to oral question 9455 on 24th May 2016, could he confirm that the residents of the Limes Residential Home were told in the meeting which informed them that they had to move, that they would be moved on exactly the same monetary basis as they had been accommodated at the Limes?

#### **Senator A.K.F. Green (The Minister for Health and Social Services):**

I would like to thank the Deputy for her question because it gives me an opportunity to update Members on the latest developments. On 24th May this year I apologised for any confusion over the funding issue and I now know that the meeting with relatives on 8th December 2015, when residents and families were informed of the need to close The Limes, there was no discussion regarding G.P. (General Practitioner) charges. As this aspect was not clear, I have agreed to pay the G.P. costs for a small number of former Limes’ residents who are affected. So it is a small number, but all who are affected. On 17th June the first reimbursement was agreed with the family and my staff are in touch with other families that may be affected to make the necessary arrangements. Once again, I apologise for the confusion.

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

So to be absolutely clear, because obviously this message has not got out to some of the residents that are being affected by extra doctors’ fees in hundreds of pounds, and they are the sort of people, before he tells me to tell them to go to claim low income support, they would not claim low income support. They probably are not eligible. But, in any respect, they would not. They have never done so. They are elderly people and they are very proud. To go back to my constituents, and those at large, the Minister is now undertaking to cover the doctors’ fees ... if they were eligible to the doctors’ fees in the Limes, is that what he is saying?

**Senator A.K.F. Green:**

That is absolutely correct. If my figures are right, I believe it affects 8 individuals, but I am not putting a limit on it. Anybody that was in The Limes, it was not clear about G.P.s, we will meet their bill.

[9:45]

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

Will the Minister confirm to Members when the decision to close The Limes was taken and whether or when it appeared on the agenda of the H.S.S.D. (Health and Social Security Department) Staff Partnership Forum where all business, finance and service developments are shared and discussed?

**Senator A.K.F. Green:**

That is far removed from the original question. I do not have the minutes with me, so I cannot answer that question. But I can say it was in November/December some time. I can be really upfront now because I was respectful of the patients that were in The Limes before. The reason The Limes had to close, and this message is not heard or does not want to be heard, is that when I was told as a Minister that in the event of a fire the patients would not - not unlikely - would not all get out alive, I had to do something about it.

**The Bailiff:**

Minister, if I may say so, I very nearly disallowed the question. This question is only about the monetary basis of the arrangements for the future and the questions do not go to The Limes generally. We have 17 questions to get through. I hope that will be helpful to Members.

**3.2 Deputy T.A. Vallois of St. John of the Minister for Education regarding action taken to ensure that children in Jersey are prepared for economic diversification: [9524]**

With the focus on jobs and growth in the States' Strategic Plan, could the Minister advise what action he is taking to ensure that children in Jersey are skilled for the future and are prepared for economic diversification, in particular employment in the digital sector?

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

Thank you to the Deputy for raising this particular subject. The Education Department recognised well ahead of the U.K. (United Kingdom) that our old I.T. (information technology) curriculum was not fit for purpose. That is why we launched the Education I.T. strategy, 'Thinking Differently' in 2013 to national acclaim and provided £3 million of funding. We then rewrote the I.T. curriculum switching the focus away from the I.T. skills which might prepare someone for an office job, towards understanding computing in a way that would enhance the creative use of technology in all subjects and pave the way for careers in the digital sector. Our children can now expect to learn computing, which includes coding, from key stage one to start of primary school, to key stage 4, when they take G.C.S.E. (General Certificate of Secondary Education).

**3.2.1 The Deputy of St. John:**

I thank the Minister for his response. It sounds like there is a positive move forward, but how consistent is the curriculum in terms of coding and support in terms of I.T. infrastructure for the schools, particularly primary school where the children's brains are like sponges at this stage and are able to create and innovate from that point of view. Could the Minister explain whether there is consistency?

**Deputy R.G. Bryans:**

Very happy to do so. The Deputy is quite right. Children, particularly at a primary age, are absolutely ready for this now. As part of the highly successful primary coding project, every state school has worked with specialists from Hautlieu. Teachers have been trained to deliver modern computing and our pupils have been learning a range of programming skills, system design and logical reasoning, using them to solve problems and, for instance, animate physical objects, like a robot. If you look at the secondary situation, they move then into a ... in September 2016 the new computing G.C.S.E. course starts in our secondary schools. We have also reviewed the new computing curriculum already after just 2 years to keep it up to date. It is worth mentioning Highlands, the I.T. for Business Foundation degree has seen a 40 per cent increase in applications this year. The degree continues to have outstanding employability with 95 per cent of students gaining employment in this sector on or before graduation before the 2 year programme. Plans are in place to offer a BSc (Bachelor of Science) top-up year on a part-time basis, so students can study at the same time as starting their first job. We continue to work with most of the major employers in the sector locally and have strong links with Digital Jersey. We are working more closely than ever with Digital Jersey and tech businesses and fully support Senator Ozouf's new digital policy framework which sets out a broader digital vision for the Island.

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

About 12 months ago we had the innovation review and on recommendation 7 under the Education and Skills Policy there was a recommendation to set up an education business partnership which said the timelines to be in place would be by this month. Could the Minister for Education please inform us on the update for the education business partnership please?

**Deputy R.G. Bryans:**

Yes, I can. In fact they are meeting today to discuss ways forward. It is on track and we will have finished by September this year.

**3.2.3 Deputy G.P. Southern:**

Will the Minister inform Members whether money from the I.T. strategy has been diverted into funding the Pupil Premium and other education spending rather than I.T.?

**Deputy R.G. Bryans:**

No, it has not.

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

Does the Minister agree or recognise that alongside the basics perhaps the most important skills to prepare our children for the future jobs are the soft skills that the industry seem to want and things like problem-solving skills. How is the Minister ensuring that there is space to teach these types of creative soft skills and problem-solving skills in a curriculum that is becoming ever more restrictive and time ever more squeezed in the schools?

**Deputy R.G. Bryans:**

It is a very good point the Deputy makes. Soft skills are absolutely imperative as far as I am concerned, and have been adopted in the P.S.H.E. (Personal, Social and Health Education) that we now teach in our schools, which is not taught in the U.K. Equally, we have written it within our Jersey computing curriculum. So soft skills are there at the heart of it.

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

Does the Minister agree that language acquisition of a second language is a highly important skill for the future and also for economic diversification in the Island, be that a living foreign language or Jèrriais, our local language?

**Deputy R.G. Bryans:**

I am a little confused how that relates to the computing curriculum.

**The Bailiff:**

It was quite cunningly done in relation to economic diversification.

**Deputy R.G. Bryans:**

Thank you for that clarification. Yes, learning a second language has been mentioned to me by, in fact, one of the speakers who is turning up today, one of the young ladies I met at the Isle of Man. When I was asking her why she had set about learning Mac, she said: "Because I am a code breaker. It gives me an extra resonance when I am going away to university. People want people like me who can take whether it is the coding language of computing or whether it is learning a second language." It is one of those skills, mathematical skills in particular. So I do agree.

**3.2.6 Deputy M. Tadier:**

On that basis, would the Minister state why he is cutting funding to Jèrriais in our schools by roughly some £29,000 a year at a time when they are already struggling to restart after delays, which can be put at the door of his department, when, if anything, we should be investing more in Jèrriais not reducing that grant?

**Deputy R.G. Bryans:**

There are 2 sides to that particular thing. First of all, I do not look after Jèrriais anymore. That now falls under Senator Farnham's ministry. But equally what we have done in relation to French, in particular, is double the number of children who are learning French within our primary schools. Jèrriais is not our concern at this moment in time.

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

Can I just press the Minister again on the problem-solving skills and those general skills? He said that they would be taught through P.S.H.E. but I think there is a feeling among the public that it is all subjects that are being squeezed into this very exam-focused approach and is there a focus on these skills across all subjects and are they being taught creatively to enable children to be innovative when they join our economy?

**Deputy R.G. Bryans:**

Again, thank you to the Deputy for that question. Yes, they are. Of course she is absolutely right. Soft skills are not just in relation to computing or even languages. They are right across the board. I think the problem we have always had in the past is we never delineated them very well. If you were to ask a student what soft skills were, previously they would not have been able to identify them. But now they know, they understand what the soft skills are that we are looking for and they are to be found in every subject.

**3.2.8 The Deputy of St. John:**

In one of the Minister's answers he spoke about the work with specialists from Hautlieu. Can I ask the Minister: do we have enough resource and specialism within this area to serve the need and the actual demand that is currently increasing across all the schools in the Island?

**Deputy R.G. Bryans:**

Yes. In fact, we have just recently begun a review of our I.T. teaching and staff training. The next step is for our schools to work with education technology specialists, Aspire 2 Be, to ensure that we keep moving forward in this rapidly changing area. In September they will be carrying reviews on 12 of our local schools.

**3.3 Senator Z.A. Cameron of the Minister for Health and Social Services regarding the number of non-residents employed by or given contracts by Health and Social Services: [9532]**

How many non-residents have been employed or been given contracts by Health and Social Services in the last 24 months?

**Senator A.K.F. Green (The Minister for Health and Social Services):**

There is no category of non-resident in the States reporting system, so I am presuming that what is being sought are those employed in the licence category, similar to the old (j) cat definition. On that basis, the answer is that H.S.S.D. has employed 139 people in the last 24 months.

**3.3.1 Senator Z.A. Cameron:**

Is the Minister aware that some well-qualified local candidates have not even been shortlisted for some of these positions?

**Senator A.K.F. Green:**

The Minister is not aware. That is an operational matter. What I will say is that when staff are appointed they are appointed to a criteria and according to the skills that they are able to offer to the job.

**3.3.2 Senator Z.A. Cameron:**

Would the Minister agree that local residents might have a greater awareness of our unique history and culture and tend to have a wider network of supportive relationships within our community? Is there a danger that by employing non-residents with few local ties and knowledge it is easier to manipulate and remove contracts should they challenge or question management policy practice or culture?

**Senator A.K.F. Green:**

I find it really difficult to answer this question but what I will say is if I am having a surgeon undertake an operation on me, I want the most competent, best-qualified, experienced person, not someone who was born only in Jersey?

**3.4 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding the effect of increases in net inward migration: [9537]**

Will the Chief Minister advise Members what research, if any, has been undertaken by the Council of Ministers into the effect of rapid and large increases in net inward migration, in particular on education, house prices, housing rental prices, hospital and primary care provision, traffic congestion and inflation?

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

I would like to ask Senator Routier to act as rapporteur.

**Senator P.F. Routier (Assistant Chief Minister - rapporteur)**

I thank the Deputy for this question. Now, more than ever, we need to support our businesses, also our care providers and our teachers and our economy, helping to generate jobs and growth, helping to keep prices down. However, it is our overall quality of life that matters most. This means the health service that can cope with the demands of an ageing society, it means improved social services and mental health services, it means a much better education system and sustainable infrastructure. Our economy pays for all of this and our M.T.F.P. (Medium Term Financial Plan) will put in place the necessary investment based on all the research we have undertaken. But we also need to protect our green spaces to deliver enough housing to house our population. We are working hard to do all of this, also applying the research and information we have. One of my favourite examples that I have been told about recently is that despite our population going up our water consumption is going down. Our crime levels are coming down. Our house prices for now are stable and our traffic volumes are not increasing. Jersey is genuinely a good place to live and everything we do, using all the information and research we have, is focused on ensuring it remains so.

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

I have never heard so much waffle in all my life. We have just had the latest population figures, which show that in 2015 there was an increase of 1,700. The net inward migration of registered, formally non-qualified employees, was 1,100. They are not the doctors. They are not the teachers. They are doing other jobs. Now we have got 1,100 people coming in a year and what the Minister did not do was answer the question. What research have you done into the effect of rapid and large numbers of population coming in? You mentioned teachers, right?

#### **The Bailiff:**

Through the Chair, please.

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

Sorry, through the Chair. Will the Minister tell us, for example, how many extra classrooms we are going to require. What the effect of the health service is going to be of this magnitude of population increase in the Island? Will the Minister please, first of all, tell us what research you have done? In fact, I would like you not only to tell us what you have done but also to publish it.

#### **The Bailiff:**

Through the Chair.

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

Through the Chair.

#### **The Bailiff:**

It is not cured just by saying: "Through the Chair" afterwards. **[Laughter]**

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

It sounds nice anyway, Sir.

#### **Senator P.F. Routier:**

There are lots and lots of questions there.

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

On the first one, what research has been done, through the Chair?

#### **Senator P.F. Routier:**

Every department and Minister has been looking at those services which they provide within their responsibility in the build-up to developing the Medium Term Financial Plan. That has been happening and we know the pressures that are there.

[10:00]

You will find that the question regarding to additional classrooms, that is happening, because we know the demographics are happening. We also know that the hospital provision is predominantly being driven by the ageing population. We know that over 65s in the next 20 years - we currently have 14,000 - we are going to have 28,000. So that is the main driver of the hospital provision. There is research in each of the departments. They have all been working on what needs to be provided. I would really want to get over the point that I do not want people to get the impression that we have given 15,000 licences out. We have not done that. We have only given about ... I can tell the Deputy, 460 licences ...

**Deputy M.R. Higgins:**

That is enormous.

**Senator P.F. Routier:**

That is the sort of number that has been happening in the past because we know that there is an ebb and flow in the population. People come and go from this Island. I would suggest to Members that we do recognise that the numbers have increased considerably and we know that we need to look at it going forward, and that is what we will be doing, preparing for the future.

**3.4.2 Deputy J.A.N. Le Fondré of St. Lawrence:**

I think, succinctly, can the Assistant Minister say whether there is a single report produced for the Council of Ministers, let us say, in the last 2 years that identifies if somebody is coming in on a minimum wage on a non-finance company what the cost versus the benefit to the Island is? For example, if there is an assumption - I am using examples - that they come in, the family come in, they use free education, use free health care, they have States supplementation, is there anything then that gives the financial cost of people coming in on various salary scales and various scenarios against the benefit they generate to this Island? Succinctly.

**Senator P.F. Routier:**

That is a piece of work that needs to be done, certainly. But we do know when applications do come to us that there is ... every application that comes to the Population Office, there needs to be a judgment made about the support that is given to a particular business. There is a judgment call ... if you were to be hard line about it to say that we were going ... only going to support businesses that were going to give the greatest economic value we would find that we would not have an agricultural industry. We may have less hospitality industry. Those are real tough judgments which have to be made by the Population Office. I think you will have found there has been an outcry from many businesses who are unable to get staff to work within their businesses and we need to be in a place to be able to support those businesses.

**3.4.3 Deputy J.A. Martin of St. Helier:**

This Minister, the day after this number came out, was on the radio saying the 325 number was only for planning purposes. Planning for the types of things that Deputy Higgins is asking: hospital, housing, education, *et cetera*. So obviously we were planning. The plan was to 325, how many have we underplanned for then and what is the effect on all these services? It is a simple question; again it was not answered. I am pushing the Minister. Would he say that they have definitely underplanned by about 800 people per year?



**Senator P.F. Routier:**

There is a recognition, certainly, in the next M.T.F.P. that the number we are planning for was higher than what the 325 is, certainly. I think what we need to recognise is that we are very fortunate ... some people may not think this is the case but we are in the position where we have a growing economy. Not like some jurisdictions which have a decreasing economy. So I think we really need to be careful about what we are saying about our population needs. We need to be able to support the business community, to pay out the taxes to ensure that we can provide the services for our community.

**3.4.4 Deputy M. Tadier:**

I am glad the Minister has put on record that immigrants, who come to our Island, are valued socially, culturally and economically. I hope we can all agree on that, especially in these dark times of creeping xenophobia in Europe and the rest of the world. But the point remains that this ministerial team is missing their own target, in this case by 5 times. 1,700 people in one year is already 5 times the order of magnitude of the 325 in their own targets. Is it not time either to revise their own targets, abolish them completely, or come up with a fit-for-purpose migration plan for our Island, which was suggested in the last Assembly, because the current one that we have was only ever intended to be an interim measure. Is it not time for this Government to step up to the challenge of meeting these needs?

**Senator P.F. Routier:**

I am really pleased I have been asked that question because later on there is a very similar question about our long-term planning. This is something we recognise really needs to be done. We need to find out, and I hope all Members and all our community around the Island are going to become involved in what sort of Island we want to live in. Then we will be able to have a sensible discussion about the people that we need in the Island to support our infrastructure and our community and our business community, and that is what is happening.

**3.4.5 Deputy M. Tadier:**

Does the Minister accept that timing is critical? It is not satisfactory simply to wait until slightly before, or even after, the next election. We need to know in advance exactly what this looks like so that we can satisfy both the economic and cultural needs of our Island without putting the drawbridges down, but making sure that we do not lead to a situation where we empower the xenophobes and make immigrants the scapegoats for what are essentially political problems.

**Senator P.F. Routier:**

I certainly would like to disassociate myself with the comments about being xenophobic, or anything like that, where there is nothing further from the truth. Certainly you are pre-empting an answer which I will be giving later about our long-term planning and the timing of that. We are aiming to bring a debate to this House in spring of 2017 so that we can all have the ... because there is the consultation which has currently just started. There is the next phase of that to find out with the community what sort of Island they want to live in, and the fallout of that will be a population policy, which we are coming to the Assembly to be debated in spring of next year.

**The Bailiff:**

Can I just follow up on the Minister's answer there? There are 5 questions on migration. They all tackle slightly different aspects. This one is really about what research has been done about the effects of migration on education, house prices and so on. There will be a time to come back to the other questions.

**3.4.6 Deputy A.D. Lewis of St. Helier:**

Would the Assistant Minister not agree that this is a very positive indicator of economic growth, which is, of course, an important thing? Does he agree that? But also should he not be more concerned with the turmoil in Europe at the moment of potential future depopulation should things change dramatically? We should be more aware and more concerned with that. Also, for every application that he has for a high value job, surely they do need to be supported by people that cut hair, people that do gardens, people that clean houses. So this is surely a good news story not a bad news story as long as it is well managed.

**The Bailiff:**

Those are 3 questions, none of which goes to research that has been done.

**Senator P.F. Routier:**

I will answer this in a very cautious way because there are so many different views across our community. I tend to share the Deputy's view of this matter, but there is a balance to be struck. There are a number of people within our Island who are concerned about the increasing population. We have to deal with that in a measured way. That is why, although we are being criticised for a higher number this year and the permissions that have been given, I can assure you we have refused half ... the same amount as we have given. We have taken the flak for that by some businesses. It is a very difficult job to do to make decisions about the business community. We know from Members within this Assembly who have come to the H.A.W.A.G. (Housing and Work Advisory Group) Committee to represent businesses who have had their permission refused. There are 2 sides to this story and we have to find a middle path through it. You are quite right to raise the issue about the uncertainty, which is within the wider world; that is certainly something we need to be very aware of.

**The Bailiff:**

The obligation to speak through the Chair applies to Ministers as well as to Back-Benchers, Senator.

**3.4.7 Deputy G.P. Southern:**

Will the Assistant Minister agree to discuss with the Statistics Unit and the Minister for Housing what impact the admission of 400 licensed workers at a time has on the housing market supply, both for rental and for purchase?

**Senator P.F. Routier:**

I can certainly do that. My inclination is that those people who have been giving registered permissions will not have any effect ...

**Deputy G.P. Southern:**

The question was licensed.

**Senator P.F. Routier:**

There are not 400 licences.

**Deputy G.P. Southern:**

You just said there were 460 licences.

**Senator P.F. Routier:**

No, that is registered permits. I did not say "licence", I said "registered".

**3.4.8 Deputy G.P. Southern:**

For clarification. Would the Minister explain what he means by 460 licences, when the overall net immigration figure is 1,100 registered workers and 400-plus licensed workers, making a total of some 1,500 workers in 2015? What figures are we to believe? The Stats Unit's or his?

**Senator P.F. Routier:**

I can give him the exact figures. Registered, which is registered people, who are not qualified to have access to housing or under 5-year work permits from within the businesses, there were 460 of those. The licensed, who do have access to housing, was 280 last year. But there are other numbers, which are the seasonal applications, which are very time limited, which is 116, and also there were people who came in on contract, which is again for a short period of time of 191. So, within those numbers of 1,500, there are numbers that are just for very short periods of time. They are not here permanently because they have a time limit on their licence. I just make that observation.

**The Bailiff:**

The Connétable of St. Saviour, on research.

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

As one of the people who are obviously a great drain on society, because everything seems to be blamed on the ageing population and, to be honest with you, I am getting sick and tired of it. Yes, you said we need a new hospital, because of the ageing population.

**The Bailiff:**

Through the Chair applies to Connétables as well.

**The Connétable of St. Saviour:**

The Minister did say at the time when he was speaking that the ageing population was part of the cause for needing a hospital. Whenever anything comes up in here that the Island is going down the tubes with a flourish, it is because of the ageing population. I am sorry, but we are not and maybe we need to bring in euthanasia and then that will solve all the Island's problems.

**The Bailiff:**

I do not think you need answer that, Minister.

**3.4.10 Deputy M.R. Higgins:**

We have had 1,500 people come in in 2015. In 2006, 2007 and 2008 we had 1,100, 1,400 and 1,100, and we had the highest increase in inflation in housing in this Island that we had seen for quite some time. What we have is a runaway population policy. I just want to make one other comment before I ask my question and that is: many people talked about economic growth. Yes, population can add to economic growth. However, population of low income people, people on zero-hour contracts, does not lead to economic growth; it will lead to a drain on the economy and a reduction in growth. When the Minister says that we have a growing economy, it was 5 per cent last year but the Fiscal Policy Panel are telling us it will revert to the norm, which is zero.

**The Bailiff:**

Deputy, this is not a speech, you have to put a question.

**Deputy M.R. Higgins:**

Again, I go back to my original question. The research that has been done, which I believe is none, will the Minister publish all research that he has carried out in the last 2 years on the effect of population growth on the Island so that all Members and all members of the population can see what they have done, or not done?

**Senator P.F. Routier:**

That is very difficult to respond to because the pieces of information are with regard to the needs which are within each of the departments is something which will need to be collated. We are going to have a major population debate in spring of next year, when we will have all of that information before us, so we can make a very clear decision about what our Island needs. There is a comment which was not part of the question, but it talks about the negative aspects of having people on low incomes coming to the Island. But our decision making is predominantly about targeting high value and social value to our community. The people who have been given licences, who are perhaps at the lower end, are those which are perhaps just supporting some businesses who are perhaps teetering on the end and are having real difficulty in continuing in business.

[10:15]

So, we do make those judgments exceptionally clearly. Please, I would ask Members to ensure that they take part in our planning for the future and we can have a proper population debate in the spring of next year.

**Deputy M.R. Higgins:**

Can I ask a point of clarification? The Minister basically just admitted that there is no joined-up thinking. It is all in silos, so each department has done nothing; you have no documents showing what the total effect of the population is?

**The Bailiff:**

The Minister has said it is very difficult to publish that research. That is true. We come to question 5 which Deputy Southern will ask of the Chief Minister. This question is about a breakdown by economic sector.

**3.5 Deputy G.P. Southern of the Chief Minister regarding the net 1,500 licensed and registered inward migrants recorded by the Statistics Unit for 2015: [9529]**

Can the Chief Minister give a breakdown by economic sector of the net 1,500 licensed and registered inward migrants recorded by the Statistics Unit for 2015?

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

The population figures are based on the labour market survey, which, of course, was published in April, and reported record employment growth. Of course, we only have to look at the events of last week to understand the importance of this strong economic performance. The sectors which grew most, taken from the labour market survey were: financial services, 420-plus; construction, 320-plus; private health, education and other services, 560-plus; hotels, restaurants and bars, 170-plus. Many of these businesses approach Government asking in real and urgent need for our support. As Members are aware, all of businesses in this position and many Members have supported these businesses in requesting licences, and I think with good reason.

**3.5.1 Deputy G.P. Southern:**

Does the Chief Minister accept that letting so many registered workers into the Island is likely to be a drain on the economy?

**Senator I.J. Gorst:**

I do not want to get personal in the Assembly, but if memory serves, the questioner himself supported registered licences quite strongly for various businesses in his constituency. Is he now saying that he was incorrect to do that and is he suggesting ...

**Deputy G.P. Southern:**

Would the Minister mind telling Members when I said that.

**Senator I.J. Gorst:**

... that when the Ministers ...

**The Bailiff:**

I am sorry ...

**Deputy G.P. Southern:**

Would the Chief Minister mind saying when I said that exactly.

**The Bailiff:**

Deputy ...

**Deputy G.P. Southern:**

He is putting words in my mouth, Sir. They are lies.

**The Bailiff:**

Deputy, please sit down.

**Deputy G.P. Southern:**

It is not true.

**The Bailiff:**

Then you have an opportunity to come back afterwards. Let the Chief Minister finish his response.

**Senator I.J. Gorst:**

This is the difficulty that we have with this debate. I do not want to point to elsewhere in the world where they have had a yah-boo - to quote somebody else's phrase - debate about immigration. But let us at least be frank with each other. When Members of this Assembly go to the H.A.W.A.G. group and support licences for registered staff members, what they are doing is increasing the inward migration into our community. Those Ministers have got a very difficult job. They say no week-in week-out to businesses who make a strong case. Sometimes supported by Members of this Assembly, who are now criticising those Ministers for delivering on what businesses want. Of course it has got to be done carefully. Of course it has got to be balanced. But our economy is working well and again some of those Members criticised us. They said the economy was going to the dogs. They said that we would not see growth again. They have been proven wrong. Let us have a reasonable debate about this and not just a polarised one. **[Approbation]**

**3.5.2 Deputy M. Tadier:**

It comes back to the point, I think we all appreciate this is a nuanced debate and hopefully that is what we can continue to have. But the bottom line is that the Minister is celebrating the fact that they are issuing 1,500 licences and registered permits. That is not to say that is the total inward migration, of course, because there may be people here who do not fit into those categories. If that figure is so good **[Interruption]** ... if that is, that is fine. But, if we are looking at a figure of 1,500

per year and the Ministers are celebrating that universally, why not simply change the boundary from 325 to 1,500 so that we can have this every year?

**The Bailiff:**

This is the last question I shall allow which does not address the subject matter, which is the breakdown by economic sector. Chief Minister, will you answer it please?

**Senator I.J. Gorst:**

I am sorry if I have led people astray. We are going slightly off question. The Deputy makes a good point. Senator Routier has already alluded to it. There are other questions this morning about trying to have that nuanced, reasonable argument about what is going to be appropriate in the future. Another Member criticised Senator Routier for mentioning the ageing demographic. I have put her mind at rest, she is not the ageing demographic. It is my generation which is the ageing demographic. We are making decisions today to deal with future problems. We are not prepared to put them off into the future. We want to address them today so that they do not become issues in the longer term, and we need to have that debate that the Deputy is asking for, so that we can make an informed decision in this Assembly and, as Senator Routier said, the timetable for that is spring of next year.

**3.5.3 Deputy J.A. Hilton of St. Helier:**

We have been told that 460 additional registered licences were issued last year. Can the Minister tell me what account does he take of the people who are already registered each year, who are falling into the entitled-to-work category? What account do they take of that when they are issuing additional registered licences?

**Senator I.J. Gorst:**

I think that is where Deputy Southern was chastising the Minister for his numbers because, of course, they are not just the numbers of licences that the Housing and Work Group have issued to businesses. But you have also got people moving from the under 5 years to the 5 years every year. I understand, or they will have to check with Statistics, that that is in the order of 600 every year as well. So, all of those numbers go in. You have got people coming in and then leaving. You have got a flow - Statistics will tell you exactly - of several thousand people coming into our community and several thousand leaving and then you get this net figure, which they published last year.

**3.5.4 Deputy G.P. Southern:**

Will the Chief Minister agree to publish not only the breakdown by sector, which he announced earlier, but also the additional material that was announced by his Assistant Minister today, which should have been put into the report from the Statistics Department, and would he say why was not these extra temporary grounds, *et cetera*?

**Senator I.J. Gorst:**

The figures that I referred to were in the labour market survey. The States Statistics Unit, intelligent people that they are, from the labour market report in April they had already calculated - before they saw the official figures from a statistical point of view - what the net inward migration would be. They are in the public domain. The numbers that Senator Routier referred to, of course, it would not be right to put Government figures in with an independent report's figures directly, but I see no reason why the overall numbers that have been referred to cannot be put in the public domain and we will issue those to Members as soon as possible.

### **3.6 Deputy R. Labey of St. Helier of the Minister for Infrastructure regarding the value of the Eastern Cycle Track Fund: [9528]**

What is the current value of the Eastern Cycle Network Fund and has a route been agreed and decided upon?

#### **Deputy R.J. Rondel of St. Helier (Assistant Minister for Infrastructure - rapporteur)**

I hope Members will allow me to answer this on the Minister's behalf, as he has just had to leave to attend the Solo Ballet Point Competition, not for himself, but for his daughter. **[Approbation]** A very proud moment for him. I thank Deputy Labey, the very good-looking Deputy Labey as you intimated at the last Assembly, for his question. Approximately £170,000 was spent providing a cycle route from Gorey to Grouville Fuel Station and a further £200,000 on the section from the fuel station to the Pembroke Hotel. £130,000, therefore, remains of the original half a million. This sum has been allocated to deliver a section of shared cycle and footpath from Le Hocq to Le Rocquier School, subject to the appropriate approvals of the Parish and potential additional measures for the Grouville School link. Further options are currently being assessed and will be delivered on a prioritised basis, principally through planning obligations made through policy TT3 of the Island Plan. It should be recognised that although there are many opportunities to provide improved cycle facilities in the southeast of the Island, the outcome will be a network of routes rather than a single continuous route, as is in place from the west into St. Helier.

#### **3.6.1 Deputy R. Labey:**

Just last week the Planning Committee passed 2 applications, which, combined, gave the Eastern Cycle Network £71,000. How is that money collected?

#### **Deputy R.J. Rondel:**

TT3 of the Island Plan requires all developments of 5 homes or more in the southeast of the Island to make a contribution to the Eastern Cycle Route Network, either directly or financially. Several planning obligation agreements have already been made under this policy, with £355,000 of signed financial contributions and other developments, such as Samarès Nursery site, are expected to deliver actual infrastructure rather than financial. As the Deputy has intimated last week, we approved a further 2 large housing schemes and that brought in an additional income. Some of these will be on first sale of homes. Some will be later on, once the development starts.

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

Can the Assistant Minister, at a time of constrained spending, say whether the money that has been spent on the cycle paths to date has been value for money, because most of the time that I go through Grouville most of the cyclists are on the road because they do not like the cinder part of the track? So, at a time when we are facing severe constraint, does the Assistant Minister think that we are getting value for money for what we are putting into the cycle track?

#### **Deputy R.J. Rondel:**

Absolutely. I think, as I have just said, TT3 of the Island Plan requires and allows us to be able to claw back money from planning obligations to improve. Judging on the last couple of questions I think we are all going to have to end up on our bikes. So the cycle route will be imperative and we have been waiting many, many years for this. I think the cycle route strategy masterplan was first come up with in 2011 and it is only the last 18 months we have really been making fast forwards on delivering routes. So, I do believe it is.

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

Could the Assistant Minister confirm that he has personally cycled the Eastern Cycle Track and would he confirm that it is suitable for the new eBikes that we keep hearing about?

**Deputy R.J. Rondel:**

Thank you for the question, Constable of St. John. I have not cycled it, because it is not in place yet but there are some of it that are there. What I have done, along with the Constable of Grouville, the Deputy of Grouville and Deputy Labey, we have walked the whole route from Grouville to Havre des Pas. Unfortunately Deputy Labey was a little bit behind the rest of us when we got to Havre des Pas, but we certainly have route and the idea is for us to work altogether to try and achieve through the Parishes and through the Constables and Deputies to be able to finalise the network.

#### **3.6.4 Connétable J.E. Le Maistre of Grouville:**

Could the Assistant Minister clarify just how much additional funding has come through planning obligations? I understand there was £400,000 initially voted; what additional sums are now available?

**Deputy R.J. Rondel:**

I did mention we have got approximately £355,000 in the pipeline, which will be earmarked for this. As I have said, last week, another 2 larger housing schemes were passed. This money will be put into the pot for the Eastern Cycle scheme and there will be more coming forward. So we really want to work together with the Constable to achieve a cycle route and other routes as quickly as possible. Thank you.

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

On the little walk that they took with the Assistant Minister and his entourage, did they take any refreshments along the way and could he extend the invite to other Members in future, perhaps even on bicycles?

[10:30]

**Deputy R.J. Rondel:**

Wonderful idea, Deputy Tadier, and I will be delighted at some stage to be able to make that offer.

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

It was my successful amendment to the Island Plan that initially got the £500,000 from one pot to another and put in the mechanism for collecting money that makes up the TT3 policy. Would the Assistant Minister be prepared to comment that, in over 6 years, is £355,000 a realistic sum to have been collected for the properties or the developments that meet the criteria?

**Deputy R.J. Rondel:**

I thank the Deputy for bringing the original proposal because this is the only way that the sum of money is increasing, so it was a good proposition and the right proposition. Sorry, what was the question? **[Laughter]** The £500,000, is it sufficient?

**The Deputy of Grouville:**

Does the Assistant Minister consider £355,000 is a realistic figure to have been collected over 6 years?

**Deputy R.J. Rondel:**



Well, we would always like more and everybody would, but this figure has been increasing dramatically in the last 12 to 18 months and will further increase hopefully substantially enough to be able to complete the network.

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

Would he like to comment on the previous 3 to 4 years?

#### **Deputy R.J. Rondel:**

I would have to get exact details of what did come in and when and I would be happy to pass that information on to the Deputy.

### **3.6.8 Deputy R. Labey:**

This scheme seems to be mired in inertia. The Deputy of Grouville's proposition was successful in 2011 and we have gone from Gorey to the Pembroke pub. Glaciers move faster than this. **[Laughter]** Would the Assistant Minister give us some assurance that he can somehow get the department to reinvigorate this scheme? I was not sure whether the route is agreed or not now officially, but would he publish to us and members of the public those bits of the route that are going to be worked on next and give us a timescale?

#### **Deputy R.J. Rondel:**

As I said, there is an Eastern Cycle Route strategy developed in 2011 and I am happy for all Members to share that with us. I presume it is publicly available now, but I would be more than happy to do that and the budget allocation and spend so far, absolutely.

### **3.7 Deputy S.Y. Mézec of St. Helier of the Chief Minister regarding population estimates and the limits set in the interim population policy were not achieved: [9535]**

Following the publication of the latest population estimates, can the Chief Minister account for why the limits set in the interim population policy were not achieved?

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

In the simplest terms, our economy performed exceptionally well in 2015 delivering more private sector jobs. The Housing and Work Advisory Group are vigilant in considering applications, refusing approximately half of all those received, but it remains important to support good businesses delivering jobs and services. That is in line with our policies of delivering the economic and social value and in the current uncertain global climate should be welcomed more than ever.

#### **3.7.1 Deputy S.Y. Mézec:**

A supplementary: if it is the case that the large amounts of people coming to the Island is because of economic growth and it is the Government's intention to see more economic growth in the future, would he, therefore, like to reveal to this Assembly and the public that they can continue to see levels of immigration into the Island much higher than the interim population had set in future?

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

The Housing and Work Advisory Group will continue to consider applications for good positions right across the economy and they have always been clear about that, that they would be considering not only economic, but social value. I think that is the right thing for them to do. We know that we are surrounded by more uncertainty today in the U.K., across Europe, and we see global markets being uncertain as well. We are in a strong position to weather that uncertainty but we also, during the course of this year, as the Minister said, need to have a debate and a

conversation about the sort of Island we want. From that, we will know whether these population policies need to change.

**The Bailiff:**

Can I just say to Members that question 7 is about why the limits have not been achieved and it is not so much about what is happening in the future?

**3.7.2 Deputy M.R. Higgins:**

Will the Chief Minister admit that the reason why it has not been achieved is not only the fact that perhaps they have had more applications, but equally, they did not believe in the interim population policy of 325 anyway and that what they are doing is stoking up, I would say, high levels of inflation in the near future in housing? The evidence for that is the period 2006, 2007 and 2008, which nobody wants to go back to, where house prices go up by something like 30-odd per cent. We have a major housing crisis at the moment. Does the Chief Minister not think that by agreeing to these rapid increases at the moment he is causing problems for the future?

**The Bailiff:**

The second part of the question is not a supplementary on this question. The first part of the question is: did you ever believe in the population limits that you set?

**Senator I.J. Gorst:**

The Deputy is trying to recreate history. He knows that they were planning assumptions that the department uses, but the policy of the Housing and Work Advisory Group was, as I have outlined about giving licences to businesses, that were going to bring economic and social value. He accuses me of not believing in the population policy. He stood in this Assembly many, many times and said that the economy was going into freefall and that we would not see economic growth again in the future. I think that we have worked really hard right across departments to see the economy grow. We have a more diversified economy than we have ever had before. Financial and business services is more diversified. We should be pleased with that economic growth and the reason we should be pleased is because we know that we continue to face uncertainty. I would challenge any Member to say that we did not.

**3.7.3 Deputy G.P. Southern:**

If economic growth, as the Chief Minister says, is the cause of the number of net inward migrations, does the Minister believe that these numbers will appear again in the future? Is he confident that we will maintain this economic growth following the shock that occurred to the world economy from Brexit?

**Senator I.J. Gorst:**

Nobody has ever, for a minute, mistaken me for a clairvoyant in the past, but the Deputy seems to be asking me to undertake that particular role. I will not do so. I deal with the facts. We make balanced decisions for the benefit of our economy, because that gives benefit to our community. These increased numbers, of course, have managed to and will mean that we do not see wages spiralling out of control, something that the F.P.P. (Fiscal Policy Panel) were very clear that we should act against. As to what the future holds, I can tell you the strength of our position today. I look around me and see that across Europe and world markets we see uncertainty, but I believe that we can build on the strong position that we have so that we will still see inward migration, we will still see economic growth. But we cannot take it for granted and we must continue to work. The reason we must work is because it allows us the money to invest in our social projects for the benefit of all Islanders.

**The Bailiff:**

Questions looking to the future can be tackled under questions 14 and 15, or in questions without notice. Final supplementary, Deputy Mézec.

**3.7.4 Deputy S.Y. Mézec:**

Given that these targets have been missed by such a wide margin, would the Chief Minister agree that it was unwise to set these targets in the first place given that they were so unfeasible? Would he like to take the opportunity to disassociate himself from a policy which never worked, or would he like to continue to make himself look ridiculous by pinning himself to something that simply does not exist in reality?

**Senator I.J. Gorst:**

The Deputy is continuing to use words that he knows are nowhere in the population policy and, therefore, I am not sure what answer I can give. The policy is about giving licences to businesses that are going to bring economic and social value to our community. We should not underestimate the difficulty that those Members of the Assembly have in making those decisions week-in, week-out, having to say no to some businesses because of the very concerns that the Deputies over there are raising. Equally, where they think there is going to be ultimate long-term benefit for Jersey, they make the decision to issue the licence. I am grateful that they have done that because I believe I can stand here today and be more confident of our future because of those difficult decisions they have made.

**3.8 Deputy M. Tadier of the Chief Minister regarding plans to propose new user-pays charges for services: [9531]**

Changing the subject slightly, can the Minister advise the Assembly whether there are still plans to propose new user pays charges for services such as sewage treatment and healthcare provision and, if so, when will the public be given the details of any such charges?

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

We are investing in our priority areas of health, education, St. Helier, and economic growth. We are bringing forward a package of measures in the Medium Term Financial Plan Addition, which will reprioritise spending and balance our budgets by 2019. The plan provides £40 million of additional annual funding for health and social care by 2019 and, as we have made clear, that ongoing requirement for extra resources will need to be supported by a health charge. Virtually every other jurisdiction charges for waste disposal and we have been looking at introducing user pays charges to pay for services, improve environmental outcomes and manage demand. The details of both these charges will be provided on Thursday, when the plan is published.

**3.8.1 Deputy M. Tadier:**

I suppose that 2 years after the election is not too late for the public to find out what they are actually getting and what they voted for, so they will certainly be happy, I imagine. Does the Minister agree that we are already paying these charges through our tax system? That is the established way that we pay for health care and that we have been paying for sewage treatment. Does he agree that if there are any changes there should certainly be talk of giving a rebate to taxpayers, so that there is not any double taxation in that regard? More importantly ... I can probably leave it there.

**The Bailiff:**

Two questions is probably enough, I think.

**Senator I.J. Gorst:**

It becomes apparent: fewer people paying more and more and more. That is not the policy of this Government. It has been quite clear. We have published many reports going back to P.82. It is so long ago I cannot remember; it was either 2011 or 2012. The former Minister for Health and Social Services - I am looking across - was intimately involved in this. It was her leadership that got us to start thinking about how we needed to transform the health service and how we needed to pay for it. Numerous reports have said we are going to have to ask the public to pay more for health and that we would need to introduce a health charge. We see it in the United Kingdom, the Dame Kate Barker report. They have looked at how they are going to support health provision into the future. Members will see some of the culmination of a myriad of reports saying what we were going to need to do and they will be able to make the right decisions for Jersey, in order to fund health care into the future.

**3.8.2 Deputy S.Y. Mézec:**

I have in front of me the page on Vote.je of Senator Gorst's election manifesto that was put on there and I cannot see a single word in it referencing the fact that if members of the public were voting for him, they were voting to increase their taxation by introducing a new health tax and a waste disposal tax to pay for services, which they already pay for in their income tax. Could he let me know if I am wrong and if he did at any point in his election campaign tell the public that a vote for him was a vote to see new and increased taxes on those people on low and middle income brackets?

**Senator I.J. Gorst:**

I am pleased to stand up and address that question because it is a question that the Reform Party have been trying to suggest, that this Government did not inform the public of what the state of the public finances were, which are strong. The changes that need to be made to them over the course of this Government, at least 3 reports were published by the Treasury Department in July detailing and outlining exactly what the state of affairs were.

[10:45]

The Deputy seems to be now challenging us, because he appears not to have read those reports. With regard to the election, I was quite clear on a number of Parish platforms, I was quite clear on the radio phone-in, that there were a number of areas right across the health and social care provision that I was committed to seeing change - do not vote for me if you do not want to see more money invested in health and change - and that would mean that we would need to ask people to pay more. That is what we are doing because I can tell the Deputy, and I think they agree, that there are many services in our health provision that need to be improved, not least of which is the mental health provision. **[Approbation]** We will be putting many millions of pounds more into mental health. In order to do that, we will be asking the public to pay a little bit more than they currently are to contribute towards those services. It is absolutely the right thing to do and the Members opposite cannot reinvent history.

**Deputy S.Y. Mézec:**

Do I get a supplementary?

**The Bailiff:**

No, I am afraid not. We are under time pressure today. The Deputy of St. John.

**3.8.3 The Deputy of St. John:**

Could the Chief Minister advise what principles and policies, in particular, will be applied to these user pays charges?

**Senator I.J. Gorst:**

I am not exactly sure what the Deputy is trying to ask me there. She is aware of the principles and policies governing taxes and charges in the - I have just forgotten - taxes policy framework or something like that I think it is called ... long-term tax policy framework. Ministers had that in mind when they were considering these charges.

### **3.8.4 The Deputy of St. John:**

A supplementary: will the Chief Minister accept that there is a difference between taxes and user pays and, therefore, there are policies in place with regards to user pays? I am asking specifically with regards to these 2 particular charges how that will be applied and whether they will be applied.

**Senator I.J. Gorst:**

I have no reason to doubt that they will not, but the details of which, of course, will be published on Thursday.

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

I noted that the Chief Minister did not have a clue as to how to answer the question, because he does not know what the policy is. The reason I have stood up to ask a question is the Minister has mentioned the Barker report in the U.K. and about how they have gone to the user pays charges in the U.K. Does the Chief Minister not recognise that taxation in the U.K. is much higher than it is in Jersey and, therefore, he could raise taxes rather than bring in a user pays charge? The taxes could be skewed to the better off in this Island.

**Senator I.J. Gorst:**

He is right, their taxes are much higher, and they are still having to introduce new charges to make their health care sustainable. I do not want to be in that position. I want us to make informed decisions in good time to deal with the challenges that future generations will face. I do not think it is much value in arguing about detail that is going to be published on Thursday.

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

I guess the question is: are we, as an Assembly, going to have the opportunity to vote yes or no on the principles of user pays for these 2 areas in particular? Could the Minister expand on that and will that be part of the Medium Term Financial Plan where we have to agree an overall package, or will we be able to vote specifically, in a separate vote, on these principles?

**Senator I.J. Gorst:**

It will be 2 stages in the M.T.F.P. and then necessary changes in legislation will come forward in budget proposals.

## **3.9 Deputy K.C. Lewis of St. Saviour of the Minister for Treasury and Resources regarding PFOS contamination in the west of the Island: [9534]**

As shareholder representative for the Ports of Jersey, would the Minister update Members on P.F.O.S. (Perfluorooctane Sulfonate) contamination in the west of the Island as a result of the firefighting media used at Jersey Airport in the 1990s and whether a settlement has been reached with bore hole owners in respect of that contamination?

**Senator A.J.H. Maclean (The Minister for Treasury and Resources):**

Approximately 76 residential and commercial properties were identified in the potentially affected area known as the plume area. Testing of water supplies is ongoing and almost half of these properties have shown only trace, or no P.F.O.S. readings - P.F.O.S. is the constituent that the Deputy was referring to - and it is unlikely that they ever will. Some other properties have previously tested positive, but are now clear. However, others have tested positive and continue to do so. The vast majority of properties have been connected to mains water at public expense and have had their water rates paid. Ports of Jersey have offered to connect the few remaining unconnected properties to the mains, whether affected or not. Given the sensitivity of the issue, the States had initially taken a very conservative view and put a wide regime in place, covering any property that could be affected whether actually affected or not. Ports of Jersey are currently reviewing each property to determine the degree to which it has been affected, if at all, and to negotiate with property owners on a case by case basis the appropriate settlement, if any. This strategy is working and I can tell Members that the first such settlement agreement has recently been signed.

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

The P.F.O.S. is lying within the aquifer so it is not until we get very, very heavy rainfall that it seems to come to the surface in both senses of the word again. In 2009, the Minister, in a different guise, told this Assembly that a solution was very close. In 2012, a legal document was produced and a settlement proposed to cover the next 25 years. In 2014, the airport wrote to owners talking about reaching a settlement. Why is this still ongoing? Now they have been incorporated, are Ports trying to renege on previous undertakings made to this Assembly, to the public and to affected owners?

### **Senator A.J.H. Maclean:**

To take the last part of the question first, the Ports of Jersey are certainly not attempting to renege at all. What they are seeking to do is reach a settlement. As the Deputy pointed out, this matter has been ongoing for some considerable time. In fact, the pollution first occurred back in the 1990s. It is a difficult and complex matter involving, as I have mentioned already, quite a number of individual properties and individual owners or occupiers of those properties. Consequently, the initial idea was to try and reach a settlement with the group as a whole. As I pointed out, the Ports of Jersey are now taking a case by case approach to this and it is beginning to bear fruit. I am delighted that the first settlement agreement has been signed and I hope that any outstanding ones will be concluded also fairly quickly.

### **3.9.2 The Connétable of St. John:**

I believe the States received from the manufacturers, or from the insurance, a considerable sum, £6 million, for the settlement of these claims. Has this money remained with the States or has it been passed to Ports in order to settle these claims?

### **Senator A.J.H. Maclean:**

A very successful case was taken against the manufacturer of P.F.O.S. and that was settled and there was a settlement figure, which was paid to the States. That money, or a proportion of that money, was used for remediation, in particular a new fire training ground, and to ensure that there would not be such leakage of constituent parts that are of a dangerous nature for the water supply in the future.

### **The Connétable of St. John:**

Sorry, could he answer the question?

### **3.9.3 Senator P.F.C. Ozouf:**

Is the Minister aware that it was, in fact, you, when you were Attorney General, Sir, that gave legal advice and got a successful conclusion to this case?

**Senator A.J.H. Maclean:**

I am not quite sure of the relevance.

**The Bailiff:**

No, nor am I.

**Senator A.J.H. Maclean:**

I was, in fact, aware and congratulations, Sir, on a very fine effort [Laughter] on behalf of the people of Jersey. [Approbation]

**The Bailiff:**

Minister, the Connétable of St. John feels you did not completely answer his question in relation to whether the monies that had been received had been passed over to Ports of Jersey.

**Senator A.J.H. Maclean:**

I thought I did answer the question. I said that, in fact, it was not the Ports of Jersey at the time. That was before incorporation. The large part of the money was used for the remediation of the new fire ground. That is what happened and I thought I was clear in my previous answer.

#### **3.9.4 The Deputy of St. John:**

Could the Minister advise why the situation has changed? That in 2012 there was an agreement that was put together but now, in 2016, after incorporation to Ports of Jersey, each case is being dealt with on an individual basis?

**Senator A.J.H. Maclean:**

It was not, in fact, just 2012. This, as I have said, has been going on for a long time. Trying to reach agreement with a large range of individual owners and occupiers of properties in the affected or potentially affected area has proved difficult. The Ports of Jersey incorporation has not simply changed the matter other than the approach has changed. They have taken a view that it is easier to deal on a case-by-case basis. That is what they are seeking to do. In the intervening period, I should make it absolutely clear that the conservative view taken previously was ensuring public safety and that is why all properties in the affected area have been offered the opportunity to be connected to mains water. The majority have taken up that offer. More than £1 million has been spent on connecting those properties to the mains facilities. Those that did not want to connect were offered bottled water in the area. So, public safety has been at the forefront of this issue from the very start and continues to be so.

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

I believe the award to the States of Jersey from the manufacturers of P.F.O.S. was just under £3 million. Surely this should have gone to the residents of the St. Ouen area who suffered from this P.F.O.S. As I alluded to earlier, the P.F.O.S. is in the aquifer, so it comes up, it rises and falls with heavy rainfall. Unless we get zero readings for the next 15 years, then surely it is not safe to drink. Is the Minister saying that the water is safe to drink? If not, will he insist that this agreement is honoured?

**Senator A.J.H. Maclean:**

I have already stated that the settlement funds were used for remediation purposes in relation to a new fire training facility at the airport to ensure there is no future contamination of water supplies.

I have also stated that properties that were affected or potentially affected in the area were offered connections to mains water. That has happened. I should also point out that there was an agreement to pay water rates on the mains connection for that period and that, indeed, is ongoing, subject to settlements being agreed with individual households. That process is, as I have already pointed out, progressing far more quickly now than it did previously with one settlement already in place. Of course, there is a concern about the water and its wholesomeness, I suppose is the right term to be used, and that is exactly why mains water connections were put in place and, indeed, bottled water was made available for those that did not wish to connect to mains.

### **3.10 The Connétable of Grouville of the Chief Minister regarding rates of pay for employees and contractors with regard to the proposed ‘living wage’: [9522]**

Does the States of Jersey directly employ anyone at a rate of pay that is lower than the proposed living wage of £9.40 and has consideration been given to only using subcontractors that pay their employees £9.40 or more?

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

The standard rate of pay in the public sector starts at £10.78 per hour. This is above the minimum wage and the proposed living wage. Apprentices and some workers under 18 are paid less, but in each case their pay increases quickly to the standard rate or higher. We value our employees and believe that delivering a more efficient public sector does not have to mean low pay. As to subcontractors, we need to deliver value for taxpayers, but we also need to think hard about the proposed living wage when we are outsourcing services as well as the other obligations we place on contractors, and we will do so.

#### **3.10.1 The Connétable of Grouville:**

Would the Chief Minister agree that it is likely that should the States decide to use only contractors that pay the living wage it would tend to be cost neutral, as any increase in wage would likely lead to a decrease in income support given to the employee?

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

That is the theory and those who support a living wage make that case, but the reality is it is not quite that straightforward. More work will now have to be undertaken in regard to the living wage, which I know the Employment Forum are doing, because families come in many forms and income support is payable to households, not just a single wage earner. It is slightly more complex even though the theory is as the Connétable suggests.

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

Can the Chief Minister confirm that all those who are on zero-hour contracts working for the States, including people at Social Security and elsewhere, are paid above £9.40?

[11:00]

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

I can only repeat the answer that I have before me and that is that the standard rate of pay - and that is for all employees other than the caveat I said about apprenticeships and under-18 year-olds - in the public sector starts at £10.78 an hour.

#### **3.10.3 The Connétable of Grouville:**



Would the Chief Minister agree that should the Council of Ministers adopt a policy of only using contractors who pay the living wage it would give some comfort to those whose jobs may be outsourced?

**Senator I.J. Gorst:**

Again, I can see the theory but it is far more complex than that, because there are many issues which need to be considered when delivering outsourcing contracts but, of course, the Constable is right, one of them is appropriate rates of pay.

**3.11 Deputy G.P. Southern of the Minister for Health and Social Services regarding consideration given to incorporation in plans for the modernisation of the delivery of health and social services: [9530]**

Will the Minister inform Members what consideration, if any, has been given to the role of incorporation in his plans for the modernisation of the delivery of health and social services?

**Senator A.K.F. Green (The Minister for Health and Social Services):**

As I stated in my reply to the Deputy's similar written question today, there are no plans to incorporate health and social services, i.e. for it to become a company like Jersey Post, Ports of Jersey or Andium Homes. The department is, and will remain, a public service organisation. However, I can confirm that I am reviewing the governance arrangements for health and social care to ensure that Jersey has the best health and social care system for the future. This review will look at the different health and social care systems across the world, how they are organised and established, what we can learn from them, and what is best for Jersey, and this work is expected to begin in the last quarter of this year.

**3.11.1 Deputy G.P. Southern:**

Could the Minister explain in what way his consideration of governance differs from the structure set up for Ports of Jersey or Andium Homes, which is incorporation which contains a shadow chair and a shadow board in its initiation?

**Senator A.K.F. Green:**

The Deputy is trying to put the cart before the horse. I said that we would carry out a review into governance. Why do we need to look at different models of governance? It is because the services that we currently are providing and plan to provide in the future, particularly those in the community, are going to be very different and I want to ensure that we have the right sort of structure available to ensure that we have the skills and the governance available to ensure that the proper and robust challenge is there for staff. I do not know what that is going to look like, but I do know that we need to look at it.

**3.11.2 Deputy M. Tadier:**

Will the Minister give examples of how the current governance arrangements are either not suitable currently or may not be suitable in the future?

**Senator A.K.F. Green:**

What I do know is that things have changed rapidly in the way that we provide services. The system that we have in terms of governance and oversight and political challenge has not changed and I want to make sure that we have the right system going forward. If I knew what it was going to look like, I would not be here, I would be working as a consultant on £700 an hour.

**3.11.3 Deputy M. Tadier:**

That is all very interesting. Could the Minister answer my question about what the issues are currently with governance that need to change? I think the expression is: "If it ain't broke, don't fix it", so the Minister clearly must think that something is broken or may not be working in the future. Could he give specific examples of how the current system of governance is not, or may not be, suitable?

**Senator A.K.F. Green:**

For example, the relationship between internal and external providers is changing almost daily. I, as a Minister, feel sometimes that I need to have greater support and oversight. It is not broken, but I am not going to wait until it is broken. I want a system that is fit for purpose going forward.

**3.11.4 Deputy G.P. Southern:**

Is it not the case that this incorporation - and I will continue to refer to it as such - is a precursor to large-scale outsourcing of services on the Island?

**Senator A.K.F. Green:**

Absolutely not. We are not looking at incorporation and it is not a precursor to outsourcing. This is about ensuring a robust governance system for services going forward with big changes in the community.

**3.12 Deputy L.M.C. Doublet of the Chief Minister regarding the progress of the Shaping our Future project: [9533]**

Can the Chief Minister please provide the Assembly with an update on the progress of the Shaping Our Future project?

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

Could I ask Senator Routier to respond to this, please?

**Senator P.F. Routier (Assistant Chief Minister - rapporteur):**

I want to thank the Deputy for the opportunity to explain this important work. I have been genuinely pleased with the responses so far and the enthusiasm. To raise awareness, we briefed over 1,000 stakeholders earlier this year, providing a platform for the My Jersey survey, which is now under way, asking people how they think Jersey is performing and their aspirations for the future. Over 2,000 people have done the survey in the first 11 days and we hope to get many more as we promote the survey online and in public places such as Les Quennevais, the hospital, schools and in town. This phase will run until 31st July. The next significant phase will then begin, sharing what we have heard, shaping aspirations into realistic targets. This is the phase where the vision starts to take shape and I very much hope that States Members will become involved. This will enable us to produce a draft vision at the end of the year, on which we will consult again before bringing the vision to the Assembly for debate in the spring.

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

The Assistant Chief Minister, I think, will agree that some Islanders are quite disengaged in general with some of these processes. There are some that are optimistic about the future, myself included, but quite understandably a large proportion of the population are feeling quite disengaged. Lots of these consultations have happened in the past. How is this one different and, if it is different, how will the Minister ensure that if people do make the effort and fill in this survey that their views will have a real impact on the long-term vision for Jersey?

**Senator P.F. Routier:**

The experience we have had over the last couple of months of trailing this around in various places, I was shown some evidence in a school recently which had photographs of children holding up what they wanted of the Island. There was a real broad cross-section of what their aspirations were. We are going to take note of all of those things and we know that people do engage with the States in different ways and some do not engage. I think what we need to do is to ensure that we encourage as many people as possible to become involved in this because it is important for our future. We need all age ranges to contribute to this and if any Member here can help in ensuring that that message gets out, I would really welcome that so that we can all take ownership of this vision for the future.

**3.12.2 Deputy G.P. Southern:**

Is this to be an internally organised piece of research or is the Assistant Minister using an outside body to consult? If so, how much is that consultation costing?

**Senator P.F. Routier:**

I am very pleased to say that this is being done internally by a very experienced officer who is leading this and he has been doing exceptional work. There has been some cost in establishing the survey, which is out there and it is being very well used. The best part about that survey is the format of it and the layout of it can be used for other topics in the future.

**3.12.3 Deputy G.P. Southern:**

A supplementary, if I may. Since the Minister referred to the survey, has the survey been tested to ensure that there are no leading questions in that survey?

**Senator P.F. Routier:**

Yes, it has been.

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

The Minister touched on what was going to be my final question about getting the views of young people. Is the Minister specifically going out to even the primary schools to make sure that even the youngest children in the Island are having their views heard? If that is not being done yet, will he agree to speak to the Minister for Education and go out and do that?

**Senator P.F. Routier:**

I am not personally going out to the schools to do that, but certainly our officers have already been out to the primary schools. I was only shown some photographs yesterday of the involvement and the real excitement in the children's eyes about what they were being asked to talk about. They all wrote down on big pieces of card what their aspiration was and there are photographs of them there, which is really, really fantastic. If anybody can go out and speak positively about the survey, please do because it is vitally important.

**3.13 Deputy J.M. Maçon of St. Saviour of the Minister for Education regarding the number of people who could not pursue higher education despite wanting to do so: [9526]**

Given the department's policy that all who can benefit from higher education have the opportunity to participate in it, regardless of the cost of the chosen subject, can the Minister explain how the department currently calculates the number of people who are not pursuing higher education, despite wanting to do so, and whether they also establish the social and financial background of such people and, if not, why not?

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

Thank you to the Deputy for raising the issue. It is still our ideal to send as many Jersey students as possible to university. As Members will know, unfortunately, the policy quoted by the Deputy has been undermined by the U.K. Government decision to raise average tuition fees to £9,000 and the fact that our students cannot access the U.K. student loan system. We are well aware that, unfortunately, financial pressures are likely to be affecting the numbers who pursue higher education. It is of concern and, as my Assistant Minister hinted previously, we will be announcing good news later this week in the M.T.F.P. The source of information about the Jersey undergraduates is the Student Finance Office. They only have information about students who apply for grant support and/or register with them. U.C.A.S. (Universities and Colleges Admissions Service) figures provide some additional information.

**3.13.1 Deputy J.M. Maçon:**

Just to confirm then, those students who do the figures themselves, calculated from home, and decide that going forward they will not be able to afford going into higher education, therefore, the department does not have that information and the department is unable at this time to establish what exactly those figures are. Is that a correct understanding of the situation?

**Deputy R.G. Bryans:**

That is correct.

**3.13.2 Deputy G.P. Southern:**

Is it not the case that there are currently around 100 fewer 18 year-olds going off to university than was the case some 5 years ago?

**Deputy R.G. Bryans:**

Thank you to the Deputy. Families with a household income above the upper threshold often apply to university direct, without making contact, because they believe they will not be eligible for States funding. Similarly, those who feel they cannot afford to go will not make an application to student finance, so there will be no formal record of their decision, the reason for it, or their personal financial circumstances. Numbers have fallen and we have reported this in the higher education funding report. Some is due to increased availability of degrees in Jersey. Some will be due to cost. Affordability means different things to different families. For some it might involve lifestyle changes; they have to forego holidays, private schools, large mortgages, in order to afford university. For others, the cost of £20,000 a year is completely unaffordable and means not paying rent or affording basics like food.

**3.13.3 Deputy G.P. Southern:**

Will the Minister address the question, which was: is it not the case - and I think I read it in his own higher education report produced by external advisers as a separate piece of research - that there were approximately 100 students fewer at 18 going away to university than was the case 5 or 10 years ago?

**Deputy R.G. Bryans:**

Yes, there are fewer students.

**3.13.4 Deputy M. Tadier:**

The Minister talked about good news which he will be announcing shortly for university students. Can he, therefore, confirm that he will no longer be freezing grants and that there are no plans to cut funding for on-Island provision of degrees?

**Deputy R.G. Bryans:**

As I did say earlier, we will be disclosing what we have come up with, working very closely with Treasury, in the M.T.F.P. To resolve this issue, we continually try to review every element of higher education. Members need to know that we have not given up. We will continue to work with Treasury. We will continue to work, talking to banks and lenders. We will continue talking to universities. We will continue looking at increasing our local offerings and we will continue looking at ways to resolve this problem.

**3.13.5 Deputy M. Tadier:**

I will ask the question again in a supplementary, even though it wastes my supplementary. Is the Minister planning on freezing grants and cutting funding for on-Island degrees?

**Deputy R.G. Bryans:**

As I said before, the Member will have to wait until we disclose everything that we are attempting to do in the M.T.F.P.

**3.13.6 Deputy J.M. Maçon:**

Given that the Minister has acknowledged that the existing policy of the Education Department has been undermined - his words, not mine - when, therefore, will the Minister be bringing a new policy to the States Assembly for States Members to analyse and debate?

[11:15]

**Deputy R.G. Bryans:**

As I said, we are continually reviewing our situation. It is a very fluid situation. As Members will be aware, Brexit has also thrown a new flavour into our review. So, we will always look at this situation trying to resolve it and hopefully Members will be pleased with what we have to say in the M.T.F.P.

**3.14 The Deputy of St. John of the Chief Minister regarding the assumptions used to estimate the net migration figure in the interim population policy: [9525]**

Given that the net migration figure of plus 325 in the interim population immigration policy is a planning assumption that is aligned to other policies, including economic policies, can the Minister advise whether, as statistics show, a net migration figure of 1,500 in 2015, the policies currently in place are flawed and a new planning assumption will have to be made for the medium to long-term sustainability of Jersey?

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

Sir, could I ask Senator Routier to answer this, please?

**Senator P.F. Routier (Assistant Chief Minister - rapporteur):**

As Members will appreciate, today the issues around immigration are never easy. Every week businesses come to the Population Office seeking staff so they can generate the profits and pay wages and taxes, which in turn provide our community with the services we need, but Islanders are understandably concerned about house prices, about traffic, the countryside and public services. As intimated earlier, next spring we have promised the debate on the long-term plan for Jersey, including population policy. As part of that, we will need to reset our planning assumptions.

**3.14.1 The Deputy of St. John:**

It does really concern me that we are agreeing a Medium Term Financial Plan on the basis of long-term planning assumptions, and we are constantly told that this is about the long term, without

sufficient information for making that planning. Could the Assistant Minister advise whether, going forward, the Council of Ministers believe that there will be a higher number? This is not the fault of the migration of people, this is not the people's fault, but in order to provide sufficient public services the public expect, the simple demands of economics with regard to supply and demand, dictates that we will need to be spending a lot more in the future.

**Senator P.F. Routier:**

I want to reassure Members that the Medium Term Financial Plan, which will be published on Thursday, does take note that the numbers will be greater than they have been in the past. We know that funds which we are putting into services are going to need to be increased, and that is what we are planning for, and it is something which we know is our duty: to ensure that the correct amount of funds are there to provide the services for our population going forward.

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

Having regard to the rise in zero-hour jobs year-on-year, currently 11 per cent of all jobs in the Island, why does the policy permit new jobs to be created as zero-hours jobs and, if jobs cannot be offered as permanent, that makes employees very vulnerable. How can that be regarded as of economic benefit to the Island under the policy?

**Senator P.F. Routier:**

The decisions made about applications for businesses do not particularly reference whether it is a zero-hour contract. Certainly, we know the value of a particular business and what they contribute towards the Island. We do have discussions when we interview employers when they come to appeal. When it is more likely that they are at the lower end of the pay scale and they have been refused their application, we do discuss the wage levels with them. But certainly the Housing Advisory and Work Group and the Population Office do not take a direct note of the wage levels; it is more about the contribution to the community in perhaps other ways, whether it is social benefits for the community.

**3.14.3 Senator Z.A. Cameron:**

When issuing extra licences for businesses that are seen to benefit the economy, what consideration is given to the cost of our environment and health such as the limited water supply, soil quality and food and energy security?

**Senator P.F. Routier:**

The whole purpose of the Housing Advisory and Work Group is to have a broad cross-section of opinion. We have the Minister for Housing, the Assistant Minister for Economic Development, Tourism, Sport and Culture, we have the Assistant Minister for Social Security and myself, and we take a broad view of all the issues which relate to our community. The Senator mentions about the water levels. Certainly, the information that we have currently, which has been recently researched, is that our water consumption is at a static level and has not been increasing, even though we have had a higher population, but we do take note of all of those issues.

**3.14.4 Deputy M. Tadier:**

Page 5 of the Interim Population Policy states that our population will be 110,700 in 2035 if - and I emphasise "if" - we average net immigration of plus 325 people per year. Clearly, we have not been averaging plus 325; it seems we have been exceeding that by 3 or 4 or even 5 times, so what are the revised figures for the population in 2035 based on actual inward migration and how does that affect things like planning for the new Les Quennevais School and the size of the new hospital?

**Senator P.F. Routier:**

Certainly, the projections going forward are something which we know we need to revise. With regard to Les Quennevais School, I am aware that they have sufficient capacity within that building; they have built in spare capacity there. The hospital also has been planned for a population which we know is going to increase. We were always going to get to that number, but it is at what stage. It will not be next year, certainly, but we know the population is increasing, because we need it to increase, but it is the speed at which it increases. There is going to be an increase as we go forward.

**3.14.5 Deputy M. Tadier:**

The Minister said that they will need to revise that number. Should this number not have been revised already? We know that we are exceeding that figure, we know that we are engaging on capital projects and building; should the Minister not know already and be telling Members what that new figure is?

**Senator P.F. Routier:**

We will be asking the Statistics Unit to carry out that work because, since they have only just published these recent figures, we will ask them to help us to give the forecasts for going forward.

**3.14.6 Deputy M.R. Higgins:**

The Minister is telling us that in the Medium Term Financial Plan they will build in for population growth but, as the population is growing by 5 times the 325 figure, can he tell us now that his projections, or the projections of Ministers, will be 5 times, assuming the population is 5 times higher, and those figures will be incorporated in the M.T.F.P.?

**Senator P.F. Routier:**

I am afraid the Deputy is coming to the wrong conclusion with regard to using: "5 times greater." The last 2 years we have seen an increase in our population of 700 each of the previous 2 years and we have now seen, obviously, an increase to 1,500. The capacity within our services is estimated to be sufficient to manage our population going forward at the current level, but certainly we know that particularly health and education are services where we need to ensure we have sufficient capacity. That is why we are investing so much money in health going forward and in education.

**3.14.7 Deputy G.P. Southern:**

The Assistant Minister has just admitted that the real figures are plus 3,000 instead of plus 1,000 over the last 3 years. Will he state what figures have gone into the Medium Term Financial Plan and whether that makes the Medium Term Financial Plan valid, or less so?

**Senator P.F. Routier:**

The figures, which we are working on, show there will be sufficient capacity within the Medium Term Financial Plan. We are going to see that on Thursday. I am sorry, the second part of the question I have lost track of.

**Deputy G.P. Southern:**

The second part of the question was: "What figures, 3,000 or 1,000, have gone into the structure of the Medium Term Financial Plan?"

**Senator P.F. Routier:**

I honestly do not have that figure in front of me, but what I do know is that for the services that are being provided there is a recognition and spare capacity within the services that we are providing. We have seen services being provided in recent years where the number has been greater than the planning assumption, and services have been working. There have been some pressures in certain

areas, but they are being addressed and will continue to be addressed. We know that we have to provide those services and we will do so going forward.

**3.14.8 Deputy J.A. Hilton:**

Can the Minister confirm that the additional licences granted, particularly to the construction industry, are being granted to companies and their employees who pay tax in Jersey?

**Senator P.F. Routier:**

I believe that is the case, certainly, but I would need to investigate exactly that. One final point, property development companies which are based in Jersey themselves pay tax, the companies themselves, but the employees as well would be here and paying I.T.I.S. (Income Tax Instalment System). If the Deputy has any thought that there might be some that are not, perhaps if she was to give me that information, I would investigate it. Certainly, my understanding is that they do pay employee tax and also the companies, as a construction company, pay tax which is different from a lot of other companies.

**3.14.9 Deputy J.A.N. Le Fondré:**

Just to be absolutely clear: can the Minister just confirm that this M.T.F.P., that is about to be lodged, either does use 325 as a planning assumption or, if it is using a different figure, what is that figure?

**Senator P.F. Routier:**

I can tell Members that it is not using 325. I am sorry, but I have not got the figure in front of me to know what is being suggested with regard to the services within those departments. We know that it is going to be a higher figure but, certainly, I will ensure that we can get that to the Deputy when we publish the documents on Thursday.

**Deputy J.A.N. Le Fondré:**

Can that be circulated, please?

**Senator P.F. Routier:**

When it is published on Thursday.

**3.14.10 The Deputy of St. John:**

I find it rather disingenuous for the Assistant Chief Minister to suggest that all our answers will be placed in what is to be an M.T.F.P. Addition on Thursday. In actual fact, the ...

**The Bailiff:**

Deputy, can you find another word than “disingenuous”, which suggests a deliberate attempt to mislead?

**The Deputy of St. John:**

Okay. The Assistant Minister is suggesting all of our answers will be in the M.T.F.P. Addition on Thursday, but does he not recognise that the States Assembly, only in October last year, agreed the M.T.F.P. as a whole for 2016 to 2019, capping the amount of income and expenditure that the public sector is able to spend over that period? So knowing what we know now and what we have heard in answers today, will the Council of Ministers be requesting the Minister for Treasury and Resources to invoke the Public Finances Law to change the overall income and spending limits to create a more sustainable plan?

**Senator P.F. Routier:**



I think when we see the M.T.F.P. Addition, which is published on Thursday, we will see that it is a sustainable plan and that it will accommodate the requirements of our community.

### **3.15 Deputy J.M. Maçon of the Chief Minister regarding the consistency of the migration figure with the government's migration policy: [9527]**

How are the latest migration figures of 1,500 net inflow in 2015 consistent with the Government's migration policy, as outlined in the Interim Population Policy document, P.10/2014?

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

As I have said already, the policy is founded on a simple principle: targeting migration where it generates the most economic and social value. Of course, in doing this, we need to make sure there are enough school places, good jobs for Islanders, housing, sustainable infrastructure, protection for our green spaces, and that is what is being delivered. This is what we outlined in the interim policy in the Strategic Plan in the M.T.F.P. and, as recently as last November, in the guidance issued to businesses and presented to this Assembly.

[11:30]

#### **3.15.1 Deputy J.M. Maçon:**

As has been said, one of the key words within the Interim Population Policy document is "sustainability." Can the Chief Minister explain to me how carrying on with these particular figures at this level will create sustainability within the Island?

**Senator I.J. Gorst:**

By maintaining the working age population and the ratio to those in our community who - and I know we have been criticised for mentioning that this morning - are ageing. It is not a bad thing that people are ageing: it is a good thing that people are living longer, but it means that the working age population, which is contributing to services, needs to be maintained.

#### **3.15.2 Deputy J.A. Hilton:**

In answer to a lot of the questions around population growth this morning, the Chief Minister has spoken about an increase in population to feed economic growth. Can the Chief Minister reconcile the fact that, in G.V.A. (Gross Value Added) terms, since 1998 we have seen a continuous drop in G.V.A. through to 2014 while seeing the population grow between 2011 and 2014 by 2,500 people?

**Senator I.J. Gorst:**

The Deputy knows that our G.V.A. and the size of it is, to some extent, partly made up of changes in interest rates. The Deputy in front of her understands that as well. When you have got a change in interest rates and the effects that they have, that will depress the overall G.V.A. That does not mean to say that you are not seeing economic growth, but the total size, which is what G.V.A. is, you can see depressed.

#### **3.15.3 Deputy J.A.N. Le Fondré:**

I was going to ask, the Assistant Chief Minister has been publicly quoted as stating that the actual decision-making process and the policy around making these decisions has been changed. Could the Chief Minister remind me when this change was approved by this Assembly, or even explicitly notified to this Assembly? If not, has the Assistant Chief Minister been misquoted on the front page of the media, given that it is in inverted commas?

**Senator I.J. Gorst:**

It pains me to say that I think he has been misquoted.

**Deputy J.A.N. Le Fondré:**

So, he will be taking that up with the media then, will he?

**3.15.4 Deputy G.P. Southern:**

The Assistant Minister being misquoted or not, the Chief Minister has just stated that the net migration figures, or the population figure that goes into that Addition to the M.T.F.P., has been changed. Does the Chief Minister know what that change has been and, if so, will he inform us?

**Senator I.J. Gorst:**

As the Assistant Chief Minister said, all the details of the M.T.F.P. will be published on Friday and those figures going into the M.T.F.P. will be published as well but - I have forgotten now what I was going to say - the figures will be released on Thursday.

**3.15.5 Deputy M. Tadier:**

On page 8 of the Interim Population Policy it states that: "In advance of preparing our future, a planning assumption of net migration of plus 325 a year should be followed." Does the Minister agree that they have not met this figure and that they are no longer following that assumption?

**Senator I.J. Gorst:**

We have always said, of course, that that figure was a planning assumption, but in times when businesses are growing and the economy is growing, difficult decisions are made about giving businesses licences. I appreciate that there needs to be political discussion and argument across the Assembly, but I think we should be pleased that our economy is performing strongly, that we have made difficult decisions, in the past, to see that strong performance. Yes, we need to continue to manage migration, and the Housing and Work Group are doing that. Do not forget that half the applications put before them are rejected, so they are making cautious, careful decisions, but the economy is working in the interests of all members of our community.

**The Bailiff:**

Deputy Higgins, I am not going to call on you now, you will have first question in questions without notice. Deputy Maçon, final supplementary?

**3.15.6 Deputy J.M. Maçon:**

Recalling back to the last election, the key issue raised with me on the doorstep by many of my parishioners was the issue of immigration and population within the Island. The Chief Minister has said that one of the key objectives of this current population policy is in order to maintain the working population. How does he square that with the fact that, with the rise in property prices and many younger people leaving the Island because of that reason, we know that 50 per cent of our graduates do not come back for those types of reasons? How does the Chief Minister feel that the pursuance of this particular population policy is a good thing for the young people, who want to have families and careers on this Island, who are unable to do so?

**Senator I.J. Gorst:**

I am obviously very aware that population increases, net migration figure increases for some is a very controversial issue, but, as I said earlier, we have got to have an informed debate about the sort of Island that we want into the future. That is why we are undertaking, and want all members of the community to be involved in, creating a vision of the Jersey that they want into the future, recognising the challenges that are facing us down the line, making difficult decisions now, so that we are shaping that future by choice and not by chance. I am sorry that the Minister behind the

Deputy is not in her seat, because only last week she announced another creative plan, together with the States of Jersey Development Company, for first-time-buyer homes, and they are going to be created in perpetuity. She has got many more plans to do similar things to address some of the concerns that the Deputy's constituents raised with him, and rightly raised with him, but they have got to be delivered in balance for the benefit of all Islanders.

### **3.16 Deputy M.R. Higgins of the Minister for Treasury and Resources regarding research commissioned into the Jersey tax system: [9538]**

What research have Ministers commissioned into the Jersey tax system? When and by whom was it conducted? What were the findings of any such research and will the research be published and, if so, when?

**The Bailiff:**

You have 90 seconds, Minister.

**Senator A.J.H. Maclean (The Minister for Treasury and Resources):**

Are you counting, Sir?

**The Bailiff:**

Yes.

**Senator A.J.H. Maclean:**

In 2010, both the Fiscal Strategy Review and a business tax review were undertaken. These reviews examined the options for making changes to the Island's personal tax regime, including measures such as G.S.T. (Goods and Services Tax) and social security contributions, and the Island's company tax regime as well. Both of these reviews involved full public consultations. Furthermore, to help inform these reviews, supporting research was also commissioned and the Economics Unit prepared a detailed research paper. The consultation documents, the summary of the responses and the supporting research papers can be found on the States website.

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

There have been other reports, commissioned in the past, which have not been released to States Members, including around having tax-neutral positions for the finance industry and so on. Will the Minister publish those? Because I think at a time when we are going to be debating cuts in various departments we need to understand everything that has been going on, not just what you are planning on spending it on or the little piecemeal bits and pieces you give us. We need to have the full facts so we can make proper decisions on the Medium Term Financial Plan. Will the Minister publish the other tax information, which has not been released?

**Senator A.J.H. Maclean:**

The Deputy is absolutely right: there are many, many reports that have been prepared in this area, but of course, with only 90 seconds, it was not possible to cover them all. I will say to him that all of these reports, just about as far as I am aware, have been published, are in the public domain and, if he used the very fine search facilities that the Greffe provides on the website, I am sure he can find them. If he needs help, we are more than happy to help him.

#### **3.16.2 Deputy R. Labey:**

The Property Tax Review went out to consultation a couple of years ago. Where are the results of that?

**Senator A.J.H. Maclean:**

As far as I am aware, the update was given at the last budget as far as the Property Tax Review was concerned. There is going to be a further paper published in that regard in due course.

**3.16.3 Deputy M.R. Higgins:**

As we have just seen, even with the Property Tax Report, an update has not been put. Will the Minister put that paper out, so that all States Members have that information before we get into the nitty gritty of the Medium Term Financial Plan?

**Senator A.J.H. Maclean:**

Is the Deputy talking specifically about a property tax review paper? If that is what he is asking, yes, of course, I would be delighted to get that into the public domain as soon as we can.

**3.17 Deputy S.Y. Mézec of the Minister for Treasury and Resources regarding measures taken in 2015 to reduce the wage bill of the States of Jersey: [9536]**

What measures were taken in 2015 to reduce the wage bill of the States of Jersey?

**Senator A.J.H. Maclean (The Minister for Treasury and Resources):**

This Assembly has undertaken to balance budgets by 2019 as part of the M.T.F.P. 2016 to 2019, and that inevitably means a requirement to reduce staff costs. The Council of Ministers is committed to delivering this through efficiencies, restructuring and savings and departments worked hard in 2015 to deliver the first round of these savings and implement restructuring that will ultimately reduce the States' wage bill. A number of measures were taken in 2015 to reduce the wage bill, including active vacancy management, an initial voluntary release scheme and pay restraint. The initial voluntary redundancy scheme paid out £5 million to 105 members of staff in 2015, achieving recurring savings of £4.2 million.

**3.17.1 Deputy S.Y. Mézec:**

The figures that were published in the States accounts recently showed that, despite the number of full-time employees that the States has going down by around 2 per cent, the average wage paid in the Economic Development Department has gone up by 46 per cent, the average wage in the Chief Minister's Department up by 21 per cent. Is this a sign that the Government is simply getting rid of low-paid workers *en masse*, rather than targeting people at the top, which is what many members of the public think they should be doing?

**Senator A.J.H. Maclean:**

No, not at all, in fact, the Deputy is entirely misinformed in having that impression. It is very easy to pick on one or 2 departments and, in particular, departments that have focused on growing our economy and growing our income line. Yes, there is going to be investment in those areas and yes that is going to involve more staff at times but, overall, let us be frank about this, what are we seeing? We are seeing 139 less staff in 2015 than in 2014, we are seeing 22 less staff earning in excess of £100,000, staff salaries and wages decreased by £18 million between 2014 and 2015. We are making progress, baseline expenditure of department is coming down, or at least flatlined in the period between 2014 and 2015, and will continue as we move forwards.

**STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

**4. The Chief Minister will make a statement regarding the Referendum on the United Kingdom's Withdrawal from the European Union**

## **The Bailiff:**

Minister, that brings Oral Questions to an end. As a departure from the usual practice, if it is convenient to Members, I was going to permit the Chief Minister to make a statement now. This is largely because there will be 15 minutes for questions on his statement, which relates to the referendum last week, and it saves question period to the Chief Minister being taken up entirely by this. That is the reason for it. Chief Minister.

### **4.1 Senator I.J. Gorst (The Chief Minister):**

Following the United Kingdom electorate's decision to vote to leave the European Union, stock and currency markets have, as many commentators predicted, been volatile in the U.K. and the E.U. (European Union) and across the world. We are also witnessing some significant political changes in the U.K. Against this backdrop, Jersey remains in a strong position financially and economically and we are well-placed to weather the effects of current events. This is as a result of long-term strategic planning in respect of public finances, economic planning and our targeted engagement in the lead-up to the referendum. The foresight this Assembly showed in supporting the establishment of the Ministry for External Relations, in addition to setting up the Jersey London office, the Channel Islands Brussels office and the strengthening of our French office, have all proven their worth and will be of significant benefit in the months and years ahead. Jersey has worked hard to ensure the global reach of its financial services sector. Jersey facilitates the flow of considerable funds from around the world and these are, to a great extent, upstream to the U.K. However, the diversified nature of our finance and services industry means that we are not necessarily as affected by the U.K.'s decision to leave the E.U.

[11:45]

As Members will see, when the Medium Term Financial Plan is published later this week, it is even more important than ever that we pursue our jobs and growth agenda, focusing on strengthening and diversifying finance and business services, by continuing to increase links to markets in the Middle East, Africa, Asia and across the world. In the short term, other export sectors, such as tourism and fisheries, may even benefit from a relatively weaker pound. Developing the digital sector, which has so many exciting opportunities, becomes even more important. On Friday morning I spoke to Lord Foulkes to emphasise the importance of fully engaging Jersey in the forthcoming negotiations. The U.K. Prime Minister responded when he addressed the House of Commons yesterday, making clear that Jersey and the other Islands would be consulted. This comes about as a result of the close engagement between us and the U.K. Government in the months and years leading up to the referendum. We have sought to ensure that the position and interests of the Island are understood and we will seek to ensure they are protected. The report, published by the Minister for External Relations yesterday, outlines what the U.K.'s decision means for Jersey and how we will protect our interests. It sets out what the Government will seek to negotiate to replace Jersey's relationship with the E.U. The conclusion is clear: Jersey's interest will be best served by replicating the current arrangements under Jersey's Protocol 3 relationship with the E.U., in particular, tariff-free trade in goods. The U.K. remains our principal partner. Free trade in goods and services, the free movement of capital and the free movement of people between the Crown Dependencies and the U.K. will continue. The exact timing of any decision to trigger Article 50 is not yet known. The working assumption is that there is likely to be a period of at least 2 years before the U.K. leaves the E.U. During that time, there will be no change to the formal relationship between Jersey and the E.U., as set out in Protocol 3. This means that during this period the rights of Islanders to travel, study and work in the E.U., the rights of E.U. citizens to live and work in Jersey and the rights of Jersey businesses to trade with the E.U. will be unaffected. Jersey has always been a welcoming Island and, throughout the centuries, has received people from the United Kingdom and, historically, France. In recent decades a significant number of people

have come from Portugal, especially Madeira, and Poland, with whom in 2002 we signed an early agreement to allow Polish nationals to come to Jersey before they could work in the rest of the E.U., and increasingly, in recent years, from Romania. Jersey is a cosmopolitan community with many other nationalities too numerous to mention. These communities have helped build Jersey into the successful Island it is today; all have played their part and are valued and recognised, but we realise that last Friday's vote could be a concern for some. I would like to take this opportunity to send a strong message to these communities, to the longstanding French community, the Portuguese Madeiran community, our Polish and Romanian residents, and other communities from around the world: you are as valued and recognised today as you always were. **[Approbation]** Please do not be concerned; we want you to stay. Our message to the business community is that the Government of Jersey will continue to act clearly and decisively in the interests of Jersey. It is inevitable that the next few months will see significant change across the political landscape in the U.K. and maybe Europe too. We are prepared for that. The Island has always planned for the long term and, with our unique history of prudent financial management, the Island is today in a very strong position. Jersey has a track record of adapting to an ever-changing world. In times of uncertainty people want stability and, provided we remain confident in ourselves, there will always be new opportunities. I would particularly like to thank my colleagues, Senator Bailhache and Senator Ozouf who, together with our staff, have undertaken a huge amount of work on behalf of our Island, which means we find ourselves in the strong position we are today. We believe in times of turmoil we should unify, work hard and work together for all the people of Jersey. We are elected to serve. I am confident the Island can come through at least as strong in the future as it is in the present. **[Approbation]**

#### **The Bailiff:**

Following the Chief Minister's statement there are 15 minutes allocated for questions. Deputy Hilton?

#### **4.1.1 Deputy J.A. Hilton:**

The Chief Minister, in his statement to the Assembly, has said that he believes Jersey's interests would be best served by replicating the current arrangements under Jersey's Protocol 3 relationship within the E.U., particularly of tariff-free trade in goods. Can the Chief Minister also confirm that it is going to be the Council of Ministers' view that we should continue to operate an open-door policy with regard to free movement of people within the European Union?

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

That is, of course, a complex area. I am quite clear, and I have hopefully made it clear in my statement again, that those E.U. nationals who are currently here, contributing to our community, are an important part of our community and the economy; we want them to stay and we will argue strongly during the course of the negotiations that they should be allowed to stay. I have not heard any politician in the United Kingdom say anything other than they would expect to be able to stay in any new relationship that would be negotiated with the U.K. We have had a robust and strong debate this morning about whether our controls that we layer over the free movement of people in the common travel area are sufficient, whether they are working robustly or not. So, we are already in a different place from the United Kingdom when it comes to the free movement of people. The U.K. will, of course, during this negotiation, need to decide in its new relationship whether it is going to continue with the free movement of people or not, and what compromises it may need to make in relation to that. I have no reason to doubt anything other than the common travel area will continue to exist between Jersey and the United Kingdom.

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

Will the Chief Minister explain to Members what the loss of passporting rights into the European Union, caused by British Exit from the E.U., will have on the Jersey financial services industry?

**Senator I.J. Gorst:**

The Deputy is making an assumption in his question and that assumption, so far, has no grounds for what the reality will be. We must remember, and be careful to remember, that what happened on Thursday was that the United Kingdom electorate decided that they wished to have a new relationship with Europe. That will now take many months and years to negotiate. The ability to passport services into the European Union will be one of those areas that form part of that negotiation, or divorce settlement, or trade, right across Europe. We, of course, as the Deputy already knows, have been approved by E.S.M.A. (European Securities and Markets Authority) with regard to A.I.F.M.D. (Alternative Investment Fund Managers Directive), and that process needs to be finalised. I see no reason why that should not be finalised during the course of the next number of months.

**Deputy M.R. Higgins:**

A supplementary, Sir?

**The Bailiff:**

No, I am sorry, Deputy. I will come back to you if possible but there are 7 Members yet wanting to ask ...

**4.1.3 Deputy G.P. Southern:**

This continues from the previous question. Is it not the case that since the U.K., and in particular the City of London, remains our principal partner the fact is that, whether or not the previous questioner made an assumption, that assumption introduces uncertainty into our position? Is that, in the Chief Minister's opinion, not going to inevitably hurt our trade, particularly with the City, which may not be passported within 2 years?

**Senator I.J. Gorst:**

We have to be careful not to make assumptions or set hares running, but we all know in this Assembly that the reason that institutions decide to set up operations in London are different from the reasons that institutions would decide to set up operations in Jersey, because we are not in the E.U. and the U.K. is currently in the E.U. Protocol 3 does not cover those areas, so we are treated already as third-country status and we already have to show ourselves in many areas as having equivalence in order to trade with the E.U. That status was the same before the referendum, it is the same today and it will be the same after the renegotiation has taken place.

**4.1.4 The Deputy of St. John:**

From what we are all seeing of political breakdown in the U.K., what confidence or reassurance can he give that this Government is listening and putting into action the needs and aspirations of our population? How does he envisage us all working together for the good of the people?

**Senator I.J. Gorst:**

I thank the Deputy for that question because, as I said in my statement, we are seeing turmoil politically in the United Kingdom and this, of course, was to be expected. We have a broad number of relationships right across the United Kingdom Government; only last night Senators Ozouf and Bailhache were in the Houses of Parliament, meeting M.P.s (Members of Parliament) and peers, and we will continue to build in that regard. We have good relationships with those who were supporting the "Remain" camp in Government and good relationships with those who were "Brexiters" in Government. That is not by accident; that is through a lot of hard work, through a

lot of engagement in London, through inviting distinguished guests over to Jersey. We are going to have to do that even more so in the future than we have in the past. But we must come together as a community. There will be decisions that we need to make during the course of these negotiations, we have already been out and consulted with interested parties right across the economy about what we should be asking for and seeking and maintaining in these negotiations, and that is the replication of Protocol 3, as I said in my statement. It is going to take a lot of effort, on behalf of a lot of people, but, because of our strong position, I think we can be confident about weathering the uncertainty around us well.

#### **4.1.5 Deputy S.Y. Mézec:**

In response to what happened in the U.K. last week, could the Chief Minister confirm that it is the position of his Government not to seek to turn Jersey into an independent sovereign state?

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

The Government has been quite clear for many years about its position in this regard and that is, while we have said we are seeking no change to our relationship with the European Union, and that is what we will aim to maintain throughout this negotiation, we likewise are seeking no change to our relationship with the British Crown. I take the view that that relationship has served us well, formalised over 800 years ago, and I see no reason that it should not continue to serve us well into the future.

#### **4.1.6 Deputy R. Labey:**

Boris Johnson's much-favoured Australian points system for immigration could, of course, now become a reality. I wonder what the Chief Minister's assessment is of it and, if it is favourable, whether we could crack on with it and not just have to wait to follow Boris?

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

Of course, we are connected to the United Kingdom through the common travel area. We already layer on controls about housing and employment, as we have been talking about this morning. The U.K. may decide, ultimately, to have a points system, they may decide to have a system similar to ours; we do not know that yet, but during this negotiation the free movement of people, I suspect, will be one of those issues which is high on the agenda and part of the negotiation.

[12:00]

But I am equally sure that it is one of the 4 fundamental pillars of the European Union and anyone wishing to renegotiate a relationship with the E.U. will have to consider the compromises that they might make if they wish to no longer be part of the free movement of people.

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

If it is Jersey's intention to negotiate a Protocol 3 version 2 as we have heard where U.K. and E.U. nationals will retain exactly the same rights as they enjoy now to live and work here and abroad, what plans are there in these negotiations to give Jersey people those same rights, or are we going to continue to be discriminated against? Who knows if our stamp will be more rigorously adhered to, given last week's result?

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

We cannot second-guess, ultimately, what the negotiation will resolve when it comes to the free movement of people. If we took the current situation that some have spoken about, that they no longer wish to be part of the free movement of people that, in effect, would mean every British citizen had a stamp in their passport, as some in our community do. I am not sure that there are many British politicians that would want that to be the eventual outcome, so we will need to liaise



closely with the U.K., but the Deputy makes a good point that, as part of that negotiation, the issue of a stamp in the passport will be in the mix.

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

Can I first of all thank the Chief Minister for taking the time to mention the contribution that the foreign nationals make in our community and sending a message of solidarity? I think that is shared across all benches in this Assembly. **[Approbation]** Does the Minister agree that it is fair to say that when Protocol 3 was initially negotiated, we were in a stronger position and now, arguably, the U.K., in particular, is in a weaker position arguing on our behalf for the replication of Protocol 3? On that basis, will we be relying solely on the U.K. for the terms of any exit and the implications for Jersey, or will we be making our own representations directly to the E.U., separate from the U.K.?

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

Firstly, I would disagree with the Deputy in saying that we are in a weak position. We in Jersey are, I believe, in a much stronger position. We have built strong, positive relationships, not only with the British Government, but also at the heart of Europe and with our closest neighbour as well. He is right, however, to say that the number of member states in the E.U. is far greater and, therefore, the United Kingdom Government will have to negotiate with 27 member states to get agreement, rather than - my history is just failing me - I am not sure if it was 6 or 7 at the time when the United Kingdom went in. It was 6 and they made it 7, that is correct. So, simple maths says that it was easier to get agreement with 6 than it is with 27 but, as far as Jersey's case is concerned, I think we are in a stronger position.

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

Can I follow up on the last point? Is it the case whether Jersey will be seeking to make its own negotiations directly with the E.U., or do we simply have to rely on the U.K. to do that on our behalf?

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

The position is, as I have made clear, and hopefully made clear in interviews and engagement on Friday, that it is the United Kingdom Government that does the negotiations. But we heard the Prime Minister say yesterday that he had said previously on Friday that all parts of the United Kingdom would be involved in those negotiations and in liaising with the U.K. Government and he clarified again yesterday that that would include the Crown Dependencies.

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

It is good to hear this message of reassurance and solidarity from the Chief Minister to the many communities that live within the Island. My question to the Chief Minister is: how will it be relayed directly to those communities? Is it going to be translated into their own languages and passed on to them so that more people are able to share and understand it?

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

Senator Bailhache is writing to the honorary consuls of those E.U. nationals living here that might be concerned and that will be relayed to those people groups. I have got to say that over the last number of days, and only this morning when I was entering this place, it is not just E.U. nationals who are concerned about the effect of the U.K.'s vote; it is a number of people right across our community and they are concerned because they are reading all sorts of things in the media and watching the television. My message to them needs to be just as clear: they do not need to be concerned. We are surrounded by uncertainty in the U.K. and in Europe. We are, however, in a strong position. The majority of our trading relationship with Europe is outside of Protocol 3 and

that will be maintained. We will have difficult decisions to make during the course of the next 2 years, but we are absolutely committed to working together right across our community with States Members in making the right decisions for the benefit of our Island into the future. They have our absolute assurance that we will do that and my message to them, therefore, is please do not be concerned.

## **QUESTIONS - resumption**

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

#### **The Bailiff:**

That brings questions to the Chief Minister on his statement to an end. We now come to questions to Ministers without notice. The first question period is for the Minister for Home Affairs. Deputy Hilton.

#### **5.1 Deputy J.A. Hilton:**

What action, if any, are the police taking in the wake of the *Jersey Evening Post* investigation into child sexual exploitation in Jersey?

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

The police, I am aware, are undertaking an investigation, as one would expect, following the reports that were made to them by that publication. But child sexual exploitation is of great concern, not only to the States of Jersey Police, but also to Home Affairs, as a department, and the community at large. There is a great deal of work being done to ensure that children are well educated in the use of the internet and to ensure that they understand how to keep themselves safe when communicating with their friends.

#### **5.1.1 Deputy J.A. Hilton:**

A supplementary? The Minister has just told Members that a lot is being done to educate children but specifically since this issue has broken, has she any additional plans to put into place, maybe in conjunction with the Minister for Education, to really get this point home to children about how much at risk they are with regard to the internet?

#### **The Deputy of St. Peter:**

I am satisfied with the amount of work that is being done in this area and I am also satisfied that the correct laws are in place. I would like to take this opportunity to remind Members that, although it was not clear in the publication over the weekend, such an offence is illegal in Jersey under the existing legislation of the Sexual Offences (Jersey) Law 2007.

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

Will the Minister publish the response of the former Chief of the States of Jersey Police, Graham Power, to the *Wiltshire Report*? In the past, we were told it would be published and the reason I ask for this report to be published is the fact that Senator Le Marquand, when he was the Minister for Home Affairs, although it was F.O.I. (Freedom of Information) exempt, published the evidence against the former Chief of Police and which is on the website. So, in other words, the accusations brought by the Wiltshire Police have been published, but he has not published Mr. Power's response. As Mr. Power did not have a disciplinary hearing, it is grossly unfair and a denial of natural justice that one report should be online and the other is not. Will the Minister agree to producing this? One further point, it has been published on the Care Inquiry's website, suitably redacted, and there is no reason why the Minister cannot publish it on the States of Jersey website.

**The Deputy of St. Peter:**

This issue relates to a period of time prior to my taking on this position and, therefore, I do not feel in a position to answer that question right at this very minute. I will undertake to understand the points that the Deputy has raised and to consider them, but I would not like to be drawn either way at this point.

**5.2.1 Deputy M.R. Higgins:**

Can I ask the Minister if she will come back to me before we have to submit questions for the next sitting because I will be asking the question again?

**The Deputy of St. Peter:**

Thank you for that advance notice.

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

Can the Minister, in her capacity as head of the 1,001 Days initiative, comment on the recommendations released last week, I think, by the Breastfeeding Working Group, that invites employers to put in place a written policy to support breastfeeding mothers in their return to work?

**The Deputy of St. Peter:**

This is a very important day for breastfeeding campaign, as I am pleased to remind Members that today is the Big Latch, which has been going on all morning, I think, at a location in St. Lawrence. I am told that it has been well attended and it is a very important occasion. The breastfeeding initiative is a very important part of the 1,001 Days initiative and it is a part of our 20-point action plan that the Early Years taskforce will be undertaking. It does so for many reasons, not only the increased ability in improving the immune system for children to ensure that they avoid preventable diseases. So, more will be revealed later this week when we publish the M.T.F.P., but I can reassure the Deputy that we take this initiative very seriously.

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

Can the Minister confirm that no such policy exists for States employees at this time? Does she agree that now is the time for the States of Jersey to lead the way on this as an employer?

**The Deputy of St. Peter:**

I would wholeheartedly agree with that, yes. There is not currently a policy in place that I am aware of and we should be leading from the front and doing all that we can to encourage breastfeeding and family-friendly initiatives within our own organisation.

**5.4 Deputy A.D. Lewis:**

With the changes that may occur with regard to U.K. immigration procedures, due to Brexit, is Jersey's Customs and Immigration Service sufficiently prepared and resourced to deal with any changes that may occur? Thank you.

**The Deputy of St. Peter:**

We are very mindful that now, following the Brexit announcement, things may change in terms of immigration but, as the Chief Minister explained earlier on, this will take place over a 2-year period once the Article 50 has been triggered. So, that will provide us with sufficient time to ensure that, if there are any changes needed, then we will be able to make the necessary arrangements.

**5.5 Deputy G.P. Southern:**

Despite having the lowest number of police officers per head of population of any of our neighbours, what steps does the Minister have in her plans for 2016 to 2019 to reduce the active police force on the beat?

**The Deputy of St. Peter:**

I cannot confirm that just at this moment because, as we are all aware, the M.T.F.P. will be published in 2 days' time and I cannot pre-empt that publication. However, I can say that some of the main themes from Home Affairs in the M.T.F.P. process are innovation and collaboration and driving further efficiencies in our organisations. I am very happy and confident that the proposals we will be bringing to the Assembly for their consideration in the next 2 days will be met in a positive way.

**5.5.1 Deputy G.P. Southern:**

Will the Minister at least confirm that up to 4 community officer posts will go in her proposal?

**The Deputy of St. Peter:**

As I said earlier, we have not yet published the M.T.F.P. and I do not think it is appropriate to enter into discussions relating to the detail that may or may not be within it.

**5.6 Deputy A.D. Lewis:**

Following on from that last question: is the Minister able to say whether there are any plans to merge the police service with the customs and immigration services, i.e., to have one policing service controlling borders and the rest of crime and policing activities within the Island?

[12:15]

**The Deputy of St. Peter:**

As I said previously, innovation and collaboration are key themes in our response to the M.T.F.P. and the plans that we have put forward to deal with the challenges that are necessary for the Island. Yet, I will not be drawn, as yet, on those details; however, I look forward to debating them in detail with the Deputy and my other colleagues as time progresses.

**5.7 Deputy M.R. Higgins:**

As the Minister knows, I have asked her numerous questions about the external police investigation into the Roy Boschat allegations, which I now know are concerned with the perversion of the course of justice. Would the Minister publicise what the terms are, of why they are reviewing it, because I am aware of people who would also like to give evidence to the police service in Northern Ireland regarding the very issues that are being investigated at the present time?

**The Deputy of St. Peter:**

This is a very particular investigation answering a certain question and it is not in my hands to do what the Deputy is asking, because it has now been placed in the hands of another authority and I would not be prepared to intervene.

**5.7.1 Deputy M.R. Higgins:**

With respect, Minister, is it not the case that if there is other information that substantiates the allegation, similar fact evidence that would show wrongdoing, should that information not be given to the police service in Northern Ireland and investigated? So will the Minister speak with me afterwards, give me the names of the police officers and I will pass on these details to those police officers?

**The Deputy of St. Peter:**

I do understand the point and I think I will request through the appropriate channels that that information is passed on. I would be happy to discuss that with the Deputy.

**5.8 Deputy J.A. Hilton:**

Does the Minister agree with me that, on the one hand, States of Jersey are promoting breastfeeding under the 1,001 Days initiative, which is something to be applauded, but on the other hand our legislation only allows 2 weeks' paid maternity leave, which does not make it very easy for new mums to be able to carry out breastfeeding successfully?

**The Deputy of St. Peter:**

As I stated in my previous answer, there is going to be some work done in relation to breastfeeding initiatives and family-friendly policies and looking at how best we can incorporate this into Island life, but it is not just being at home. This can also be done in the workplace, by offering breastfeeding-friendly rooms where people can go and either express milk or receive their infants and conduct breastfeeding during their working day. There are many different ways of looking at this and we are going to be doing so.

**5.9 Deputy G.P. Southern:**

What collaboration or innovation does the Minister have in mind to replace the lost-and-found service, traditionally run by the police, when she cuts it?

**The Deputy of St. Peter:**

Once again, I will remind the Deputy that the M.T.F.P. is yet to be published and, therefore, I am not going to enter into any discussions in this forum in relation to the details.

**5.10 The Deputy of Grouville:**

Has the Minister been consulted about the possible introduction of Sea Fisheries' bag limits and the increased manpower that will be required if implemented?

**The Deputy of St. Peter:**

I am not aware of any impact on our organisation.

**5.11 Deputy A.D. Lewis:**

I just wonder if the Minister is able, at this time, to give any indication as to what her future plans are for the site where the fire station is currently located next to Rouge Bouillon School and whether she has any plans to discuss the future of the Fire Services location and would that be included in the M.T.F.P., or is she planning to bring forward some thoughts on that any time soon?

**The Deputy of St. Peter:**

The future of that location, I think, has been under discussion for some time. It is not a matter directly for myself as it is Jersey Property Holdings who are to conduct reviews of States-owned property and their future use. Once the police move to their new police headquarters at Green Street, there will obviously be some extra space at this location at Rouge Bouillon, and I look forward to visiting with Jersey Property Holdings in the near future so that myself and the Assistant Minister can discuss with them the plans that they might have for the site.

**5.12 Deputy M. Tadier:**

I noticed the signage is going up on the new police station. Can the Minister perhaps confirm today whether the new signage will include some Jërriais on there, so that we can have bilingual signs on our new institutions when they open?

**The Deputy of St. Peter:**

Sadly, I do not think that is something that was considered, but I do take that point on board and as today we are all celebrating our traditional language and learning more about that in a briefing at lunchtime, I will feed that back to the project manager and see what we can do.

## **6. Questions to Ministers without notice - The Chief Minister**

### **The Bailiff:**

No further questions for the Minister for Home Affairs? We turn to questions for the Chief Minister. Deputy Higgins.

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

In his statement, the Chief Minister mentioned about how strong the Jersey economy is and so on. Falling share prices, as a result of the announcement of the referendum, has had an impact on the States investment portfolio, can he give us any indications of how that has been affected? Can he also tell Members what extra provision he has put into the Medium Term Financial Plan to cover the uncertainty and possible loss of income that he is going to receive over the next 2 years?

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

I wonder if that is the same Deputy Higgins that was criticising me and chastising me for seeing economic growth and inward migration increasing, hoping to address some of the very concerns that he is now asking me about and saying I should be concerned about. He knows that the stock market performance over the first quarter of this year was not as great as some might have expected. Of course, stock market performance has implications for the Strategic Reserve investments, but that is a long-term investment fund. We do not panic every time there is a quarter where the results are not quite as good as the previous quarter. No, we make sure that we have got expert advice about the asset classes that we put the money into and we look for the long-term growth of that fund, so of course there is going to be volatility. We have seen volatility over the last few days. I have not, just over the last number of minutes, looked at the value of the pound or the F.T.S.E. (Financial Times Stock Exchange), which of course is international indices anyway; we have seen volatility. But we also saw, at the end of yesterday, some of that a little bit more calm there. Of course that volatility will affect investments; it would be silly for me to say anything otherwise, but it is important that we take the long-term view.

### **6.2 The Connétable of St. Saviour:**

As it is Jèrriais Week and I am not allowed to ask the questions in our native language, could the Chief Minister say what importance he holds towards our language and what assistance does he have to give, because we need it to preserve our language?

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

*Merci, Madame Connétable.*

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

No, it is *merci, belle femme*. [Laughter]

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

There, you see, I was the wrong person to ask the question, and I do sometimes find it difficult to do so. But I do find it a personal disappointment that for any number of reasons, my Sunday afternoons after lunch I used to spend enjoying listening to the 2 grans and my in-laws conversing in Jèrriais and that is a rarer occurrence now than it was those years ago. I think we should all feel that that is a sadness that if there are things we can do about we should do so. But I am ably

supported by Assistant Minister Ozouf, who is fluent in many languages, and he is starting a digital project with regard to trying to record Jèrriais speakers, so it can be kept into the future and, I think, that that is important and he will be doing that work together with the Société. I am, like other Members, looking forward to lunchtime, going to a presentation from Dr. Jackson, who is from Cambridge University, and she goes around the world talking about our native language and promoting Jèrriais. It is an important part of our heritage, it is an important part of our culture and I am looking forward to listening to that presentation today. I understand that they might be presenting the idea of a language plan. Of course, finances, we have got to apply them carefully, we accept that, but it sounds to me as though a language plan might be a way forward, together with the digital approach that Senator Ozouf will be spearheading. It is important, we should not let it die, because it is a part of who we are.

### **6.3 The Connétable of Grouville:**

Since 2001 our population has increased by more than 12 per cent and our G.V.A. figure has fallen 20 per cent. How can the Chief Minister claim that increasing the population is solving our economic problems?

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

Because the Connétable knows that there is not a straightforward correlation to the overall size of the economy, which a G.V.A. figure is, because of the skewing effect of some of the sections of financial services. We have got to look at the underlying growth figures and we saw that in 2014 the economy grew by 4 per cent after a number of years of flatlining. We should be pleased that the economy is going back to growth, because of all the other issues that we have been discussing this morning.

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

Following up on the Chief Minister's reply to the last question, does he not acknowledge that the Fiscal Policy Panel have said that, yes, we had 4 per cent growth last year but they expect the Jersey economy to go back to its long-term norm, which is zero per cent growth? Does the Chief Minister not recognise the fact that he can talk about growth and the effect of immigration and so on, but our advisers are telling us that we can expect no sustained long-term economic growth?

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

This is why we have to be careful about what we say, because the F.P.P. are saying, yes, there will be economic challenges in the years going forward from 2018 and 2019 but, sure as anything, fewer people here, fewer people in work are only going to increase those challenges and not mitigate them, so let us just be clear about that. That is why, in the M.T.F.P., we are balancing our books. It is why we are reprioritising spend so that we are not putting too much of a burden on the economy. It is why we are focusing on getting people into work, it is why we are creating the Economic Growth and Enterprise Fund and it is why I gave Senator Ozouf the responsibility for bringing financial services, digital innovation and competition together, because they are absolutely fundamentally important to our future economic wellbeing. That is important, because it provides the income to provide these social services that we need. There are challenges, but we are well placed to meet them and we are making decisions in light of them, so that we can see growth into the future.

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

At lunchtime during the presentation on Jèrriais, will the Chief Minister seek to find out what the translation is for "prioritising investment in health, education, economic growth and the Island's infrastructure while balancing the budgets by 2019" and perhaps include that on all of his emails

that he sends out and also at the same time find out what Jèrriais is for “user pays and did not mention it in my manifesto in 2014”? **[Laughter]**

**Senator I.J. Gorst:**

I fear that that was a question where the questioner might already know the answer.

**6.6 Deputy R. Labey:**

I have been listening to the answers given by the Chief Minister and his Assistant this morning with interest, but also confusion. They talk about a major population debate later this year but we had a major population debate 2 years ago.

[12:30]

It was called “the election” and the 1,500 figure was never advanced during that. I wonder if a fair summary of our position is this: that we are sticking with the status quo, because we have no other plans, which means growing the economy, which means ever-higher population figures. We are talking to the U.K. but they are in a shambles, we will get what we are given from them, and the public of Jersey will get what it is given from us. I am not repeating that one. **[Laughter]**

**The Bailiff:**

I was not sure whether that was a question.

**Senator I.J. Gorst:**

No, it was not.

**Deputy R. Labey:**

I asked if that was a fair summary of the Government’s position.

**The Bailiff:**

Was that a fair summary, Chief Minister?

**Senator I.J. Gorst:**

Absolutely not. **[Laughter]** The Deputy knows, from his experience elsewhere, that businesses need employees and they are not able to take all their employees from people who are already here. Would he rather we said to all of the businesses - we are already saying no to half of them - would he rather we said no and we cause those businesses to go into decline and cease to trade, thus affecting those local employees who have jobs there? Is that what he is proposing? I do not believe for a minute he is. What he is really proposing, and I think what he supports, is a balanced, proper discussion about these issues and that is what we are proposing in the long-term plan and providing the long-term vision.

**6.7 Deputy A.D. Lewis:**

I just wonder if the Chief Minister is able to supply information regarding the numbers of applicants for licences that have been turned down. He says 50 per cent. Does he know exactly how many have been turned down and is it possible for him to report more accurately as to the reasons, perhaps, why they have been turned down so we can get an understanding fully as to why certain licences are being refused? Because there are still plenty of people out there that have businesses, particularly small businesses, that cannot find the staff that they want in our current economy, yet we still cry about population growth and concerns about numbers of working people. Can the Minister publish any information that gives the public more understanding of the situation?

**Senator I.J. Gorst:**



That would be included in the information that I have asked Senator Routier to arrange to be published: total applications granted and refused. Of course, it would not give colour to the individual businesses, because that would not be appropriate. But the Deputy is absolutely right, there are businesses right now struggling and having to make difficult decisions because we are saying no to licences for them. So, before Members pop up and criticise Senator Routier and his colleagues, remember their decisions affect real people's real lives and their livelihoods.

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

Following on from that, would it not simply be more honest to get rid of the 325 figure? Clearly, there is no intention, or even necessarily any ability on behalf of Government, to restrict that figure to 325. Surely the Minister should come back in short order, abolish that figure and say: "We will just let the market decide, depending on how many applications they want and we will judge them each on their individual merit."

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

The Deputy, I think he is enjoying himself this morning. He knows, of course, that letting the market decide would mean that they would not say no to any applications. They would just simply let people in without any control whatsoever. That is not the right approach either. The right approach is to carefully balance the requests with the supply of people and also while balancing access to housing, and that is what Ministers are doing.

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

The first part of the question was, of course, should we not just abolish the 325? We are clearly not meeting that; it does not look like we are going to meet that any time soon, so would the Minister come back to the Assembly with a revised policy, including a new figure or the absence of a figure?

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

As I have said on a number of occasions this morning, as has Senator Routier, we are in the process of engaging the public and delivering a long-term plan. That is the right mechanism for coming forward for a decision in this place again.

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

Does the Chief Minister expect Jersey's double A rating to be downgraded in light of the U.K.'s treble A rating being downgraded by the rating authorities?

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

As I have said, we are surrounded by uncertainty in the U.K. and across Europe. We know that the last time that the rating agency came to Jersey they put a negative outlook on the bond because of issues relating to Brexit. We expect them to undertake a review and decide accordingly in due course.

#### **6.11 Deputy J.A. Hilton:**

In a previous answer to a question I asked about G.V.A. and the substantial decrease in G.V.A. from 1998 to 2014, the Chief Minister, in his answer to me, mentioned something about net interest income which skewed the figures. My understanding is that the accuracy and relevance of G.V.A. is in no way degraded by the fall in interest income. Does the Chief Minister agree with me?

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

G.V.A. is a calculation of total value in the economy, so if you are creating less value because of interest income and you have got smaller profits because of interest income, then that would affect the global G.V.A. figure.

**6.11.1 Deputy J.A. Hilton:**

A supplementary? Does the Chief Minister agree with me that G.V.A. in real terms has fallen in the last decade while there has been a subsequent increase in population by several thousand, which must lead us to the conclusion that each full-time employee is contributing less to our economy?

**Senator I.J. Gorst:**

I do not want to get into an economics argument across the Assembly this morning but, of course, during the economic downturn we have seen with regard to financial services, banks operating in a different way and they are going to continue to operate in a different way. That affects the global G.V.A. number. But ...

**The Bailiff:**

Thank you, Chief Minister, that brings question time to an end. There is nothing under J and nothing further that I can give notice ...

**Senator I.J. Gorst:**

Sorry, I slightly misspoke during one of my answers to the Assembly. Of course, Senator Ozouf is leading on the digital area of Jèrriais, but the person who is ably leading culture in Jèrriais directly is Deputy Norton, and I thank him for that.

**Deputy M.R. Higgins:**

Before we start Public Business, can I just advise the House that my proposition P.55 which is scheduled to be discussed in this sitting I am putting back to 12<sup>th</sup> July as I intend amending it? Thank you.

**The Bailiff:**

P.55 amending bankruptcy provisions? Thank you. The Assembly will note that P.55 has been deferred. As I was saying, there is nothing under J or K. Now, Deputy Andrew Lewis, I understood you wanted to say something in relation to Deputy Wickenden?

**Deputy A.D. Lewis:**

Yes, if I may. Under item F I meant to say something earlier on, but the agenda moved swiftly on. It was really just to say a big thank you to Deputy Wickenden on behalf of myself and my committee, the Public Accounts Committee, for his sterling work on our committee for the last 2 years. Also to say to Members, anybody that wishes to express any interest in joining our committee, that is, the Public Accounts Committee, to contact me as soon as they can. If they just wish to find out more about the role, just simply contact either myself or any of the other members on P.A.C. (Public Accounts Committee) and we would be delighted to tell you about the exciting work that P.A.C. does bringing the Government to account on its spending. I assure you, the word "Accounts" in it does not make it dull in the least. We have some very interesting topics under scrutiny at the moment and if anybody would like to join us to continue with that work, please let me know. Thank you.

**The Bailiff:**

Thank you.

**LUNCHEON ADJOURNMENT PROPOSED**

**Senator P.F. Routier:**

May I propose the adjournment and remind Members there is a briefing at the Société which would be very interesting?

**The Bailiff:**

The adjournment is proposed and the States now stand adjourned until 2.15 p.m.

[12:39]

**LUNCHEON ADJOURNMENT**

[14:17]

**PUBLIC BUSINESS**

**7. Draft Dormant Bank Accounts (Jersey) Law 201- (P.25/2016)**

**The Bailiff:**

Right. The States now resume with Public Business and the first item on the agenda is the Draft Dormant Bank Accounts (Jersey) Law P.25/2016. The principles were adopted in April this year. The matter was called in by the Economic Affairs Scrutiny Panel, which has reported, and I note that an amendment has been lodged. Assistant Chief Minister, how do you wish to deal with this?

**7.1 Senator P.F.C. Ozouf (Assistant Chief Minister - rapporteur):**

Obviously, the principles having been adopted, I would like to take it in 3 parts, but perhaps in addressing the first part, Articles 1 to 19, make some sort of observations about the process by which the amendment has been made and the discussion with Scrutiny, if that is appropriate.

**The Bailiff:**

So you wish to take Articles 1 to 19 first?

**Senator P.F.C. Ozouf:**

Yes, please.

**The Bailiff:**

Well, do you propose Articles 1 to 19?

**Senator P.F.C. Ozouf:**

As I said, the principles were adopted over 2 months ago. So the arguments have been rehearsed. The law was called in for scrutiny and I have to say that while the amendment only relates to Article 20 I should say that the way in which the Scrutiny Panel has worked, I wish to recognise and recommend because it is not only the Article 20, it is in fact the whole law. If I may say, I was disappointed just out of the way of timing for the importance of this issue, but the way the Scrutiny Panel, I think, has been an exemplar way of looking at legislation, having a proper discussion, consulting it and then improving it and I am delighted. No doubt, the chairman will speak at the appropriate time, but the amendment has been accepted and the panel have made some useful observations and I have been given an appropriate roasting on various different things which is how it should be. There has been a huge amount of background into the law. I will just simply deal with Articles 1 to 19. Articles 1 to 6, are definitions. I will draw attention to any definitions that Members may want in asking me. Article 6 enables the definitions to be amended by regulation, which is a perfectly normal issue. Article 7 provides procedural requirements for the transfer of dormant accounts to the Reclaim Fund and it means the banks will have 3 months from 1st July to notify customers that their account is going to be transferred to the Reclaim Fund, unless they contact the bank and also note the Chief Minister of the number and balance of prospective dormant accounts. Customers then have a minimum of 2 months until 30th November to notify the

bank the account is not dormant. Article 7 then gives the right to ... by the end of the year the bank must then transfer to the Reclaim Fund amounts which are in the dormant accounts. I should say that transfers are optional for precious metals and precious stones, because they have a greater risk of market fluctuations and, indeed, we have had a discussion about precious metals. Article 8 provides that they can be sold at a reasonable market value and their conversion into the Jersey pound sterling of foreign currencies can also be made if they are held in transfers of ... alternative currencies can be also transferred and held to the Reserve Fund. Article 9 removes any right the holder of a dormant account had against the bank and where it was held but instead, importantly, it gives the rights against the Chief Minister in respect of the fund. Payment back regarding foreign monies and precious metals and stones, if the account holder claims back their account are, however, in pounds sterling. Because there are difficulties in establishing the rate of interest in respect of historic accounts, the Chief Minister may, by order, publish a rate of interest, which is appropriate at the time that applies to dormant accounts from their transfer. Article 10 sets out responsibilities and duties of the Chief Minister in concern with making payments. Article 11, the duties of the bank in relation to the funds. Article 12 requires the Chief Minister to give annual statements of the amounts that have been paid from the account holders from the fund. Article 13 enables the bank to reclaim or recover 4 times a year from the fund an amount equal to that paid out. Article 14 provides the bank to deduct account holder's expenses incurred and Article 15 deals with the sale or insolvency of a bank. It provides that a person who takes over the bank has also duties of this bank. *In extremis*, the Minister may take on the bank's functions himself. Article 16 preserves an account holder's rights in respect of any balances transferred. Article 17 provides for the Chief Minister to have records and then ... in fact I am going, if I may, just stop at 17, because that is a natural break and propose Articles 1 to 17.

#### **The Bailiff:**

Are Articles 1 to 17 seconded? **[Seconded]** Does any Member wish to speak on Articles 1 to 17? All those in favour of adopting ... sorry, Connétable of St. John.

#### **7.1.1 The Connétable of St. John:**

I hope this is the right time to speak, because I have serious concerns about Article 9: that the money can be used for the commissioner, charitable purposes, and registered charity. If one looks at what Guernsey had, they estimated there was approximately £300,000 that would be collected. Now, if Jersey is a little bit bigger and we collected £370,000, what we would be doing is clearing out these accounts, purely and solely, to pay the Charities Commissioner and I think it is totally, utterly and completely wrong that the money be taken to just simply pay a Charity Commissioner and no money going to the charities themselves. We should remember that this is a Charities Commissioner not a charity for a commissioner. I would ask that Article 9 is taken separately, so that that can be voted out.

#### **7.1.2 Senator P.F. Routier:**

After the last speaker I would just like to urge Members to consider the previous speech because the need for a Charities Commissioner, and finding the funding for it, has been an exceptionally difficult process. I would urge Members to reconsider what has been said, because I believe that having a Charities Commissioner is vitally important for our community generally and for the charities themselves. The charities, themselves, are crying out for a commissioner to be put in place. They need the structure, which will come from having a commissioner, and the whole of our community, I believe, will be in a far better place being able to have this support of a Charities Commissioner. I take the point that the speaker has made that he felt that, perhaps, the value is out of proportion, perhaps, but I do not believe that to be the case. I think, perhaps, the proposer of the Articles may be able to give some reassurance that that proportion is not in the way it has been

described by the previous speaker but, certainly, I urge Members to support the funds being made available for a Charities Commissioner because it is desperately needed.

**7.1.3 Deputy S.M. Brée of St. Clement:**

Perhaps you can clarify something for me, but looking at Article 9, it relates to no further right against bank after transfer of balance to fund. Clause 9 of Article 20 relates to the Charities Commissioner and I would just hope that we cannot get ourselves too confused because, obviously, the Economic Affairs Scrutiny Panel looked at this in quite a lot of depth and I just would hope Members would not get confused behind what an Article is and what a clause in an Article is. Perhaps you can just clarify the situation? Thank you.

**The Bailiff:**

Connétable, it is right, is it, that you really wish to address your remarks to the amendment and the provisions of Article 20, paragraph 9?

**The Connétable of St. John:**

That is correct. I stand corrected. I saw “9” and on reading it, it is Article 20, paragraph 9, thank you.

**The Bailiff:**

That would seem to be right. So you no longer wish to maintain taking Article 9 separately? Does any other Member wish to speak?

**7.1.4 Senator Z.A. Cameron:**

I just have some concern, because my understanding of the situation in Switzerland is that details of dormant bank accounts are published after 10 years and they are not touched for at least another 60 and there continues to be pay-outs to claimants from the holocaust era to this day. How would Jersey cope with a possible similar situation, if our banks were subject to claims from war-torn countries in the future?

**The Bailiff:**

Does any other Member wish to speak? Then I call on the Assistant Chief Minister to reply.

**7.1.5 Senator P.F.C. Ozouf:**

I am not familiar, I have to say, with the Swiss dormant account provisions. What I do know is that we have, basically, very much based our own proposal, as I said, in the speech - I do not know whether Senator Cameron recalls that or whether she perhaps was not here, I am not sure - I articulated and explained the background of why we have effectively got this structure of a law, which is, to a great extent, based upon the very successful English U.K. model, which has also been adopted, as I understand it, from a number of other commonwealth jurisdictions, English speaking jurisdictions. I would say to the Senator that I know a little bit about the Swiss banking industry and it really has almost no relevance, I think, to Jersey. We have never had banking secrecy. We have never had anything like the kind of problematic issues where people simply could go completely anonymously in order to deposit funds. As explained, when I made the speech on the principles, it is very difficult to know how much money we are going to find, but effectively there will not, I imagine, be anything like the sort of issues which the Senator raises in relation to a completely separate matter which relates to, of course, the tragic events around the holocaust and the suggestions of deposits made in the periods before and during the Second World War.

[14:30]

That has no relevance, I am afraid, to anything to do with this law. This law has been based on best practice and, of course, the link to the U.K. is because our system is very closely linked and intertwined with that of the U.K. and to have anything different from effectively ... while we have a wide range of international banks in Jersey they are often linked very strongly with their U.K. subsidiaries. So a global bank may well be, a ... for example, Deutsche Bank or another bank, UBS Bank, those links will often be with their London subsidiary, not necessarily back there. So I stand by the arguments that said that it should be very much based on the established U.K. system for ease of administration and understanding with the ... and I would also point out that this has been substantially debated with the Jersey Bankers' Association. I would say that the other relevant point is, is at the very time when we proposed this, when the idea was we were concerned about the fact that because of the absence of a dormant account scheme in Jersey there was a risk that, for example, banks that were withdrawing or, for example, had a U.K. parent or U.K. subsidiary, would simply transfer the money if they closed, for whatever reason, the subsidiary here would simply then swoop up all that money and it would be basically transferred back to the U.K. Now, that is not what we wanted. We are a self-governing jurisdiction in that respect and so we need our own law and this is a good law based upon good precedent and I maintain the Articles 1 to 17.

**The Bailiff:**

All Members in favour of adopting of Articles 1 to 17 kindly show. **[Interruption]** The appel is called for. I invite Members to return to their seats. The vote is on Articles 1 to 17 of the Draft Dormant Bank Accounts (Jersey) Law and I ask the Greffier to open the voting.

<b>POUR: 37</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Senator Z.A. Cameron		
Senator P.F.C. Ozouf				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				

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

**The Bailiff:**

Assistant Chief Minister, do you wish to propose part 3 and do you wish to propose Article 20 as amended?

**7.2 Senator P.F.C. Ozouf:**

Yes, if I may. Sorry, I thought that I should have been quicker off the mark there when I said it is more logical to take part 3, as a group, as amended.

**The Bailiff:**

The amendment has not been read. It is a long amendment. Are Members happy to take it as read? Very well, please will you propose then, Senator Ozouf, part 3?

**Senator P.F.C. Ozouf:**

Happily. Part 3 are the Articles to be basically taking account of the amendment, which, I have to say, has been very helpfully and I think I heard ... I listened to the Scrutiny Panel's concerns. I knew what they were going to ask me. I think they needed additional reassurance and this Assembly needed additional controls and reassurance and we worked quickly in order to, I hope, have an amendment which met their concerns. Now, that is a good example of an appropriate challenge and I think the law is a better law, and has better controls with some segregation of duties, as a result of this work. I think that is, I may say, the legislation scrutiny, which you have said is important. This is an example of legislative scrutiny being properly done and well done by a Scrutiny Panel. So, just very briefly. I sense the mood of the House is with, I hope, me in relation to these, so I will not go into any detail apart from just, perhaps, to say something about some of the Articles themselves. Article 19 ensures that the Reclaim Fund is set up with a minimal cost base in order to maximise the money paid to all beneficiaries. It is a pretty important comment, particularly, no doubt, when I have to respond to the points that the Constable of St. John will now make in relation to his views about the purpose of Article 20. Each bank would act as an agent of the Jersey Reclaim Fund in respect of matters such as the customer claims and that is a deft and good way of dealing with it. Now, turning to Article 20. I am proposing to, as Members will have seen, replace all of Article 20. The provision permits monies to be used to cover the costs of the Commissioner for Charities and other related expenses. Then it permits monies from the Reclaim Fund to be distributed in equal shares for charitable causes. The charitable purposes follow the U.K. system. Again, basing it on, effectively, an established and workable system. The same heads and expanding them while we ... sorry, they are based upon the U.K. principles of what a charity is and expanding them, what is a charitable purpose, by effectively saying what a charitable purpose in Jersey is. This includes the advancement of the arts in Jersey, the advancement of public participation in sport in Jersey, the advancement of heritage in Jersey. Perhaps that is rather important after having received that rather splendid presentation over lunchtime by Dr. Mari Jones. Maybe we are going to have a Jèrriais part for that, although I think the arguments were made that that is very much part of our future, not only our heritage. So that means that education is also relevant and environmental protection and improvement in Jersey and other charitable purposes

carried on by registered charity in Jersey. I have mentioned Jersey quite a few times because, effectively, the purpose of this is to ensure that dormant bank accounts goes to benefit charitable purposes in the Island. We have made it clear to limit this to those charitable endeavours. Now, the first change that the Scrutiny Panel really came to the conclusion was a really good idea was that an order should set out the statutory policies and procedures concerning the decision as to what the amount of funds to be held back for dormant accounts and who can claim their money and the amount available for distribution. Prior to that, it was simply a much more almost non-controlled way. So, we propose to involve the Minister for Treasury and Resources because, effectively, the Treasury are almost the body within the Government that really is used to looking at a fund and thinking how it might best be dealt with because, as I was at pains to point out in my remarks earlier, and to the Scrutiny Panel, we simply do not know how much money there is going to be. We had a really good debate within the Scrutiny Panel about the different scenarios. There could be tens of thousands of really small bank accounts. There could be, included in that, 2 or 3 very large amounts of money. I cannot think of the circumstances but, in theory, you could effectively get sort of 2 balances of a couple of million pounds. So, basically, we have to be flexible and the law has to be flexible as to whether or not ... and how the funds are going to be distributed. So that means it makes sense for the Treasury, with their advisers, to look at the balances in the fund and then set out exactly what the requirements are going to be. This is an obligatory requirement, which is similar to other arrangements we have in other laws. It is similar to the requirement, for example, that we consult the Financial Services Commission in relation to regulatory secondary legislation, so the precedent is there to do this kind of consultation. It operates, I think, as a very good check and balance and no sums can be distributed from the Reclaim Fund until that order has been made. Thirdly, the previous wording of Article 20 would have permitted the Chief Minister to make decisions as to the beneficiaries of monies being distributed from the Dormant Account Fund. Although it was always intended that the Chief Minister would appoint an independent grant awarding organisation to make decisions, what the revised Article does, it ensured that the organisation must be appointed by order. That means it can be struck down by this Assembly. It has got to be published and then it can be struck down by any Member. The body must be independent of the Minister. To be independent, they must make decisions and distribute monies themselves. An independent organisation would have to produce an annual report to present to the Chief Minister, obviously lay before the States, that would make a sort of scrutiny of that available. This is a requirement that ensures that the decision, whoever receives the fund, is not subject to perhaps the fear, and that is a legitimate fear ... I cannot believe for one moment that our current Chief Minister would want to ... dealings would be intending to do ... because everything is done upon advice by political interference but, of course, that could be ... we need to think about a future proof situation and I think that it is a good control in order to put this requirement for this order in. So, I think that Article 20 is now significantly strengthened with these amendments. There are additional controls and it is flexible, because it can deal with everything that can be conceived in terms of coming forward as possible options depending on how much money there is and who can distribute the funds. Perhaps I can make my opening volley against, because I know what the Constable of St. John is going to say, so we can have 2 goes at this. Why are we putting this provision for the Charities Commission? Well, first of all the Charities Commission is absolutely engaged in charitable purposes. Now, it seems to me completely obvious that there is a natural and obvious link that if we are going to want to strengthen our valued third sector, and our third sector is tremendously valued and does absolutely fantastic work in Jersey, it needs appropriate support from this Assembly and it needs an appropriate regulatory framework. When I was Minister for Treasury and Resources, we felt almost the regulator of the charity sector because effectively all you need to do is pop a little letter into the Comptroller of Income Tax and say you are a charitable entity and normally the Income Tax Department will say, yes, because really what resources have they got to do that. The fact is that we are importantly unique and, if I may say, it is a lacuna in the



current system that we do not have any form of ... and we are not talking about heavy touch legislation. We talk about light touch regulation in terms of dealing with the charitable sector. Everything that is labelled a charity or everything that somebody labels a charity is not necessarily good and one needs to have some protection for those very people who work in the charitable sector and who give of their time and their resources. There needs to be confidence in the charitable sector. To get confidence we need effectively an oversight body of some description. Now, what is the appropriate source of funding for that? Well, it seems absolutely sensible that there should be a first call on the dormant account funds, should they become available, to deal with this oversight volume and that is going to give confidence. That is going to give an additional oversight, which is going to be beneficial to the charity sector and this is the thing to achieve it. So I propose Articles 17 to 20 as amended.

**The Bailiff:**

Articles 18 to 20. Seconded? **[Seconded]** Does any Member wish to speak?

**7.2.1 The Connétable of St. John:**

Sorry, I spoke a little out of turn earlier, but I feel very strongly about this particular topic. We are in danger of losing sight of our heritage. People on this Island do a lot of things for charity and people are very charitable and helpful. A position such as a Commissioner for Charities, I believe, should be an honorary position, perhaps with an honorarium paid, rather than a full salary. When I see a figure of £370,000 put aside for this position, I cannot support that. If that is the first call on the charitable money that is coming from these dormant bank accounts, then I cannot support that. I support the money coming from dormant bank accounts being put to good causes, but to pay to an individual is not a good cause and I will not support that and I ask that everybody reject that part of this proposition.

**The Bailiff:**

Now, for the avoidance of doubt, Connétable, you were asking whether Article 9 and then you said paragraph 9, can be taken separately. I think that is not possible under Standing Orders, because Standing Orders require that you can vote on a provision, which means an Article or a schedule separately, and so, presumably, you are asking Members to vote on Article 20 separately. In the event that Article 20 is not adopted then the Minister would take back from that that some amendment of Article 20 was necessary to follow the line which you have proposed.

**The Connétable of St. John:**

I believe it is for the Assistant Minister. He has proposed the 3 Articles, 18, 19 and 20. If he wants to take 20 separately and vote, that is fine, but otherwise we will have to reject all 3. Primarily, I only need to reject that part of Article 20.

**The Bailiff:**

It would seem to make more sense to take Article 20 separately.

**The Connétable of St. John:**

Yes.

**Senator P.F.C. Ozouf:**

Any Member may ask for a vote on any Article ...

**7.2.2 Deputy M.R. Higgins:**

Would the Assistant Chief Minister explain to me; in the past - I cannot remember if it was the I.M.F. (International Monetary Fund) or some other bodies - were saying that there was a chink in

our armour in terms of regulation and one of it was to do with charities and then we brought in a Charities Law.

[14:45]

I wonder how many other States Members think, is this Charities Commissioner there for the finance industry and for meeting our regulations, rather than monitoring the small local charities we have. So, therefore, for example, a salary of £360,000 is even more than the director of the Financial Services Commission gets. In fact a salary that size is very similar to, I think, the Bailiff. So ... **[Laughter]**

**The Bailiff:**

I wish, Deputy. I wish.

**Deputy M.R. Higgins:**

Well, I may be a few thousand out **[Laughter]** but you are certainly well rewarded for your duties and I do not mean that in a derogatory sense. However, the point is, it is a very large sum of money, whatever it is, that we are planning on paying this Charities Commissioner and I question it, but I think I am going to vote with the Constable of St. John on this. I think there is an ulterior motive for this and it is not someone who is going to be looking after our third sector like a good Samaritan and I think it is totally inappropriate.

**7.2.3 The Very Reverend R.F. Key, B.A., The Dean of Jersey:**

I am tempted to apply for a job that would pay me 10 times as much as I currently earn, but that would be a ... I think exactly how and what, and how paid, a Charity Commissioner is entirely nothing to do with me at all. I did want to rise, though, just to say that charities will welcome regulation. The important thing is appropriate and light touch. If you drown a tiny charity in form-filling from here to Bilbao and back, that will not work very well. If, on the other hand, it is light touch and appropriate, then it seems to me that any decent charity will welcome that, because it will give potential donors more confidence and, therefore, we will see more money coming into the third sector. I did want to thank the Minister for his endorsement of the third sector. It seems to me to play an incredibly important part in Jersey life. It is part of how our heritage has always done things and it should be a part, not simply of our present, but a very proud heritage which we pass on to our future. So I endorse entirely the need for regulation and leave, in the good hands of colleagues, how that regulation will be carried out, but the appropriate light touch will encourage charities and encourage donors.

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

I just simply question whether now is the right time to discuss the authority of the Charities Commissioner? In one sense, it is an enabling law. The details of the Charity Commissioner's appointment are dealt with elsewhere and that really is it. This law, in itself, does not agree to allocate any form of salary to the Charities Commissioner.

**7.2.5 Senator A.K.F. Green:**

It was really the Dean that prompted me to speak and concur with everything that the Dean said. When I first heard about the intention to have a Charity Commissioner, I was very concerned. I chair, in the U.K., the Brain Injury Association and have to work on a frequent basis with the Charity Commission in the U.K. and I can assure Members that the Charity Commissioner here is exactly the sort of thing that the Dean was describing: appropriate, light touch, the sort of thing that donors are often looking for to ensure good governance in the charities and nothing like the Charities Commission in the U.K., otherwise it would not have my support. I understand where the

Constable of St. John is coming from, but he has not understood what is being done here properly and I urge Members to support this.

#### **7.2.6 The Deputy of St. Ouen:**

I am puzzled over one administrative provision in the distribution of the funds and perhaps the Assistant Minister may help me. So, in clause 4 of Article 20, it provides that the independent organisation will distribute money for charitable purposes in such proportions as may be prescribed, but I would like to ask: who will prescribe and if the person prescribing, for example, may not be too keen on sports, will that person say: "Well, we will have very small amounts going to sports and larger amounts going to any of the other purposes." What is the purpose of those words "in such proportions as may be prescribed" and does it rather take away the independence of the independent organisation? That is my query.

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

I just wanted to touch on the Charities Commissioner. I know that some people think that Ministers get it all their own way and how great it is to be a Minister, because you can then do whatever you fancy with the support of the Assembly. This goes to show that Ministers have robust arguments and it can take time to deliver funding for a project. I say that because I was, I think, an Assistant Minister ... I think I was in my first term as Deputy, when I first got the Assembly unanimously to agree that we should undertake a feasibility study into the creation of a Charities Commissioner. I used that old ruse: "Do not get them to make a decision straightaway, get them to agree to do a report into it, to provide the evidence to bring forward the change." So we are still giving effect to that report and here is a perfectly reasonable, appropriate and sensible way of providing the funding to undertake what is an extremely important job and that is the job of a Charities Commissioner. Because a Charities Commissioner is about supporting and sustaining the very proud record that we have got in the voluntary community sector that the Constable of St. John spoke about and rightly, is concerned that we act to enhance it and improve it and not to undermine it. The light touch regulation that this Assembly has agreed giving effect to that, I believe, delivers that, but funding is still required because there will need to be a part-time commissioner. I hope that Deputy Higgins is listening to this, not making inappropriate comments about other Members' pay. It will be a part-time position. There will need to be administrative support. The register will need to be set up. There, of course, will then be overheads and there will be the capital development of an online registry and website. There we arrive at the figure of £270,000 set aside for the first 2 years. For the first 2 years. Not one year; first 2 years, and a big chunk of that, of course, is the capital development to create the office. After those 2 years, we hope that the dormant bank accounts might come into effect, so that is in the third year. So it is not a £370,000 salary and I hope, therefore, the Constable will reconsider his vote, because it is long overdue and we cannot now step back from making those improvements that we, in this Assembly, many times have said are necessary.

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

I am quite reassured that the position of Commissioner, necessarily, will add value and I think it does need to be paid. I do not think it is satisfactory to have it as an honorary position. I do not see why we cannot be given a ballpark figure as to what the going rate is and maybe the rapporteur will do that when he sums up. He is nodding his head. I think that is really important because, of course, it is easy to pass in principle legislation or proposals here today and say the meat will follow, and that seems to happen too often and, of course, we find ourselves in a situation later on where the price tag might be slightly too high for some Members. There may be some of us here who are quite happy to accept a paid commissioner, given a particular remuneration package, but not if that is too excessive and it seems to me if this is passed today, the argument will be made:

“Well, you have already decided that we are going to have a Commissioner, so you have already voted for that in principle and this is the going rate for a commissioner.” So I hope that the rapporteur does give some solace to those who have made comments in that regard, so we can all support this as necessary.

### **7.2.9 Deputy S.M. Brée:**

In my role as Chairman of the Economic Affairs Scrutiny Panel, we looked in great depth at the proposed legislation as originally lodged and I have to say that I am very glad that we did decide to call it in. Working very closely with the Assistant Minister and his department I believe that we have come to a very workable solution. The amendment is not perfect. The law is probably not perfect, but it is the closest thing that we can get to it being a workable solution. If I may address the question that seems to have occupied a number of Members’ minds is the Charities Commissioner. This is something that we, as a panel, looked at. I would just like to remind this Assembly that, in 2014, the then Assembly passed the Charities Law, which was for the appointment of a Charities Commissioner and the setting up of the Commission to provide regulation to an area that lacks any form of regulation whatsoever. We did not look at what the salary may be or may not be. Well, first of all the question was: “Well, why do we not have a Charities Commissioner yet? Why do we not have a regulator for the charities? If we passed law in 2014, then how come it is still sitting on the law books with nothing being done?” The problem we have is that, according to the Council of Ministers, there is not any money for it. Now, that may well be true and looking at the current state of our finances, we can understand possibly why. The Dormant Bank Accounts Law gives one vehicle which may be used to cover the costs of the Charities Commissioner and that was the important bit that we were looking at, that we feel we are happy with as a panel. The wording is: “It may be used.” It is not: “Must be used.” If an alternative funding source comes out, or is discovered, or our economic situation gets better, more money may be able to be diverted to charitable causes as opposed to paying the vastly inflated salary of a commissioner as people think it may well be. On that point, the appointment of the Commissioner and his or her remuneration will, as I understand the situation, I may be corrected, will come back to this Assembly for debate. The important part of our work on Scrutiny was looking at clause 20 and I think this is a fundamental change that the amendment has brought. I would urge Members to read our comments paper, if you have not had the opportunity to yet. Previous to the amendment being brought, the distribution of the money was entirely at the discretion of the Chief Minister, or the Minister by delegated authority. There was no way this Assembly could question how much money was distributed, where it went to, or even it could be used to, dare one say it, prop up a failing economic model that the Council of Ministers might decide to run with. So, we were fundamentally opposed to that particular area. I am very thankful that the Assistant Minister and his department, after discussion with us, saw fit to bring the amendment. To be honest, I believe that they had already realised that if they did not they would have some major problems getting this draft legislation through this Assembly. I am pleased to see that the Council of Ministers, and particularly the Chief Minister, realises that Back-Benchers in this Assembly do read things. I think that this is now a perfectly workable set of regulations to support a principle that we have already approved.

[15:00]

As I said, I do not believe that it necessarily will stay in the form it is in, but any changes to it, any amendments to it, have to be brought by Ministerial Order. That gives us the opportunity to challenge them and I would give my word, as the current chairman of the panel, should chairmanship ever change and obviously it may change, that the Economic Affairs Scrutiny Panel will scrutinise the orders and if we see fit we will challenge them and, therefore, I would hope that

gives Members of this Assembly a certain level of comfort to know that we will be looking at all of the orders to do with this particular legislation.

**7.2.10 Deputy M.J. Norton of St. Brelade:**

A pleasure it is to follow from the Chairman of Scrutiny and their comments. I will make this very brief. This is simply to congratulate those who have been working on the Dormant Bank Accounts and the amendment to it, as it is an excellent piece of work, which will do excellent work should Members vote in favour of it. For those who might be wondering if this is a sledge hammer to crack a nut in terms of having a Charities Commissioner which, of course, is already in principle, and here we are worrying about the salary of it. Just what are they going to be regulating over? You may wish to hazard a guess of how many good causes, including those that might be deemed as charities there are at the moment but, of course, you might think there might be 100 or a couple of hundred or 300 or 400 or 500. No, let me just say 600. No, not even 700. At the moment we are working on the principle of there being, in terms of good causes in Jersey, doing good work for the people of this Island, somewhere in the region of 850. Now, if you do not think that needs regulating, then I suggest you think again. We need a Charities Commissioner and this is the right way in which to fund it and I fully support it and I hope other Members will too.

**7.2.11 Deputy G.P. Southern:**

I was about to go along with this whole scheme before I caught some words from the Chairman of the Economic Affairs Scrutiny Panel, when he said that this is the starting point, this is the funding for the first 2 years and it may well be that funding will come from elsewhere as we get into this scheme or another scheme. That reminded me of the worst thing that we do with charities, which is we give them a year's funding here and a year's funding there when what they need, time and time again, is 3 years or 5 years in order to deliver a programme. It strikes me that whatever else happens with charities, however many there are, they are going to be working a great deal harder in the coming years as this Council of Ministers reduces, stops or outsources a whole set of public services that it is currently delivering. So they are going to need to work vastly harder to deliver services that this Council of Ministers will take away over the coming years. So perhaps this is the right structure, perhaps not. What I worry about is that 2 years down the line we are saying we have got a commissioner, we have got a charitable arm beavering away delivering public services that we might be delivering ourselves properly and we could be in for troubled times 2 years down the road and I think that would be a big mistake, so I am still unsure which way I am going to vote on this. I await for the comforting words of the ...

**The Bailiff:**

Does any other Member wish to speak? Well then, I call on the Assistant Chief Minister to reply.

**7.2.12 Senator P.F.C. Ozouf:**

I will take the comments in sort of order of logic. First, if I may deal with Deputy Higgins. He really takes the biscuit sometimes, I have to say. What an absolute cynic. He has got nothing ever good to say about anything, including this law, and he basically gets his facts wrong. Let me remind him, he is supposed to be an ex-regulator. Well, let me just tell him and remind him what he links and he tries to accuse us of: Trojan horsing a promotion of the finance industry through a charities law. Well, let me give him a couple of lessons. First of all, as he should know, and I am surprised he does not, that the I.M.F. issue was related to not-for-profit organisations and basically required an A.M.L., an anti-money laundering proposal, to be put into not-for-profit organisations and that was dealt with in 2009. So, I think Deputy Higgins has got nothing relevant to say about ... these remarks are not relevant to say about casting aspersions about the finance industry but I would say this. I would say that Jersey is increasingly a jurisdiction of choice for good and proper philanthropic and foundations endeavours. I have seen one example, for example, the ... I was

pleased to give an example to the Deputy of Grouville of the Zenex Foundation, which is a Jersey foundation used through our finance industry, and they will not mind me mentioning them, which is effectively the most effective, impressive and biggest not-for-profit organisation investing in education in South Africa. I know because I have seen it and I have taken my own time to do it. That is one example where, instead of casting aspersions on our finance industry, that is a good use of our finance industry and it is charitable and it is doing great works and there are a lot more examples of it. Now, regulation of our charities sector, I think it was Deputy Norton has said, is absolutely vital not only ... it has got nothing to do with the international thing because obviously that is Financial Services Commission that would regulate those matters. What we are dealing here, in the Charities Law, which is correctly referred to, went much further than just simply introducing that not-for-profit register that was a requirement of the I.M.F., and was dealt with and is being paid for separately. What it is is a full system of registration of all those charities that operate in Jersey and that has to be the right thing. I will willingly, before returning to the issues that Deputy Southern tries to also mention ... and I will send these numbers through. I do wish that people, like the Constable of St. John; he did have an opportunity. He had a problem with it. There has been a consultation on this. There has been widespread ... I have been inviting States Members to briefings on it. We had a debate. I think I have had 3 briefings to States Members. It has been before that published and it has been consulted upon widely within the charitable sector. No comments have been made apart from when the Constable just rises up ... there is no emails, nothing at all. If he wanted to amend it, he could have amended and struck down the particular provision in the original Article 20 and indeed this one here if he was so aggrieved about it, rather than just making his remarks off the cuff. I do not want to enter into political debate about salaries, but Deputy Higgins was as wrong about salaries as other Members have been. I will not make the comparison about what a normal lawyer earns to cause you any distress in the chair this afternoon, but I think it is rather higher than even the £350,000 erroneous number for Charities Commission, as far as I have been told, the fees of partners of law firms in Jersey. That is why we get so much tax from them, which is a good thing, and they pay 20 per cent. Right, now having got that off my chest, let me deal directly and lastly - hopefully that was a useful point for our well paid and well serving law officers and that is all of them and I thank them for their help on this if I may say - I have got the breakdown of the Charities Commission and I really do wish some Members would ... because this was explained to the Members that bothered to turn up to the briefings. I will send around to all Members about what the breakdown is. The Commissioner is estimated to cost £23,000, estimated cost in 2017. Now, that is a standard. There are 66 days, 5.5 days per month, £500 a day and £30.20 per day. That is not £1,500 for the standard consultant. That is £500. Now, I am afraid if you want good people and good professional people to do a professional job, you have to pay them properly and you have to pay them an appropriate amount of money to do the important work that they do. I am afraid it is simply a starry-eyed view that does not exist and never existed to say that anybody that is involved in a charity is simply not paid. It is simply not right. Many of the most successful charities in Jersey, and elsewhere, do have a professional staff that are paid and they are the ones that harness, they are the ones that motivate, they are the ones that then energise the huge charitable work, whether or not it is giving of your time or money, for the charitable sector. I know there is probably one expert in this Assembly, who has no right of reply, but knows more about charities than anybody in this Assembly. I make no political comment about his views about whether or not a Charitable Commissioner should be set up, or what the payment should be made but, of course, His Excellency and Lady McColl do a fantastic job of going around and seeing all our charities and what they do and they know what they do in relation to the work that they do. **[Approbation]** I hope that does not breach Standing Orders in saying they are the experts but they might not have any view on this issue because I am sure they ...

**The Bailiff:**

I thought it probably did. It was a very nice thing to say, Senator.

**Senator P.F.C. Ozouf:**

Yes, that is right. I wanted to make the point because they, as Deputy Norton says, we almost go and when I was Minister for Treasury and Resources I made sure that the not-for-profit sector got some recognition by giving them some fill-up and some assistance, in building capacity so that they can do the kind of work they can do and feel valued and listened to. Now, you have to pay and that is what the oversight of the Commissioner is going to be. I will set out all the other expectors. There is another officer that will support it. That is obviously a full-time salary. That is estimated to be of a civil service sort of grade officer that would support it. That is not the Commissioner, that is the person that is going to do the work, and there were other issues about the ... and it is the upfront cost of the development of the registry and website that is basically the £110,000 estimated in the first 2 years. I am going to send Members around that spreadsheet of those costs. Effectively, I know that it is easy to scold Ministers, that is what Members do, and they scolded us for using the Dormant Accounts Law as a vehicle to pay for the Charities Commissioner. Now, a Charities Commission is not going to be very popular, is it, when we are dealing with the difficult M.T.F.P.? The comments about running out of money and all the rest of it is just frankly - well, we will talk about that in a couple of weeks' time when we deal with the M.T.F.P. We are not running out of money at all. We are just spending money wisely and in the right places. But is this Assembly going to find it easy to prioritise the regulation of charities over some of the other requirements that are in our growth requirements for health and education, *et cetera*? Probably not. So that is why it is a sensible solution and I am truly grateful and extremely grateful for the, I think, very helpful remarks made by ... and the report made by Deputy Brée and his panel who, together with the Deputy of St. Mary, the Constables of St. John and Grouville, form part of the panel. They really heard the arguments and debated this properly and I am grateful for the fact that they support this law. As far as Deputy Southern is concerned; well, we can never win, can we? We just simply can never win. Charities have an important role to play. They are not a replacement for public funding and as for the comment about the fact that charities only get money one year at a time, well that is ridiculous, because the fact that we now do medium term financial planning means, for the first time, that where the States is handing out monies, charities can have a longer term and that is why they were attractive for the M.T.F.P. because they get multi-year funding. It absolutely has to be the right thing to do. I think this law is better. There are better checks and balances of it. That is what Scrutiny is about and they have helped me improve this law and we have come to an agreement and I welcome the fact that the Scrutiny Panel chair says he is going to review the orders. What I will commit to do is, before any orders are made, I will discuss them before they are made with the Scrutiny Panel, so they just do not have a mad rush with a strikeout provision of 2 weeks. That is exactly how things should be done. I cannot believe, for one moment, any sensible, thoughtful Member of this Assembly, knowing what the charitable sector does, knowing how the prioritisation is, knowing the fact that we have got these dormant accounts would vote against any of these Articles, which are good Articles, and which have been properly scrutinised and a Scrutiny Panel, which is no easy pushover, have agreed to it.

[15:15]

I move Articles 18, 19 and 20 and ask for individual votes on every one.

**The Bailiff:**

On every one, or 18 and 19 together?

**Senator P.F.C. Ozouf:**

No, on every one. I am so sorry, I did not address ... I do apologise to the good Deputy of St. Ouen. I am so sorry. Yes, the Article 24, means that the order has to prescribe how that money is to be ... the organisation and it should specify exactly how that proceeds. The Article is, I think, clear in terms of the proportions that it should be prescribed by that organisation in terms of which charitable causes should be dealt with. Now, the good thing about that, is that it can be challenged. If Members do not like what the order says in terms of the organisation, first of all the first thing about the procedures of the thing, that I mentioned earlier, then the fact there is going to be an order made about who it is and then the requirement of the prescription of sort of the way that the appointed charity is going to set out then that is absolutely what should be happening. There is a transparent process before, so that people are clear of how, and again it could be a small amount of money, it could be a massive amount of money. We do not know. But this is a jolly good thing to prescribe because, obviously, there is a lot in there and it would be right and proper for there to be an arrangement and a setting out, in public, of the proposed proportions of it. If Members are not happy then they are going to say something about it. That is after the Scrutiny Panel has had their go on it. So I hope that answers the Deputy's question and I hope he is satisfied with that answer and he can see the sense in having proposed that.

**Deputy G.P. Southern:**

Could I ask for some clarification from the speaker, who talked about Ministerial Order being open to challenge by Scrutiny? Is it not the case that a Ministerial Order can only be rescinded and not debated and amended? To debate and amend a way forward, there would have to be a regulation. Is that not the case?

**Senator P.F.C. Ozouf:**

You would be able to help with that generally and I think I know my Standing Orders well enough. Look, I think the convention is that an order being made, if it is challenged, then a Member can make a proposition to the Assembly annulling the order.

**The Bailiff:**

The order is rescinded and then the Minister would have to start again.

**Senator P.F.C. Ozouf:**

Yes, but I have never, in my time in the States, ever seen a situation where there ... it is quite rare that an order is challenged, but that is an indication we need to look at orders, but effectively it requires an annulment, so if somebody is not happy and then if a proposition is lodged to annul it well then the Minister is going to think: "Mm, am I going to win that, or am I going to lose that?" Take soundings, and withdraw it if they are not happy and do it again. Good control. I maintain the Articles.

**The Bailiff:**

Those Members in favour of adopting Article 18, kindly show? The appel is called for. I ask Members to return to their seats, the vote is on Article 18 of the Draft Dormant Bank Accounts (Jersey) Law and I ask the Greffier to open the voting.

<b>POUR: 38</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Connétable of St. John		
Senator P.F.C. Ozouf		Deputy G.P. Southern (H)		
Senator I.J. Gorst		Deputy S.Y. Mézec (H)		
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator Z.A. Cameron				



Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

**The Bailiff:**

We now come to Article 19 and I will ask the Greffier to reset the system and reopen and vote upon Article 19 of the Dormant Bank Accounts law.

<b>POUR: 40</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator P.F.C. Ozouf				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				

Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

**The Bailiff:**

We now come to Article 20 as amended and I will ask the Greffier to open the voting.

<b>POUR: 36</b>		<b>CONTRE: 5</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Connétable of St. John		
Senator P.F.C. Ozouf		Deputy G.P. Southern (H)		
Senator I.J. Gorst		Deputy M.R. Higgins (H)		
Senator L.J. Farnham		Deputy J.M. Maçon (S)		
Senator P.M. Bailhache		Deputy R. Labey (H)		
Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				

Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

**The Bailiff:**

Assistant Chief Minister, do you propose part 4, Articles 21 to 31?

**7.3 Senator P.F.C. Ozouf:**

Indeed. Exactly, so I will just say a couple of remarks, perhaps to draw Members' attention to Article 26 which deals with *bona vacantia*. I am afraid my Latin is not very good, which is the doctrine of law that owner's assets are owned by the Crown. Now, dormant accounts are not ownerless, it is just that the owners cannot be found and that is quite an important issue and, therefore, the principles keep this separate, as specified by the Article. Article 29 deals with providing transitional provisions to the banks to develop systems if they do not already have systems that can identify bank accounts under the definition of dormant bank accounts. Broadly speaking this is the requirement of banks to hand over dormant accounts in the first year and can be run by a computerised system but not if they have to do a manual check. If they have systems in place they do not simply have to amend, they can simply wait for the difference between the current dormant period and the longer period. For most banks, however, they will have 5 years to implement a system. This is a long time, we realise that, but if there are some small banks that perhaps do not have those systems in place with all of the other reporting requirements such as C.R.S. (common reporting standard), *et cetera*, then that is the reason why we have given that time to do that, which we consulted on with the Bankers Association. Article 31 requires the law to come into force once the Appointed Day Act is passed and it will come back to the Assembly. I propose Articles 21 to 31.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on Articles 21 to 31? Deputy Higgins.

**7.3.1 Deputy M.R. Higgins:**

Can the Assistant Chief Minister explain Article 27, recovery of Minister's expenses? Can he give Members an indication of what these expenses are and how much they might be?

**The Bailiff:**

Does any other Member wish to speak? Then I will ask the Assistant Chief Minister to reply.

**7.3.2 Senator P.F.C. Ozouf:**

I think these are the expenses that could be envisaged in relation to the management of this law, perhaps the research that might be carried out in relation to identifying, for example, which organisation that is required. Obviously, there is going to be a commitment to reduce that, because there is the requirement of making the maximum amount of money. It is a provision that enables, in the circumstances, because we simply do not know, if there is a huge amount of money available from dormant accounts and there is lots of work that needs to be done in order to really power up an organisation to be charged to distribute monies then it is leading out of the work to be done on that. But clearly if it is, for example, a moderate amount we already have some established principles, for example, and I am pleased to have taken soundings with my colleagues from Economic Development in the way that they deal with the lottery. I think we are now pretty well prepared to come on all fours with that arrangement there. I think they would account for the very minimum. Again, it is a permissive clause which we really need in the law, just in case we find that there are some really large amounts of money which require a lot of administrative burden, which nobody would expect in order to make the law operational. In order to make the law work, sometimes, you actually have to spend some resources to do it and that is why the provision is there. So I maintain the Articles.

### **The Bailiff:**

Those Members in favour of adopting Articles 21 to 31, kindly show? The appel is called for. I ask Members to return to their seats, the vote is on Articles 21 to 31 of the Draft Dormant Bank Accounts (Jersey) Law and I ask the Greffier to open the voting.

<b>POUR: 40</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy M.R. Higgins (H)		
Senator P.F.C. Ozouf				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				

Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

Do you wish to move the Bill in Third Reading?

**7.4 Senator P.F.C. Ozouf:**

Yes, I do, just to recognise and thank ... this has been a long journey since the proposal was originally made, I have to say, back in my time as the Minister for Economic Development. The first idea was mooted back then when we were concerned about the fact that a dormant account law was required and there was a risk that the money would be lost to the Island. This law now protects us and if there are dormant accounts there, there are many reasons, as explained in the principles, why it is done. I am very grateful that we have stuck to the timetable, because we can attempt to get this now on the statute book as soon as possible and get this law operational, so we can find out how much money there is in dormant accounts. There has been a huge amount of work from officials in my own department, law officers, as always the excellent law draftsmen were definitely able to fast move in relation to the amendment, and also I thank the Scrutiny Panel again for their excellent scrutiny of legislation. If ever there was an example of Scrutiny doing good work, sometimes Scrutiny says they are not valued by Minister, well this Minister values it very much and this law is better for it. I thank the Scrutiny Panel again. Thank you.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak? All those in favour of adopting the Bill in Third Reading, kindly show. Those against? The Bill is adopted in Third Reading.

**8. Draft Sea Fisheries (Bag Limits) (Jersey) Regulations 201- (P.45/2016)**

**The Bailiff:**

We now come to the Draft Sea Fisheries (Bag Limits) (Jersey) Regulations, P.45 lodged by the Minister for the Environment and I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Sea Fisheries (Bag Limits) (Jersey) Regulations 201-. The States, in pursuance of Articles 2 and 29 of the Sea Fisheries (Jersey) Law 1994, and having consulted with and obtained the concurrence of the Secretary of State, have made the following Regulations.

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

As Members can see, this proposition is the first of a package of 5 that I, and the Minister for Economic Development, are putting before the Assembly today. If I may, and in order to help Members, I would like to start by providing an overview of the complete package of amendments. They all sit together and I think it would be easier for Members if I outlined the whole picture at the outset. This legislation has been put together to protect one of our fish species, the bass. Anyone

who, like me, is a keen fisherman - although I hope not as unsuccessful as myself - will know just how impressive and important this iconic fish is, especially to us here in Jersey. And from the very start I must emphasise that these propositions relate to one subject only: the protection, preservation and conservation of the species. Bass is not only an important commercial species, but also a recreational fish that arouses great passion but, and I cannot stress this enough, we must keep at the forefront of our minds the fact that these measures are needed, indeed are imperative, to ensure that future generations, our children and grandchildren, and our commercial fleet of fishermen can all enjoy fishing for the bass in the years and decades to come. Before considering the propositions in detail, I would like to look first at the basis for bringing these changes before the Assembly today. That is the science, the evidence and the data. I have been very clear that I believe in proposing these, or any management changes, that we must always base our measures on the best evidence that is available. I have heard it mentioned that our current evidence might not be good enough or be detailed enough and that it is not relevant to the local situation. I can partly understand that, but I do not think it is sufficient reason for inactivity, prevarication or further discussion. There has been enough discussion already and it certainly does not embody a precautionary approach to managing our precious marine resource. The International Council for Exploration of the Sea, known as I.C.E.S., is the scientific body that advises the E.U. on matters related to fish stocks. Most recent data, from June 2015, gave a stark assessment of the state of the bass stock. If I could, I would like to explain the following: the S.S.M. (Stock Synthesis Model), the spawning stock biomass that is the scientific way of describing the total amount of bass in the sea. Not only are we catching too many bass to allow that stock to maintain itself at a sustainable level, we are very near a point where we will be below what is known as the M.S.Y.B. (Maximum Sustainable Yield Biomass) trigger, the level of fish required to maintain sustainability. Put plainly, we are very close to the point where even if we stop fishing completely for bass, there will not be enough stock left to get back to the sustainable level.

[15:30]

I hope Members will have understood that explanation. In short, we are very close to the point of no return. To say that the situation is serious would be a monumental understatement. I.C.E.S. concluded the following: first they said that recruitment to the fishery from 2008 to 2012 was weak, basically there are too few small juvenile fish coming through and growing to large individuals. Secondly, they stated that there was a significant problem with the spawning stock biomass; very simply, not enough adult fish available to reproduce. Thirdly, they said there is a limited data on stock identity and movement, but the evidence that does exist shows that bass are cosmopolitan, travelling large distances from the eastern end of the English Channel to the Irish Sea or south towards the Bay of Biscay. Finally, they state that there are poor time series and historic records and unknown discard survivability. Effectively, there is a lot we still do not know about the species. It should be noted that this evidence is not disputed by anyone who has an interest in bass, commercial fishermen, recreational fisherman or scientists. All agree that the stock is not in a good place, to say the very least. All the available evidence points only one way: those responsible for the management of the bass need to act. That action needs to be decisive, universal across the board and cover all those who catch fish, whether commercially or recreationally. Members will know that Jersey has a complicated set-up in terms of fisheries. First we have our own U.K. Jersey F.M.A. (Fisheries Management Agreement) that sets out our relationship with the U.K. Secondly, we also have our own Granville Bay Treaty Agreement, which sets out our relationship with France. Finally, we have our own territorial waters that we have the right to manage within the framework of both these agreements. It is anything but simple. Of course, fish do not know international boundaries and, therefore, we have a responsibility to work with neighbouring jurisdictions to put in place the management methods required. As I have already said, bass can be found across a wide geographic area and, therefore, it is the correct approach for a joint cross-

border initiative when we consider ongoing stock management. The last few days have been somewhat uncertain as regards anything involving the European Union, but we need to put that aside, as we consider this particular issue this afternoon. Irrespective of what happens politically in the coming months, the bass swimming in our waters know no difference. We need to act today in the best interests of the species. Now, I would be the first to admit that the E.U. has not got all its management under the Common Fisheries Policy correct, not by a long way. But anyone who has followed some of the decisions around quota can bear testimony that it has not always worked. However, the E.U. has now put in place a substantial and comprehensive package that is designed to arrest the decline in specifically the bass stock and put in place controls that will lead to recovery. Some of the measures I am proposing today do mirror the current E.U. restrictions. This is not because I have a desire to slavishly follow E.U. regulations, but because, regardless of the current or forthcoming political situation, it is the right thing to do given the available evidence. It is the right thing to do if we wish to be credible partners in the wider international management of marine resources. It is the right thing to do if we want to be seen as a jurisdiction that is prepared to weigh up the evidence and act accordingly. It does have the additional benefit of consistent management across national boundaries and prevent the possibility of loopholes that could be exploited by a fisherman from neighbouring jurisdictions. But I say, again, it is the right thing to do given the evidence. The measures adopted by the E.U. cover both commercial and recreational fishermen. This is a departure from the general basis of the Common Fisheries Policy where the bulk of measures apply to the commercial fishing fleet only as that is where the majority of fish are caught. In the case of bass, the recreational sector is responsible for a significant proportion of the catch. The best estimate is that amount could be as much as 25 per cent, maybe even higher. Therefore, a package of measures have been put in place that manages the commercial and recreational sectors with the impact shared. Of the measures I am proposing today only one, P.45, is specific to recreational fishermen. All other propositions concern all fishermen, regardless of whether they are commercial or recreational. It is important for Members to note that other measures that apply only to commercial fishermen are implemented through licence conditions. These include controls on types of fishing that is allowed and, in particular, a ban on winter trawling that has been targeting bass aggregations in the Channel and also quotas. I think it is important to explain the journey I have been on to reach the decisions that are in today's proposals. I have not simply cut and pasted measures from the E.U., or plucked these proposals out of thin air. They are the result of many years' discussion and debate and I admit those discussions have been heated at times, occasionally very heated. The Marine Resources Panel have been seeking some of these measures for upwards of a decade. So what has changed I can hear Members asking themselves, and the answer is very simple: the evidence is now available. I completely understand the passion people have shown and eloquently expressed over the years and, indeed, in the last week by email. I completely understand the passion people have not just for those that derive their livelihoods from fishing, but also those who enjoy fishing as a recreational activity. Who would not want to enjoy our beautiful coast and sea in their spare time? I have heard, and listened to, many arguments on this subject, not least from members of my own family and friends, and I can assure Members that they give me as hard a time as any. But I ask Members to consider this, do you not want future generations to have the privilege and enjoyment of fishing for bass? Do you want, in 10, 20 years' time, to ask the question why we here in this Assembly did nothing today in the face of the current evidence? I mentioned the Marine Resources Panel a minute ago and perhaps it would be useful to explain to Members what it is and its function. The panel is an advisory body to the Minister for the Environment in matters relating to marine resources. Its membership consists in the main of elected representatives from stakeholder organisations. The panel has 2 representatives from the Jersey Recreational Fishing Association. The commercial sector has 2 representatives, the agricultural one, the merchants one representative, one representative from the Jersey Inshore Fishermen's Association, which represents both commercial

and recreational fishermen, and an individual representing the North Coast Boat Homes, again representing recreational fishermen. There is also a representative from the Société Jersiaise and the panel is chaired by the Deputy Chief Officer of the Environment. The Assistant Director and Marine Resources also attends to provide advice and technical support to the panel. As Minister, I make every effort to attend all meetings to ensure I hear members' views first hand. The panel has been in existence now since the 1970s and has been used as a model for fisheries and marine resources management in other countries. Its diverse membership ensures that matters under discussion have wide circulation among stakeholders before panel meetings and members are at pains to ensure they represent their members' views rather than personal ones. The panel's recommendations are, therefore, a well-considered and balanced viewpoint that can be taken forward. Of course, in any democratic process, the eventual outcome that is adopted might not be the view of one of the organisations represented, but I can assure Members that all points of view are considered and fully discussed. I hope Members will forgive the slightly long introduction, but I hope it provides the background to the propositions from P.45 to P.49. I now turn to P.45, the Draft Sea Fisheries (Bag Limits) (Jersey) Regulations. These draft Regulations provide the mechanism whereby the Minister for the Environment of the day can, by order, implement a limit of the number of fish that can be taken. Bag limits are a common management tool employed in many jurisdictions to restrict the retention and subsequent landing of fish and shellfish by those fishing for recreational purposes. As I have previously mentioned, commercial fishermen are restricted to the amount they can catch by different mechanism, predominantly the imposition of quotas. Currently there are no limits to the number of fish, including bass, that can be taken by recreational fisherman and this is seen as an anomaly, given the many restrictions, including prohibition for some species in place for commercial fishermen. The use of the bag limits allows individuals fishing for pleasure to continue to do so, but puts in place an upper limit that prevents excess exploitation of the stock. There are no actual numbers in the proposition, as they will form part of the order today, but should the proposition be passed I have made it clear that it is my intention to have a bag limit for bass that is the same as that put in place on the E.U.-wide basis. Again, I make no apology for it. This is based on the evidence. At this point I would like to make it clear that I remain committed to reviewing any new evidence that becomes available and amending the management measures appropriately. While I am convinced of the merits of working on a scale that suits the species in question, I have no doubt that research undertaken on a local scale is a huge benefit. If we have the evidence to argue an alternative management approach then I would be the first to support it, if that evidence stands up to scrutiny. There are a number of ways that we could monitor local bass stocks and I will be only too pleased to find that local stocks are improving. As previously mentioned, local evidence also ensures consistency that assist officers in enforcement and it has been suggested that this measure, and measures today, are not enforceable. I totally disagree. Fisheries officers are already out checking that the current regulations are being adhered to and this is simply another facet of the inspection. However, and I have been totally up front from the beginning, I have always stated that this package will strain resources in my department and that the compliance workload, associated with the introduction of these measures, will probably require some diversion of existing resources from other projects in the short and medium term. But, again, I am reminded of the evidence and the urgency to act. As your Minister, responsible for marine resources, I have said in the past, and I say it very clearly again here today, I am not prepared to have any marine species become extinct while I am in this post. The principle of bag limits is already established locally and with a daily limit in place for recreational scallop diving. I would also like to tell Members that the issue of bag limits was a policy option in the 2014 Marine Resources Strategy consultation. At that time, all respondents, apart from one, supported the principle of bag limits. This proposal is not one that has come out of the blue, so to speak. I know my officers and I have had many a conversation with fishermen on this matter and I have to say that I have met very, very few individuals that have disagreed with the principle of a



limit to the amount an individual can catch. The difficulty would seem to come from a perceived imbalance in how any available catch is distributed between competing groups. I do understand this. I fully understand the passion but, again, I believe it comes down to the fact that it is time to act and all of us must take some of the pain in righting some of the past mistakes in exploiting the stock. Exploitations that we all have been party to in some small way.

[15:45]

I am also aware that there has been a previous proposition concerning bag limits considered by the Economic Affairs Scrutiny Panel of past. I was not the Minister at the time, nor on the panel itself, so I am not in a position to offer detailed comments on that process or the decision. However, I did note that the panel considered the issue very much from an economic perspective. The report also stated, and I quote: “The introduction of bag limits for well-evidenced conservation reasons would be appropriate, is likely to be accepted across the stakeholder groups and would be in keeping with practice across many countries and regions.” I would absolutely agree with the panel on that point and argue that the evidence has now been presented and that bag limits are now absolutely appropriate. While this is not part of the proposition before the House today, but as it would be part of the order, I feel in the interests of openness I must also say that it would be my intention to introduce a bag limit for ormers. A bag limit for ormers has been discussed in Jersey for a long time and has received significant support and it should be noted that there are limits on the number of ormers that can be retained in both Normandy and Brittany. There is also no established commercial fishery for ormers in Jersey, although, of course, some of them are very clearly sold. To reduce the law drafting and general administrative burden, it is my intention, should this proposition today be agreed, to include a bag limit for ormers despite the packet of measures that I am proposing today being implemented primarily for the stock management of bass. Finally, in proposing these regulations I would say that bag limits for bass are already in force in European waters, including around France and in the U.K., as they are for the retention of Ormers in France. The introduction of limits that mirror our neighbours can only be a sensible and appropriate measure. These E.U. bag limits have changed twice in the last 18 months and it may well be that they change again at the end of this year. However, the important thing here is that we, in Jersey, currently do not have any legislation to impose bag limits at all, regardless of what that limit might be or where it might be set. That is the reason for today’s proposition and I hope Members will understand the importance of these proposals to local bass stocks. I propose the Regulations.

#### **The Bailiff:**

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the principles of these Regulations? Deputy of St. Mary.

#### **8.1.1 The Deputy of St. Mary:**

May I first apologise, on behalf of the Environment Scrutiny Panel, for the late arrival of our comments. We had a briefing on this matter last December in the form of the previous panel and were not considering taking it further until there was a shaft of representations received last week and circulated to all Members. We then felt it necessary to revisit it. We had a further briefing from the Environment Department, for which we were very grateful and, having considered all the evidence again, we came to the conclusion that, much as the Minister said, this is an area where legislation is needed to preserve our stocks and the comments reflect our views. In making those comments, we are mindful of the point made by the Minister to keep on permanent review the bag limits, *et cetera*, and we look forward to being appraised of any possible change.

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

I will be supporting the principles, but with some caveats and I would like to speak when it comes to the Articles, because I think they are wider considerations and maybe consequences which, in

practice, might be against what is being proposed here today. I think it is worth putting on record - as a relatively younger Member of the States and hopefully someone who might be around in at least 10 years' time, not necessarily in the States, but I might still be alive in 30 or 40 years' time - that there are serious scientists out there who are saying that there is a prospect of our oceans being severely depleted, or even empty of fish, in the future through over-fishing. That is a really terrible thought, I think, even if people do not like fishing or do not like eating fish, I think that is a terrible indictment: if we keep on going as we are with the over-fishing. That has to be seriously concerning. I suspect, by and large, although it may not always be the case for bass, that it is commercial fishing in vast numbers with huge nets in their various forms which are doing that and giving the oceans no real chance of replenishing their stocks in any way. That is obviously a global problem and not something that is limited or can be solved by Jersey. So I am glad that the Minister has come on a journey whereby he is seeing the logic of the E.U. regulation, perhaps poetically this week. I do have questions as to whether the Minister will be setting the bag limits himself by order. Sorry, if he has said that already. Whether it is Ministerial Decision or whether there will be an opportunity for that to come back to the Assembly. I guess it may well be by order, because these things will change perhaps fairly frequently, understandably. But I think it is important that we have some kind of oversight over that. I am also concerned that there is not a disparity that disproportionately penalises recreational fishermen where there might be an opportunity for commercial fishermen to take much more and they are having an impact on fish stocks. I will save some comments for the later propositions to do with set nets and also set lines which, ultimately, will be killing indiscriminately and it is fine to say, you know, you can only take perhaps one bass or 3 bass depending on where the limit is set. If you have a whole series of gill nets out there, the fish will probably be dead by the time you get to them or, if they are hooked, they will be dead. I think these things also apply to the fishing lines off a rod, which I would like to address in Article 4 when it comes to the Articles.

### **8.1.3 The Connétable of St. Lawrence:**

I just wanted to say that when the spate of emails started coming through a few weeks ago, it took me back to the debate in 2009 when there was quite a lot of comment about the introduction of bag limits and I just want to pass on my thanks to the Scrutiny Panel, who have found time to look into this, as we have heard from the Chairman, and presented us with a clear report, which I think has answered the questions that were raised by that correspondence. I am supportive of all of these measures. Thank you.

### **8.1.4 Deputy A.D. Lewis:**

As a recreational fisherman myself, I can assure Members that bass are extremely hard to catch. In my entire years of fishing I think I have only ever caught one, and that is not because I do not think the stocks were reasonably ... yes, perhaps a poor fisherman the Minister for Education is telling me, perhaps it should be on the syllabus at school, but they are difficult to catch. During the time that I was fishing for them there was lots of them, so I can understand the frustration of constituents who have contacted me about: "Well, are we not going to be able to catch many bass anymore?" Because they are difficult to catch anyway, even when there were lots of them. I can remember quite distinctly the Minister for Health and myself laying a trot at St. Aubin's Fort with a group of youngsters some many years ago determined to catch some bass and we caught, in the entire weekend, one, which the Minister duly cooked very, very well from his cheffing days in the Army and we feasted on this one, quite large, I have to say, bass. But there was only one and that was, dare I say it, 25 years ago. They are difficult to catch, so I do hope that the Minister, when he does set his bag limits, is realistic because when you do catch one, I tell you what, it would be great if you can catch 2 because once you are fishing and you have one there is a desire to catch more than one. But it is not a commercial situation, you are not catching dozens of them and the damage

clearly is being done by commercial fisherman. I would like a bit more reassurance from the Minister that enforcement is adequate on the commercial side, because there is accusations by the recreational fishermen that they are not robust enough in terms of policing of it. I know we have limited resources, we cannot be everywhere and the fisheries protection guys do a great job, neither can they be everywhere with recreational fishermen either. So I am sure it will be proportionate as to how it is imposed, but I do hope that whatever the bag limit is - and I can quite understand why it was set by order - the Minister does not come to the Assembly each time he wants to set a bag order on fish. That would not be a great use of parliamentary time. So I would like some reassurance that they will be realistic, so when you are having that great day of fishing you are not only allowed to just catch one, which is really what the recreational fishermen are getting at. Like I say, they are a very difficult catch, very cunning animals are bass, despite there being less of them now, so I hope that the Minister will allow us, when we do get it right, to catch them. They are a delicacy and we do like to eat them too. So reassurance that the commercial guys are not having too much of a lion share and reassurance for the recreational fishermen that they can still have their fun, albeit it is not great fun for the bass, but great on the evening table. Thank you.

#### **8.1.5 Deputy J.A. Martin:**

Like the Constable of St. Lawrence, I am no expert on this and I listened to both sides of the argument and the emails that were sent to us last week and I also thank the Scrutiny Panel. My question is on both the P.45 page 3, on the last paragraph of the comments, and on page 4, bullet point 11 of the comments they talk about enforcement - I think that is where Deputy Andrew Lewis was coming from - and regulation. The worrying part for me is it is felt in the Minister's comments that the enforcement and administrative capacity within the Marine Resources Department ... "consequently the compliance workload associated with the introduction of these measures will require either additional staff, or diversion of existing resources from other projects to the short to medium term." Again, in comments - and obviously this was when the Minister was questioned by Scrutiny - it was further advised that if it was felt that more staff were needed to monitor fishermen, existing staff would be reallocated within the department. I absolutely agree that we must protect our seas, our fish. I just see this department ... the Environment Department itself is shrinking and within it there are marine resources and I just wonder how the Minister really intends - I would love a bit of honesty - to enforce this when we are cutting back, we are losing staff. Who will monitor this? I can only go probably at the moment with the comments seem feasible, but I do not want to be sitting here today passing any sort of regulations, or orders, that will not help to preserve the fish because we cannot enforce them, and that is where I see this going. I will wait for the Minister to reply. Thank you.

#### **The Bailiff:**

Does any other Member wish to speak? If not, I call on the Minister to reply.

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

Thank you. Can I start off by giving my thanks also to the Scrutiny Panel for the work they have undertaken over the last week, especially to get back to us and to review this work. It has been a long time getting to the Assembly today and previous Scrutiny Panels had looked and decided that they did not want to review and there had been a certain amount of overlooking and as a result consulting with the very recently constituted Scrutiny Panel. But I am grateful for their efforts and I am certainly grateful to the Chairman for the comments that have come out today. I will come back, if I may, to Deputy Tadier but I would also give my thanks to the Constable of St. Lawrence. Deputy Andrew Lewis, I could not agree with him more that bass are difficult fish to catch. Well they certainly are for me and for him it would appear. I would say to him ... he challenged how do we keep an eye on commercial fishermen, but of course commercial fishermen have to declare their

landings and every day they return home with their boats, hopefully, full of fish. It is fairly straightforward and easy for people to monitor what they are doing. They work to quotas and that is all verified by members of staff at my department. I think it is a challenge to say that they managed to get away with things outside of quota. I would also say to the Deputy that we cannot really afford at the moment, and I certainly would not want to do anything or propose something that is anything different from what our French cousins or our U.K. neighbours are doing. So it is very difficult for me at this moment in time to propose something which would be different for Jersey fishermen, and having different nationalities of fishermen fishing in Jersey waters under different regimes and different quotas would be an immense challenge.

[16:00]

To Deputy Martin, she mentions enforcement and I did say in my speech that it is a challenge for the department, we have more and more to do, but I would say to the Deputy that I have fought very hard for the Marine Resources section of the Environment Department, especially over the last month, where I have managed to find a way to maintain the level of staffing there. At one point it looked like we were going to reduce from 6 members to 5, but I found a way of maintaining the staffing levels at 6 and, while it will be a challenge, we will find a way of doing this. This is important and, as I have said before, I am not prepared, as your Minister, to have a species go extinct on me while I am in post and we will work very hard on this bass fishing ... these new regulations. We already monitor nets and pots; this is just an extension of that. So I am hoping that we will be able to cope with that. Finally, Deputy Tadier made some comments about other things which we will come to in a minute. Certainly we will come to the number of hooks and we are going to come to the length of net that can be set and I, you may be surprised to hear, share some of his concerns over the indiscriminate way that nets and hooks work, drop lines work, but I would say to him in this instance as regards the bag limits that, yes, it is a terrible thought that we could potentially have fish becoming extinct in our seas and I agree with him that, to a large extent, it is the industrial large-scale fishing for certain species which accounts for the vast majority of some of our fishing. But in the case of bass I would like to think that it was a case which shows it is such a popular fish for recreational fishermen that recreational fishermen do have, and do take, a percentage of the total catch, and that is one of the reasons why we have to come up with some measures today which affect both the recreational and the commercial side. We must not shy away from doing our bit in Jersey. Yes, we are only a very small Island and, no, we do not have a large commercial fleet, we do not have large trawlers, we do not have the ability for our boats to go out and catch hundreds of tonnes of this particular species at a moment's notice overnight, but all the same we cannot shy away from our international responsibilities to do our bit here on the Island and I can only reiterate my commitment to keeping a look at these measures and I will modify them as the evidence shows me in the future. My final answer to the Deputy on one particular question he had around changing these Regulations and I can point him to Regulation 3, which states very clearly, that the Minister, by order, will specify the maximum number of fish that may be taken. I take that to mean by order, the order will be published and, as we have already discussed in this Assembly this afternoon, any Member can ask for that to be taken away and we can have a debate on it. This is certainly an issue which I consider important enough to have orders. I am not intending to do it by Ministerial Decision and I would not want to lead the House in that direction either. I know that Deputy Andrew Lewis might say we cannot have the Minister coming back to the House every time he wants to change the number of bass a fisherman can catch while he is on a rock, but believe you me, this is an important subject to very many people on the Island and I would not want any Minister in the future to be able to change that number without consulting with the Assembly. So I hope that is all right and I propose those principles. I call for the appel.

**The Bailiff:**

The principles are proposed and the appel is called for. I invite Members to return to their seats. The vote is on the principles of the Draft Sea Fisheries (Bag Limits) (Jersey) Regulations 201- and ask the Greffier to open the voting.

<b>POUR: 38</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy of Grouville		
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Trinity				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

**The Bailiff:**

The Deputy of St. Mary, I was looking at your comments and I was not entirely clear whether they are addressed only to the principles of these various pieces of legislation or whether you wish to scrutinise the detailed provisions?

**The Deputy of St. Mary:**

No, Sir. Thank you.

**The Bailiff:**

Do you wish to propose the detailed Regulations? How do you wish to do it, Minister?

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

There may be 8 specific Regulations here, but I do not think I would wish to take them in anything other than in one go.

**The Bailiff:**

Together? All right.

**The Deputy of St. Martin:**

I will talk to them very briefly and I would invite questions. There really is very little more to say other than to say Regulation 1 defines expressions that are used; Regulation 2 contains the exceptions to those restrictions; Regulation 3 is important and it enables the Minister by order, as I have said, to specify the maximum number of fish; Regulation 4 talks about the personal bag limits and also about a vessel limit, a boat limit, if you like, which will also allow me the ability to restrict the amount of fish that can be caught on an individual vessel. In the same way it is a bit of a tradition to go to the Minquiers on a boat and catch ormers, it may well be a family tradition to go out fishing and it may involve taking your grandparents and your children and your next door neighbour's dog, but I do not think in the future it will be right that 20 people on a boat allows one fisherman to catch 20 fish or a significant number of ormers. So it will be my intention, in the future, to limit the number of fish that can be taken from a single vessel. Regulation 5 prohibits the retention of fish, and that just explains about bag limits; Regulation 6 imposes a maximum fine; Regulation 7 provides a statutory defence to any person, that is very important; and Regulation 8 specifies how the Regulations and when they will come into force. I propose the Regulations.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on the Regulations? Deputy Tadier.

**8.2.1 Deputy M. Tadier:**

I think this is where one can get caught down in the possible scenarios, although I think we all support the principle. Just on that last point to do with how the bag limits are set, if they are set by vessel or if they are set by individual, clearly, it is going to pose some problems. I understand where the Minister is coming from. The scenario where somebody takes a big boat out with 20 individuals on it, each fishing perhaps with a rod, catching 20 bass. It is probably quite unusual, but you can imagine a scenario whereby a couple of blokes, perhaps, although they could be of either or both different genders, whatever, would go out together and they might think: "Well, let us just take the one boat, there is no point in us going in separate boats" and they would find out that they have a limited amount of bass that they can catch on the one boat so they say: "Well, let us just take the 2 boats out with us and we will be able to catch twice as many bass" and with all the environmental pollution, including to the ocean, that goes with that, which hopefully would not be excessive. So, I think the Minister, or future Ministers, might find there are some tough decisions to be made around that. Hopefully, sensible decisions would be made nonetheless. Just staying on Article 3 for the moment, it would be helpful to know what the possibilities are for the setting of bag limits, in particular, to commercial vessels. I do not think I caught what they would be. I think we know that they are likely to be set at some point for leisure fishermen. It will be interesting to know what it will be in the boats, whether it will be done on a kilo basis, or whether it will be done on the same number of bass. I seem to recall, from my time on Scrutiny, that it would be the same for recreational and for commercial and that would seem to be sensible. I would ask whether the upper limit for the maximum number of fish could be set at zero? I suspect the answer is, yes, to

that? I do not know whether to ask that to the Attorney General, or the Minister, but I am sure the Minister can answer that. When I was on Scrutiny, we were contacted by an individual who had quite a novel recommendation. I do not comment on whether it would work in practice, but I think that it is worth mentioning in this forum. He suggested that Jersey could adopt the Irish model. Ireland come from a slightly different starting position because bass I do not think was necessarily indigenous or one of the common fish that was caught in their waters, and so they have a policy whereby you cannot keep the bass. You can fish for it, but you cannot keep it. I must admit that, instinctively, I find that tradition of fishing and putting fish back slightly strange. I was brought up to go fishing for food and you eat what you catch. You try not to catch more than you need and if you do get more than you need you distribute it among other people, usually mackerel not bass. I do not think I have ever caught an excess of bass, which we can all perhaps sympathise with. So, he suggested that it might be beneficial both for fish stocks in our local waters and also for the replenishing of the tourism industry. If we were to have a policy like that it could apply for a fixed period. It may be something that we wish to consider for 3 years and if we do not do it now we could do it in the future, so that we can encourage people to come to Jersey for fishing purposes to catch bass. There will be more bass around, they will return them to the sea and at the same time it would encourage bass stocks to replenish, notwithstanding the fact that they are cosmopolitan, as the Minister said. I had this nice idea of bass sitting around somewhere under the sea drinking cocktails in a fish bar somewhere, but I think that is not what is meant by cosmopolitan in the Minister's words. There is also an interesting and slightly strange wording that appears in Article 4, part 3, it says: "A fish that is required to be returned to the sea under this regulation must be so returned as nearly as practicable in the same condition as that in which it was taken. Whether it is dead or alive is immaterial." That one tickled me a little bit, because clearly the biggest changing condition is one from being dead to alive. That might sound slightly risible and amusing to us, but it does underlie the problem that I refer to later, which is another issue. Part 4.1 says: "A person who on any day has taken the bag limit per person of any description of fish must immediately return the fish, and any other fish of that description, to the sea." So it seems to me, let us say, that you are allowed to take 3 bass, you catch your fourth bass, you must return that fourth bass straight to the sea. I would like to ask the Solicitor General in a moment whether that is the correct interpretation of 4.1 because I can see a scenario whereby somebody catches their quota of, let us say, 3 fish, if that is what it is going to be, they catch a fourth fish and then they realise that this fourth fish is much bigger than the one that I have in the bag, so I am going to return that dead fish to sea and keep this live fish and put it in my bag. Thereby it is not solving any of the problems. It does not abide with the spirit of the law. We want to return live fish to the sea wherever possible and restrict them, we do not want to be returning dead fish to the sea. So it seems to me strange that ... you know, I am wondering whether that Article 4.3 in particular could be better worded to say that fish should be returned to the sea wherever possible alive. I mean that is just a small observation. In practical terms, I think, it should be highlighted that we expect people, once they have caught their quota preferably just to stop fishing for the day, unless they are fishing for something else, and then to go home. But I think that is an element perhaps which has been said it is going to be difficult to police. One would like to think that people abide by the spirit of the law and not just the letter of the law. So I think I would like to ask the Solicitor General at this point whether under 4.1 the correct interpretation is that once people have caught their quota of that particular fish, any subsequent fish must be returned and it is not satisfactory simply to substitute the new fish for any old fish which would be returned to the ocean.

**Mr. M.H. Temple Q.C., H.M. Solicitor General:**

I interpreted it in the way that the Deputy, I think, was suggesting, which was that if fish are subsequently caught, then those subsequently caught fish must be returned. That is the way I interpreted it.

**Deputy M. Tadier:**

Thank you, I think that is helpful and I think it is important that we do send that message out. It is going to be difficult to police that but I think we have to rely on people's goodwill when they are fishing, to abide by what is sensible. Of course, I forgot to mention earlier that I once heard of an anecdote where somebody was catching fish. He was catching bass this big and constantly throwing them back and he would catch another bass which was that big and throw it back in the sea. The person said them: "Why are you throwing these bass back, do you not eat fish?" He said: "No, I do, it is just my problem is my frying pan is only that big." That does not necessarily work very good for radio, but I will end on that one.

**The Bailiff:**

Does any other Member wish to speak? Then I call on the Minister to reply.

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

Thank you. The Deputy raises some good points and maybe I could start by saying that my interpretation of the law was exactly the same as that of the learned Attorney and the Deputy himself.

[16:15]

There will be a huge difficulty here and it is not necessarily the people who are fishing from boats, or from rocks, that might be the ones affected most. When it comes to the returning of fish to the sea, live or dead, my concern would be even more so for those that are caught on a trotline or in a net. It will be my hope, and I know it is only a hope, that people will be interpreting this law in the spirit in which it is made and that people, when they catch a fish from a rock or from a boat and they do not want it will return it straight to the water live and it will swim away and similarly when they are fishing with nets and hooks that they will follow the tide down and will work those nets or trotlines immediately so that they can release fish which they were not allowed to catch. But I will come on to that later when we come to those specific Regulations. I would say to the Deputy I did try to mention in my opening remarks that the commercial fleet are not restricted by bag limits, they are covered by licence conditions, which specifically, in this instance, are more to do with quota and the times of year that commercial fishermen are allowed to catch the bass. I would say to the Deputy that this year, for example, in the French and the U.K. fleets, commercial fishermen were banned from trawling for bass for the first 6 months of the year and for the months of January, April, May and June they were limited to a certain amount of fish that they were allowed to catch in gill nets only. So, the commercial fleet are usually limited by quota and licence conditions. Other answers I have for the Deputy: yes, tourism for catching fish is a great idea. We have some fantastic waters on the southeast corner and I know that people do come to this Island on holiday to purely fish for bass. There is some wonderful fishing down there and if the stock would return, it would be much easier to promote the Island for a tourist destination for those who wish to fish. Yes, I do believe it would be possible to have a zero limit. Zero is a number just like any other and if the stock was affected enough, it may well be that we needed to put the limit at zero. The last thing I wanted to say to the Deputy was this: we talk about recreational fishermen and how many fish do they need to catch? That would be a question I would pose to many of them that say: "Why can I not be allowed to catch 5 fish?" How many fish does a recreational fishermen need to feed his family? How many does he want to take home? I would say this in conclusion, that these measures are painful and I appreciate that they will affect some people but I would say to Members this is what I hope to be a bit of short-term pain for some long-term gain. It is certainly something that I think we need to do if we are going to preserve our stocks and hopefully look back in 4 or 5 years' time and see how much better things have got and how we can open up the fishery and allow



people to catch a lot more fish than they are catching at the moment, so I propose those Regulations.

**The Bailiff:**

Regulations 1 to 8 are proposed. All Members in favour of adopting them, kindly show. Those against? The Regulations are adopted. Do you propose the Regulations in Third reading?

**The Deputy of St. Martin:**

I do, Sir, thank you.

**The Bailiff:**

Seconded? **[Seconded]** Anyone wish to speak? Any Member wish to speak in Third Reading? All those in favour of adopting them in Third Reading, kindly show. All those against? The Regulations are adopted in Third Reading.

**9. Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment No. 2) (Jersey) Regulations 201- (P.46/2016)**

**The Bailiff:**

We now come to the Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment No. 2) (Jersey) Regulations 201-, P.46, lodged by the Minister for the Environment. I ask the Greffier to read the citation of the draft.

**The Deputy Greffier of the States:**

Draft Sea Fisheries (Inshore Trawling, Netting and Dredging (Amendment No. 2) (Jersey) Regulations 201-. The States, in pursuance of Articles 2, 5 and 29 of the Sea Fisheries (Jersey) Law 1994, have made the following Regulations.

**The Bailiff:**

Minister, do you propose the principles?

**9.1 The Deputy of St. Martin (The Minister for Environment):**

As I explained for the previous proposition, the rationale here remains the same. For this proposal, there is simply another part of the package of measures to protect the important species which is our local bass stock. This particular amendment to the Inshore Trawling, Netting and Dredging Regulations puts in place an additional control on the setting of a net from a beach. Fishing on the beach using a set net is a well-established and common practice during the winter months here in Jersey and bass is the key target species for the majority of fishermen who use those nets. Currently, there is no limit on the amount of net that an individual can set and the activity is predominantly undertaken in a recreational capacity. While it is acknowledged that a small number of individuals have historically pursued this activity commercially - an activity that is part of our traditional low water fishery and it has been part of it for generations - it is my view that commercialisation is not appropriate, or acceptable, given the state of the amount of bass we have swimming in our water and the potential impact on that stock. The available scientific data, looking at the stock structure, shows that a high number of small bass are present in our nearby coastal waters indicating the importance of these habitats as a nursery area. The aim of these draft Regulations is twofold. Primarily, it is for the protection of the stock, particularly juveniles, but in addition, it is a measure to reduce possible discards in light of the bag limits that are also part of the package of measures which we have just accepted to protect bass. After lengthy consultation and taking regard of the advice of the Fisheries Panel, the maximum length of net that has been proposed is at 100 metres per person. In addition, given that an increase in the minimum size of fish that can be taken - which I will propose in P.48 in a minute - these draft Regulations also

increase the minimum mesh size of the net from a 90 millimetre net mesh to a 110 millimetre and this will allow individual low water fishermen to continue to pursue the activity in a recreational capacity in an appropriate and sustainable way. The amendment also changes the current requirement to mark any beach set nets with name and address and contact details and this change facilitates better communication between my officers and fishermen, should it be required. I would once again reiterate that catches will be monitored and should there be a mismatch between the amount of gear, net an individual can set and the bag limit, I undertake to bring an amendment back to this House to rectify any such anomaly. I would say to Members that I am not unaware of the indiscriminate way that nets and trots, which we will come to in a minute, catch fish and I will not hesitate to reduce the length of nets further, if further evidence comes to light. This proposal is a simple amendment to an existing Regulation that allows individuals to carry on fishing, but in a way more sustainably and one that does not exploit the stock by limiting the amount of mesh and the amount of net that can be used. I would urge Members to support this simple but effective amendment and I propose it. Thank you.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak on the principles? Deputy Tadier.

**9.1.1 Deputy M. Tadier:**

I think this is where my concerns are strongest and particularly on P.47, but we will come to that. I do think that this is indiscriminate. I have been out on occasion myself and seen the way set nets are set up. I fully accept that this is part of a Jersey tradition and that does not mean, of course, that tradition takes precedence over fish stocks and preserving environmental factors. I think the bottom line is that we need to think fundamentally about whether set nets and trots should just be banned completely. It seems slightly strange to try and impose a bag limit on something as indiscriminate as a net or, as we will say later, a trot, because it is easy to do that for bag limits that are set up for rod fishing essentially. You catch your first fish. If you are allowed 3, you catch a third and then you stop, hopefully. With 100 metres of net, you have absolutely no idea how many, or what type of fish, you are going to catch and if you put a net out, for example, in front of Elizabeth Castle and go down there at low tide, you will find all sorts by catching there. You will find ballan wrasse, cuckoo wrasse and you will probably find quite a lot of dogfish. You may find some of the bass that you were going for of different sizes and you will find pollock; all sorts of fish that you may or may not want, in different states of life. You might find them dead or alive. You will probably find them dying and probably not much use. I think this begs the question: what is the point in returning dead fish to the ocean when you might as well keep them and eat them? It is completely wasteful and what is the point of putting nets out if we know that, systematically, they are going to be catching more fish than the spirit of the bag limits would have us agree to. So, I think we need to think very hard about this. I know that there has been some easy catchy monkey type of politics going on whereby there has been a banning of vehicles so if you are young and fit and can carry 100 metres down on the beach, then you can lay it. If you are perhaps somebody who is slightly older and does not have a partner who can go out there and lay the nets or carry a wheelbarrow, you will not be able to do that so there is an inadvertent age discrimination element in that, which is clearly not the most important factor when discussing these. I think the whole issue of set nets and trots need to be rethought and certainly, from my part, I do not think I can support P.46 or P.47 because I think they are missing the point ultimately.

**9.1.2 The Connétable of St. John:**

I wish to echo the sentiments of the last speaker and I liken it to taking a 12 bore and going up into the beautiful Parish of St. John and simply blasting anything in the sky: seagulls, buzzards, kestrels. Anything that flies over, you shoot it and then, at the end of the day, you collect them altogether

and you select the 4 pheasants that you want and you just chuck the rest over into the sea. That is what net fishing is all about and I find it, quite frankly, abhorrent that somebody can catch animals, such as fish, and then just throw them and discard them back in the sea when they are dead. Sadly, I will support this because it is a measure that needs to happen, but I would far prefer to see both nets and trotlines banned, but I hope the Minister takes that on board. This is a start, but there may need to be more in the future. Thank you.

### **9.1.3 Deputy A.D. Lewis:**

I would like to echo the comments of the last 2 speakers and not wishing to repeat them. One of the issues with trots, as many of you will know, is that when you set a trot, you then need to get back to it as soon as it has exposed itself as the tide goes out. If you do not, not only would the fish eventually die, of course, but seabirds will get them, so there is a huge wastage going on. I have seen trots set and not reviewed quick enough when the tide falls. I have seen seabirds stuck in the nylon and the hooks and the fish have been eaten by the seabirds. So they are not terribly environmental friendly ways of fishing, I am afraid. As historic and cultural as it is, I have to agree with Deputy Tadier that I would like to see a complete review of this and perhaps more Regulations in the time that you should go and inspect your nets, because if you do not do it at the right state of the tide, then the whole conservation opportunity you might have to had to save some fish - albeit in a net - is unlikely, because they would have already drowned. The trots in particular, if you do not visit them very soon after the tide is receded, then you will have further environmental damage. So I will support this, in the same way that the Constable of St. John is, because this is a good start to do with the size of nets, but I think more needs to be looked at. Rod fishing, on the other hand, is probably the most environmentally friendly way of fishing you could possibly get, which is why you can buy cans of tuna that say: "This has been caught by rods", because it is dolphin friendly and has not netted dolphins and dogfish, and everything else I think that Deputy Tadier also mentioned. Netting is indiscriminate and I do not think it is something which we should be allowing to happen for too much longer, because other species will be back on the agenda here from the Minister being asked to be preserved as well, because netting is completely indiscriminate. Thank you.

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

Just very briefly because I have not really spoken on this topic, I would just like to echo, basically, what Deputy Tadier and other people have said. I think we need to put down and give the Minister a steer as to the future of fishing and we should govern it and we should ban the lines of hooks because, as has already been said, it is very indiscriminate and for that reason I will be joining Deputy Tadier in opposing it.

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

Sir, as a point of order, I am just wondering whether I might be able to ask for 77(a) to be invoked, which is a reference back to the Minister, in this case. I know only a few people have spoken, but it seems to me that there are some heavy hearts with this P.46.

[16:30]

I suspect it should also be the case that P.47 be referred back to the Minister, because I think that these 2 propositions miss the point in the sense that the nets, themselves, should be banned, rather than restricting them, so I think the reference back would be on the basis that the overall size of the net should not be 120 metres, it should be zero; and the same with the 50 hooks in P.47. It should go from 50 hooks to zero hooks, essentially, and I think that the Minister would do well to look back at this report back to the States and come back with a new proposition.

### **The Bailiff:**

Deputy, the application for reference back is under Standing Order 83: “A Member of the States may propose without notice during the debate on the proposition that the proposition be referred back, in order that further information relating to the proposition can be provided to the States or any ambiguity or inconsistency in information relating to the proposition, already provided to the States, be clarified.” From what you have just described, it seems to be, on the face of it in both cases, it would be an amendment of the proposition, rather than any further information or ambiguity. Can you just help me with that?

**Deputy M. Tadier:**

Yes, I am sorry. I cited the wrong one, Sir. I was looking at 77(a). I think the ambiguity and inconsistency, which is apparent here, is that it is clearly the desire on the part of the Minister to impose bag limits. He has presented these as a collective package, limiting the amount of fish that can be caught, essentially to preserve fish stocks, and neither P.46 nor P.47 achieves that in reality. It allows many more fish than the bag limit to be killed and, therefore, not preserving the stocks, so I see this as an ambiguity and an inconsistency in the information that has been provided. I would ask the Minister to go away and look at whether these 2 propositions and the information therein are consistent with what he is trying to do on a wider policy basis. Sir, should I clarify specifically the information I want to know and I think that Members may want to know, which is why, given the whole context about saving fish stocks, why that particular size of net, the length and the number of hooks, are being set at the levels that they have been?

**The Bailiff:**

Well, I think if the request is for that information, why that mesh size of net has been set, I am not sure it is in the report.

**The Deputy of St. Martin:**

I am happy to give what information I can to the Assembly, Sir.

**The Bailiff:**

On a reference back?

**The Deputy of St. Martin:**

On the question of why the mesh size has been set and the length has been set as it is.

**The Bailiff:**

Well, Deputy, if the Minister gives that in reply, then that meets your request, does it not?

**Deputy M. Tadier:**

If he can answer why it has been set at those, rather than at zero in both cases, I guess if the Assembly is happy with that, I suspect the reference back would give the Minister an opportunity to consider whether or not the figures, that he has come forward with, are appropriate given the sentiment of the Assembly.

**The Bailiff:**

It does sound to me, if I may say so, as though you are already thinking to make an amendment, or oppose the proposition, so the Minister will deal with your request as best as he can in his reply and I am not going to allow the reference back. Does any other Member wish to speak? Then I ask the Minister to reply.

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

I think, if I may, I will address Deputy Higgins, Deputy Lewis, the Constable and Deputy Tadier all at the same time, because I think they all mention the indiscriminate way in which nets and trots work and, in particular, we are talking about nets in this specific proposition. As I said in my opening remarks, I am guided in all regards when it comes to marine resources by the panel and I went to lengths to explain how the panel is made up and how they reach their conclusions. The conclusions for their deliberations are not reached over 5 minutes here or there. We have spent an awful lot of time talking and deciding how they came to these recommendations and, in this instance, they decided that 100 metres of net was the length they thought was the same as the limit that was going to be set for the bag limit. The increase in the mesh size has been worked out, because the increase that we are going to come to in a minute, in the minimum size of fish is going to increase from 36 to 42 centimetres and the increase in the mesh size to 110 millimetres from 90 is the equivalent. The point I would like to say here at this point - and Deputy Tadier has accused me of missing the point and I really am not trying to miss the point here - what we have at the moment is no restriction on the amount of nets that people can set on the beach and the size of those nets. The mesh size is a 90 millimetre mesh. It can catch a lot more smaller fish and it can be as long as you like. What we are proposing here this afternoon is to limit the amount that an individual can set to 100 metres and that net over 100 metres in length has to have a mesh size bigger than it currently is. I accept that catching fish with a net, in this way, can be indiscriminate and I do not dispute that at all. I am not particularly 100 per cent happy with that, but what I have had to do here is to balance, on one hand, a restriction in the amount of fish that people can catch and allow more fish to escape, so that the younger fish, especially in these areas where we have a lot of juveniles, can escape and grow larger and reproduce. At the same time, I have had to bear in mind that we have a history on our Island for traditional low water fishing and this is one of the 2 ways that we have done it in the past and one of the ways that our fathers and our grandfathers prosecuted our low water fishery, so I have to balance the 2 up. It has not been easy, but what I have done today is I have committed to Members that if the evidence comes forward to show that this 100 metres of net at 110 millimetre mesh size produces on average more fish for that fisherman than the one-bag limit, I will take more action. I will come back to this Assembly and say: "I will make that net shorter. I will make the mesh size bigger." I will do more to get the equal proportions among those, but for today, here and now, what I am proposing today is 100 metres of net size and it is 110 millimetre mesh, which is an increase in the size that we currently have. I cannot say more than that. I was intrigued by the Constable of St. John's analogy of shooting everything that flies through the air in St. John, but I would say to him, in this situation, what we would have is we would have had a history of traditionally shooting everything out of the sky in St. John, which we clearly do not have. This is the balancing act I have had to look at. The traditional low water fishing that our forefathers have prosecuted, especially in the southeast corner of the Island, we have got to allow some of that to continue. It is something that we have done in that past and we do not want to block it out altogether and I would urge fishermen, who prosecute this type of fishery, to do it properly. Set your nets, set your hooks, follow the tide down and, as your hooks and nets are exposed, let those fish, which you are not allowed to catch, which are too small or for whatever reason, let them go. Bass are strong fish. They will survive and they will swim away if this job is done properly, so I urge Members to support this. It is one of a number of measures and the key issue that I would put to Members here is this is an improvement. Staying with the *status quo* is not good. This is not the best we can do, but this is certainly an improvement and if we can do better and we need to I will come back to the House and I will seek to take more measures in the future, so I ask Members to support the amendment.

**The Bailiff:**

All Members in favour of adopting the principles, kindly show?

**Deputy M. Tadier:**

Can we have the appel?

**The Bailiff:**

The appel is called for. I invite Members to return to their seats. The vote is on the principles of the Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment No. 2) (Jersey) Regulations and I ask the Greffier to open the voting.

<b>POUR: 35</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy J.A. Martin (H)		
Senator I.J. Gorst		Deputy G.P. Southern (H)		
Senator L.J. Farnham		Deputy M. Tadier (B)		
Senator P.M. Bailhache		Deputy S.Y. Mézec (H)		
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

**The Bailiff:**

Do you propose the Regulations *en bloc*, 1 and 2?

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

I do, thank you, Sir. The only 2 worthy of mention are the factors I have alluded to on a number of occasions. The mesh size is being amended from 90 to 110 millimetres and the length of net that an individual can set is being restricted to 100 metres from a position at the moment where there is no restriction.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak on the Regulations? Those in favour of adopting them, kindly show.

**Deputy M. Tadier:**

Can we have the appel please?

**The Bailiff:**

The appel is called for. I ask the Greffier to open the voting.

<b>POUR: 35</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy J.A. Martin (H)		
Senator I.J. Gorst		Deputy G.P. Southern (H)		
Senator L.J. Farnham		Deputy M. Tadier (B)		
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

Do you propose the Regulations in Third Reading, Minister?

**The Deputy of St. Martin:**

I do, Sir.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak in Third Reading? All those in favour of adopting the Regulations ...

**Deputy M. Tadier:**

Can we have the appel please?

**The Bailiff:**

The appel is called for. I ask the Greffier to reset the system and I will ask the Greffier to open the voting.

<b>POUR: 35</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy J.A. Martin (H)		
Senator I.J. Gorst		Deputy G.P. Southern (H)		
Senator L.J. Farnham		Deputy M. Tadier (B)		
Senator P.M. Bailhache		Deputy S.Y. Mézec (H)		
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

**10. Draft Sea Fisheries (Inshore Waters) (Amendment) (Jersey) Regulations 201-(P.47/2016)**



We now come to the Draft Sea Fisheries (Inshore Waters) (Amendment) (Jersey) Regulations 201-, P.47, lodged by the Minister for the Environment. I ask the Greffier to read the citation of the draft.

**The Deputy Greffier of the States:**

Draft Sea Fisheries (Inshore Waters) (Amendment) (Jersey) Regulations 201-. The States, in pursuance of Articles 2, 5 and 29 of the Sea Fisheries (Jersey) Law 1994 have made the following Regulations.

**The Bailiff:**

Does the Minister wish to propose the principles?

**10.1 The Deputy of St. Martin (The Minister for Environment):**

This proposed amendment to the Inshore Waters Regulations is, in many ways, simple to the previous one. As with nets, fishing on the beach using a line set with hooks, or trots, as it is locally known, is a well-established and common practice during the winter months with bass, once again, being the key target species for the majority of low water fishermen, who use trots in this, our traditional manner. Currently, there is no limit on the amount of hooks that an individual can set and the activity is predominantly undertaken in a recreational capacity. While it is acknowledged that a small number of individuals have historically pursued this activity commercially, it is my view that, as with nets, commercialisation is not appropriate, given the state of the resource and the potential impact on the stock. Stock structure shows that a high number of small bass are present in these coastal waters and the importance is immense. After lengthy consultation, the proposed maximum number of hooks has been set at 50 hooks per person. This will allow individuals to continue to pursue the activity in a recreational capacity in an appropriate and sustainable way. The amendment also changes the current requirements to mark any fishing lines with name, address and contact details and again, as before, this will make communication between my officers and the fishermen concerned much easier should it be required. As with the net catches, the trots will be monitored and should there be a mismatch between the amount of gear and individual can set and the bag limit, as I have previously stated, I will come back to the House. I want to say to Members I am uneasy about the indiscriminate ways that both nets and trots catch fish and I have mentioned that in the previous proposition, but I am also aware, once again, that this is our traditional fishery and this is how Islanders have enjoyed low water fishing for generations. It is really difficult to strike a balance but I will say this. If evidence comes forward to show there is a disconnect between the bag limits and the number of hooks, I will not hesitate to come back to the Assembly and change it. Notwithstanding the difficult balancing act, I would venture to suggest that this is a simple, but effective, amendment and given the evidence, it is one that this House should support as part of the complete package and I urge Members to do so and I propose the principle.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak on the principles? Deputy Tadier.

[16:45]

**10.1.1 Deputy M. Tadier:**

When it comes to the environment and, in this particular case, protecting species from extinction ultimately - that is what it boils down to - I do not think there is room for compromise. It is often said that politics is about compromise and it is about getting the right balance. I do not think this is one of those areas where we can afford to compromise. Now the Minister talked about "appropriate and sustainable". He said that putting 50 hooks out on a line out to sea, which you then go and have a look at after and see what you have caught is an appropriate and sustainable way which flies completely in the face of the whole principle of what he has been saying. He knows

that. He has told us that himself, so I think we are all united on this. It is not a party political issue. It is an issue which I think any right-minded person, especially a Jersey person, is concerned about. So the question is, why are we passing today something which we know in our heart of hearts is incorrect? It is technically incorrect in terms of numbers. What is the maximum amount of bass, or any other fish, that you can catch with 50 hooks? It is 50, I would suggest. I am not suggesting that on every occasion you would catch 50, but that is why somebody would put 50 hooks out and bait them. They are not going to spend that time baiting 50 hooks if they only wanted to catch one or 3 bass, or whatever other type of fish. So, the Minister does not need to wait for evidence to emerge that this is inconsistent with the bag limits, which he himself is about to set, which he knows will be based on the E.U. Directives, because he knows what they are already. So we already know that 50 is an inappropriate number. I think many of us feel strongly that trots should be banned completely, because they are indiscriminate. This says nothing about hook size. Interestingly enough, one of the positives in the net size was that the mesh size was stipulated and it was at least better than what we had and I think that is why many Members voted in favour of that, some of them with a heavy heart. But there is no indication of hook size, which we know obviously correlates with which type of fish you want to catch. Okay, one could make the argument the fishermen will know what they are trying to catch and they will put the right types of hook out. I would ask the question: do we even know where these trots are going to be put? It would seem to me to be wise that if the trots are going to be legal for a particular period of time, we should at least know where these trots are going. There should be a requirement for the fisherperson to contact the department and say: "I am putting my trots out here. Is that okay?" Perhaps the Minister can advise whether that was touched on in the consultation. There is always a risk when you say this has been consulted on extensively. Has it? I do not think your average person in the street would have necessarily picked up on that. You will have people making their submissions who often have a vested interest and hopefully they will be considered but, of course, they come from a point of vested interest. If we pass this debate how long is this going to be on the books? It is very unlikely that this Minister or any future Minister will come back in short order and say: "In a year's time we are going to change this down to 25." Can we really expect this number of hooks that cannot be reduced? I do not think it is going to happen in that way. Is the Minister going to want to come back within this term to change, or rescind, this particular proposal, this Regulation before the next elections? I do not think that will happen. We will find this will be sitting there. We will not know which fish are, and are not, being caught. We will not know whether an excess bag limit is being taken, unless they happen to be met by the very good fishing staff that we have sitting in the back room and their team, who do a great job, it has to be said, but they cannot catch everyone. At the end of the day, I do not have a problem with somebody taking home 20 bass and putting them in their bag if the bass are already dead and they are going to go back in the water anyway. That is much better than putting them back in the water. The problem is getting the right number of hooks in the right place. This is a defective piece of regulation coming before this Assembly. That is why I wrote to Scrutiny. I know they have had a lot on their plate. I certainly think this particular aspect, and P.46, should have been the subject of wider scrutiny. I appreciate that, as I have said, that they cannot scrutinise everything. But if we do not reject this today we end up with a piece of faulty regulation on our books. If we reject it then we send a strong message to the Minister that we are not happy with this and he will get the message to come back to the Assembly and preferably ban trots outright, or certainly look at if they can change the number of hooks. I think that is the only mechanism we have today and we should not be taken in by the argument of let us just pass this because it is better than what we have got. We are able to not pass this today and make sure we have something that is fit for purpose for future generations and does what it says on the tin.

#### **10.1.2 Deputy A.D. Lewis:**

I wondered why in the Regulations there is nothing about the time at which you should check a trot, i.e. what point in the tide you check it. I mentioned it earlier on, so I am just curious about that. We mentioned the indiscriminate nature of trotting and netting. One of the things that Members must understand is when you lay a trot, particularly a net, you are catching a lot of inedible fish, such as wrasse and dogfish to a certain extent, although some people do eat dogfish, and numerous others, and they will die. It is difficult to replace them back into the water, so it is going to affect the ecosystem. I would be quite interested to know the Minister's view on by taking out certain fish that will die, they are not going to be eaten, they are not going to be taken home, may even not be rescued because sometimes leisure fishermen do not realise they are part of the ecosystem. What studies have been done into these sorts of fish that are caught but have no commercial value and no edible value? They have been caught in the net and they die, but they are part of the ecosystem. My other point was 50 hooks on a trot is an awful lot of hooks. I do not know how many Members have laid a trot, but if you have, once you get through facing off about 20 of them you start running out of the will to live, to be honest, particularly in the winter when you are laying these things. It does seem like quite a lot, so I am curious to know how you got to 50. Also there is no mention of the number of lines you can lay, so can you lay 12 50 hook and lines? There is no mention of that, unless I have missed it, so perhaps the Minister could answer that. The other thing I would like to ask him is: I have just been trying to go on to the website to find out this information, in the current legislation, and you have to really dig deep on the gov.je website to find anything about these regulations. Eventually it takes you to the legal information board to a proposition similar to this before you can find out which month you can lay a trot, for example, and what the current regulations are. I would hope whatever regulations are agreed today that it is then very publicly accessible online by recreational fishermen and others because, currently I would say it simply is not. I know a big review is going on about our online presence at the moment. I am sure my former vice-chairman here will be pushing eGov along and that may be one of the things that will be attended to, but at the moment it is very difficult to find information online as it is, regardless of the fact that there will be some changes. If the Minister could answer those questions I would be most grateful.

**The Bailiff:**

Perhaps I should not say this but it has been broadcast. All legislation is available online at the Jersey Law website to everybody.

**Deputy A.D. Lewis:**

Sir, but if you Google at the moment you come up with the Gov website and you have to click 4 times before you get any information about when you lay a trot. To me that is eGov at its worst.

**The Bailiff:**

It is useful to the debate if people make a note of the Jersey Law website.

**Senator L.J. Farnham:**

No wonder the Deputy has trouble catching a bass.

**10.1.3 Deputy S.M. Brée:**

I seek more advice from the Solicitor General, if I may, just on an interpretation of the Regulations and I raise the question because I base it on a personal experience of mine, a few years ago, where I co-owned a trotline with a friend of mine. If a trotline is put down and is owned by more than one person, what is the maximum number of hooks? If there are 2 owners does that mean it is 100? I merely seek advice on the clarification of that point.

**The Bailiff:**

Solicitor General, perhaps you could help us with that.

**The Solicitor General:**

Could the Deputy repeat the question?

**The Bailiff:**

If a line is owned by 2 people, what is the maximum number of hooks on the construction of this Regulation for each owner?

**The Solicitor General:**

I would say 50.

**The Bailiff:**

Does any other Member wish to speak? I call the Minister to reply.

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

In addressing Deputy Andrew Lewis, I would refer him to Regulation 3 as amended under (b) where it says any bare line on a beach the maximum number of hooks at any one time by the owner will not exceed 50, so the answer to his question about how many lines of 50 can a single person have, the answer would be one. As regards information on the times to check your trotline, I liken that a little bit to maybe we need some information on the website on how to put your nylon line on your wheel, or how to thread your line through the eyes of your rod, or how to put the bait on your hook. I do not know how much detail people are expecting, but I think most people who traditionally prosecute trotlines would know they lay it as the tide is coming up and they go and get it as the tide disappears.

**Deputy A.D. Lewis:**

That is not what I was saying. Could I clarify that?

**The Bailiff:**

Can you wait until the Minister has finished?

**The Deputy of St. Martin:**

As regards the times to check, I am not sure that information is relevant, but I will agree with the Deputy when it comes to the indiscriminate way that hooks and nets fish, and Deputy Tadier I will come to in a minute. It is the same answer. I cannot disagree that when you put a number of hooks down on the trotline on the beach you are indiscriminate in the type of fish you catch inasmuch as you could get wrasse, or you could get codfish, or mackerel, or bass. In the past, I would suggest that maybe some of those unwanted fish have been taken home for pet food. Some may have been taken home to go in lobster pots and I quite agree that some will be left on the beach, because if you are a dog walker and you fish on Grouville beach you will find dogfish washed up quite often, and I am sure that is where some of them come from. Yes, it is indiscriminate and the question has been asked by both Deputies: where do these recommendations of 50 hooks come from? The answer is it has come from the Marine Fisheries Panel and it is not a decision that I have taken off my own back. Having said that, I have said and I will repeat it yet again, that if the evidence comes to light that shows 50 hooks is too many, I will not hesitate to come back to this Assembly to get the number changed. Where we are currently is that there is no restriction on the number of hooks an individual can set on a trotline at low water at the moment and for Deputy Tadier's information it is half tied down. You cannot set a trotline anywhere in particular on the beach. There are specific areas you cannot go above a certain level. Is 50 hooks a lot? I can tell Members that if you go for a walk and you walk out towards Seymour Tower, 50 hooks per person is not a lot, because

there are people who prosecute a vastly increased number than 50 and they are doing quite successfully under the auspices of recreational fishing. I would also say to Deputy Tadier that we will experiment with different types of hook that may make it easier to release fish still alive, but at the end of the day, hooks, as with nets, if you do them properly and you follow the tide down, it should not be impossible to take fish off a hook and release it back into the water still alive. As I said, bass are strong fish and they will survive. I will finish by saying, yet again, that this is not a number that has been plucked out of the sky. This has been the result of extensive consultation. It is not just months, but years, in coming and the number we have arrived at, while it may change in the future, is one that has been arrived at after a lot of consultation. It is only a small amendment, this particular inshore waters regulation and all it does is restrict individuals to be allowed to have 50 hooks on a trotline, so I propose that amendment.

**The Bailiff:**

Deputy Andrew Lewis, you had a point of clarification.

**Deputy A.D. Lewis:**

Yes, Sir. The point I was trying to make earlier was that if you do not check your trotline at an appropriate time, i.e. as it uncovers, the birds will get at it. They will get injured. The fish will not be able to be returned to the water if they have dried out, so should there be a regulation that stipulates as to the state of the tide that you should be checking your trotline, or your net for that matter? Once it has dried out the fish are dead and you cannot return it to the water.

**The Bailiff:**

That was indeed the point you made. Will all those Members in favour of adopting the proposition kindly show? The appel is called for. I ask Members to return to their seats. The vote is on the principles of the Draft Sea Fisheries (Inshore Waters) (Amendment) Regulations. I ask the Greffier to open the voting.

<b>POUR: 33</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator I.J. Gorst		Deputy M. Tadier (B)		
Senator L.J. Farnham		Deputy M.R. Higgins (H)		
Senator P.M. Bailhache		Deputy S.Y. Mézec (H)		
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				

Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

**The Bailiff:**

Minister, do you wish to propose these Regulations 1 and 2 together?

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

I do, Sir. Two things are important. The first one, obviously the most important, is that we are making a restriction of 50 hooks per person per individual.

[17:00]

The other one I have mentioned is 1(a), which is increasing the regulation to the name and address and contact details of the owner of the trotline, to make it easier for the fisheries officer to contact that person if required. I propose those Regulations.

**The Bailiff:**

Minister, when you say per individual, the Solicitor General has clarified it is per owner and, therefore, if there are 2 owners it is still 50.

**The Deputy of St. Martin:**

Per owner.

**The Bailiff:**

Are they seconded? **[Seconded]** Does anyone wish to speak? Will all those in favour of adopting Regulations 1 and 2 kindly show. The appel is called for. The vote is on Regulations 1 and 2. I ask the Greffier of the States to open the voting.

<b>POUR: 33</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator I.J. Gorst		Deputy M. Tadier (B)		
Senator L.J. Farnham		Deputy M.R. Higgins (H)		
Senator P.M. Bailhache		Deputy S.Y. Mézec (H)		
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				

Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

Do you propose the Regulations in the Third Reading, Minister?

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

Yes, Sir.

**The Bailiff:**

Are they seconded? **[Seconded]** Does anyone wish to speak?

**10.3.1 Deputy M. Tadier:**

Traditionally the Third Reading is used to give a summary after the principles have been scrutinised and we have had the Articles debated. It seems to me that it is a disappointing day when we have a Minister, notwithstanding the fact that he is improving the Regulations, presenting things that he knows in his heart of hearts does not fully do the job. We cannot afford to be casual when it comes to these kinds of issues. We heard today, on a different subject, about the urgency when it comes to the extinction of our native language in Jersey. Similarly, if we are trying to take measures about preserving what is becoming an endangered species, a very over-fished species in our and other waters and we are introducing measures that we know do not really do the job and we do not know when in the future the proper regulations will come back, I do not think we are doing ourselves any favours. It may look good on paper for the Minister, when he receives the majority, with 3 or 4 people voting against, but I hope the comments will duly be noted, not just from those who did vote against, but those who spoke and the general concerns that have been raised, because I do not think we are taking action urgently enough when it comes to preserving not just our fish stocks but the fish stocks that ultimately belong to the ocean. I remind the Minister about the words at the beginning. I do not want to see a future world in 30 years' time where there are no fish, or certainly many of the species have died out, and I do not want to have to explain to my children or the children that may be around at the time about how we had the opportunity to do more. We did not and the fish that were in existence in 2016 no longer exist anywhere, because we did not do enough at the time.

**10.3.2 Senator P.F. Routier:**

The previous speaker spoke about the briefing we went to at lunchtime about ensuring that our language did not become extinct and that is a major part of our culture. This type of fishing is also a major part of our culture and history and there are people who have been doing this for years and years and I look at it as being something that we should also - although there are issues with regard to preserving sea bass - it is something that has been done for years and I would hope it would be able to continue.

**The Bailiff:**

Minister, do you wish to reply?

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

Only to say that I thank the Deputy and the Senator for their comments and certainly I would say to the Deputy I will bear his words in mind every time I speak to officers about how these Regulations are holding up and what the level of fish being caught is. I would finish by saying I do not think I was in a position today to go from everything to nothing in one fell swoop. This is a step in the right direction. If I need to I can only assure Members, yet again, that I will continue to move in that direction. I propose the Third Reading.

**The Bailiff:**

The appel is called for. Members must return to their seats. The vote is on whether to adopt these Regulations in Third Reading. I ask the Greffier to open the voting.

<b>POUR: 33</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator I.J. Gorst		Deputy M. Tadier (B)		
Senator L.J. Farnham		Deputy M.R. Higgins (H)		
Senator A.K.F. Green		Deputy S.Y. Mézec (H)		
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				



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

## **11. Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 5) (Jersey) Regulations 201- (P.48/2016)**

### **The Bailiff:**

We now come to P.48, the Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 5) (Jersey) Regulations. I ask the Greffier of the States to read the citation of the Draft.

### **The Greffier of the States:**

Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 5) (Jersey) Regulations 201-. The States in pursuance of Articles 2, 6 and 8 of the Sea Fisheries (Jersey) Law 1994, having consulted with the Secretary of State and obtained his concurrence, have made the following Regulations.

### **The Bailiff:**

Minister, would you propose the principles?

### **11.1 The Deputy of St. Martin (The Minister for Environment):**

Finally, for the last time this afternoon, I would like to propose this amendment to minimum fish sizes. This is the last part of a package of measures I am going to propose. The Minister for Economic Development has one small bit to add on at the end, but this is yet another one to protect our local bass stocks and I hope, in this instance, there will be no disagreement from any part of the House, because this affects commercial, recreational and all fishermen equally across the board. Minimum size controls are a common management tool employed in many jurisdictions, including Jersey, to prevent the retention and subsequent landing of small fish and undersized shellfish. The concept behind the measure is to allow a proportion of any particular species an opportunity to reproduce prior to capture and, therefore, assist in maintaining a sustainable fishery. The minimum size for any species is predominantly determined by the biological characteristics. In the Sea Fisheries (Minimum Size Limits) (Jersey) Regulations 2001, there is already a minimum landing size for bass of 36 centimetres, the size described in the E.U.-wide measures. Scientific evidence indicates that this size is below the first size of maturity and should be increased to 42 centimetres. This size also takes into account the socioeconomic impact of an increase in the minimum size and the measure applies to all fishermen, as I said, whether commercial or recreational. That is everybody fishing in Jersey's territorial waters. This increase in minimum size is already in force in E.U. waters and that includes both France and the United Kingdom. That point is important and I hope it will be obvious to Members how difficult it would be to set a different size specifically for Jersey, that would then see Jersey fishermen allowed to catch one size while, for example, French fishermen fishing in our waters could potentially catch bass of a different size. This measure has widespread support across the industry and is possibly the most effective part of all the proposals I have brought today. I struggle to provide any legitimate reason why anyone, who has the health of the bass stocks as their primary concern, would not support this measure, and once again I urge Members to support this amendment, which is quite simple and straightforward and I propose the amendment.

### **The Bailiff:**

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the principles? Will all those in favour of adopting the principles kindly show? The appel is called for. I invite

Members to return to their seats. The vote is on the principles of the Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 5) (Jersey) Regulations. May I ask the Greffier to open the voting?

<b>POUR: 38</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator P.F. Routier		
Senator A.J.H. Maclean		
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator P.M. Bailhache		
Senator A.K.F. Green		
Senator Z.A. Cameron		
Connétable of St. Clement		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. John		
Connétable of Trinity		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy E.J. Noel (L)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy R.G. Bryans (H)		
Deputy of St. Peter		
Deputy S.Y. Mézec (H)		
Deputy A.D. Lewis (H)		
Deputy of St. Ouen		
Deputy S.M. Bree (C)		
Deputy T.A. McDonald (S)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		

You are winning, Minister. **[Laughter]**

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

Slowly, Sir, and if I may I would like to propose the Regulations. There is only one particular item I mention. It is the increase in the minimum size for bass from 36 centimetres to 42 centimetres and I make that proposal.

**The Bailiff:**

You propose Regulations 1 and 2. **[Seconded]** Does any Member wish to speak? Will those in favour of adopting the Regulations kindly show? Those against? The Regulations are adopted. The vote is on Third Reading. **[Seconded]** Does any Member wish to speak? Will those in favour of adopting the Regulations in the Third Reading kindly show? Those against? The Regulations are adopted in the Third Reading.

## **12. Draft Policing of Beaches (Amendment No. 11) (Jersey) Regulations 201- (P.49/2016)**

### **The Bailiff:**

We now come to the Draft Policing of Beaches (Amendment No. 11) (Jersey) Regulations, P.49, lodged by the Minister for Economic Development, Tourism, Sport and Culture. I ask the Greffier to read the citation of the draft.

### **The Greffier of the States:**

Draft Policing of Beaches (Amendment No. 11) (Jersey) Regulations 201-. The States in pursuance of the Order in Council of 26 December 1851 have made the following Regulations.

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

In the interests of interdepartmental co-operation, my department is proposing this amendment in conjunction with a package of measures that the Assembly has just approved. I would like to take this opportunity to congratulate and thank the Minister and his team for the work they have done in these very necessary amendments that we have all just agreed. There has been an observed proliferation of vehicles on the beach, particularly in the vicinity of the Seymour Tower area, a site within the internationally recognised southeast coast Ramsar site. The Minister for Environment approached me to see if I would consider an amendment to the above Regulation that could address this, as it had been discussed and recommended as an important measure by the Marine Resources Panel. The request was such an amendment would be proposed to remove the default exemption to allow driving on the beach engaged in the transport of fishing gear. I am also convinced that driving on the beach should be regulated appropriately. For some activities like launching a boat it is obvious that it is necessary and given the numbers and locations that vessels are launched from it is right that this can be done without additional bureaucracy. However, to be able to drive on the beach, just to transport fishing gear without application, does not seem to be appropriate, given the measures we have just approved. While these proposals remove the ability to drive on the beach while transporting fishing gear, without obtaining permission, it does not mean that the transportation of fishing gear would be outlawed, only managed. Should there be a case whereby an individual should require to drive on the beach to transport fishing equipment, then a simple process is in place to accommodate that request. The amendment in no way affects legitimate access and use of the beach, but does seek to reduce excessive, unnecessary use of vehicles in sensitive and protected areas.

### **The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on the principles? Will those in favour of adopting the principles kindly show? Those against? The principles are adopted. Are you proposing Regulations 1 and 2? **[Seconded]** Does any Member wish to speak? Will those in favour of adopting the Regulations kindly show? Those against? The Regulations are adopted. Are you proposing the Third Reading, Minister?

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

Yes, Sir.

### **The Bailiff:**

Is it seconded? [**Seconded**] Does any Member wish to speak? Will those in favour of adopting the Regulations in the Third Reading kindly show? Those against? The Regulations are adopted in Third Reading. The next item on the Order Paper is P.54. Deputy Tadier, I understood I had a message that you did not wish to proceed with this. If you wish to speak I will withdraw, obviously, but if you wish to withdraw I will sit where I am.

**Deputy M. Tadier:**

Can I just make an explanation? I think if you stay there for practical purposes there is no point in you withdrawing, Sir, although I appreciate the offer. Just to explain, I am minded to keep this proposition for debate as soon as possible. I think it is important and given the importance of it there is no point in it hanging around unnecessarily long. I think it is important that we have a decision one way or the other sooner rather than later, so that P.P.C. can get on with any work they need to do. With that in mind, though, I did ask the Chief Minister whether he would consider inviting Lord Carswell to come to Jersey at his earliest convenience, if he is available, to talk to States Members more generally. He did address the previous Assembly a couple of years ago when there was a similar proposition before us and I think that was most useful, whether or not one agreed one way or the other. I think it was helpful to hear from the man himself, who penned the latest report into this particular issue, so it is my hope that would happen over the next month or 2 and we could discuss this matter probably shortly after the summer recess, obviously not to clash with the M.T.F.P.

**The Bailiff:**

Do you wish to defer the proposition rather than withdrawing?

**Deputy M. Tadier:**

Defer it, Sir. That is right, and for good order if you put it on the Order Paper for 13th September for the time being.

**Senator P.F. Routier:**

I confirm that the discussion was held with the Chief Minister and he confirms that he will attempt to ask Lord Carswell to join us for a meeting.

**13. Draft Amendment (No. 29) of the Standing Orders of the States of Jersey (P.62/2016)**

**The Bailiff:**

We come to P.62, the Draft Amendment (No. 29) of the Standing Orders of the States of Jersey, lodged by the Minister for Planning and Environment. I ask the Greffier to read the citation of the draft.

**The Greffier of the States:**

Draft Amendment (No. 29) of the Standing Orders of the States of Jersey. The States in pursuance of Article 48 of the States of Jersey Law 2005 have made the following amendments to the Standing Orders of the States of Jersey.

[17:15]

**13.1 The Deputy of St. Martin (The Minister for Environment):**

The Planning Applications Committee is constituted under Standing Orders by the States Assembly. I have brought this amendment to Standing Orders with the agreement of the Chairman of P.P.C. (Privileges and Procedures Committee) to rename the Planning Applications Committee as the Planning Committee. This amendment to Standing Orders is required following the changes to the Planning and Building (Jersey) Law 2002. The Planning Applications Committee has

already been renamed as the Planning Committee in the Planning and Building Law to remove any potential confusion with the Public Accounts Committee as they shared, obviously, the same acronym. This renaming also reflects the fact that the Committee's remit goes beyond considering applications for planning permission. I ask the Assembly to support this proposition to amend Standing Orders and rename the Planning Applications Committee as the Planning Committee.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak? Will all those in favour of adopting the proposition kindly show? Those against? The proposition is adopted. Chairman.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

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

The States have concluded, somewhat more speedily than I anticipated, but the future business is as per the consolidated Order Paper except, as we have just agreed, that Deputy Tadier's proposition, P.54, moves to 13th September and as we were asked this morning, Deputy Higgins' proposition, P.55, moves to 12th July. The next sitting, I suspect, we should allow 2 days for that particular sitting. I make the proposition.

**The Bailiff:**

There is no further business.

**Senator P.F. Routier:**

Can I propose adjournment, Sir?

**The Bailiff:**

The States are therefore now adjourned until 9.30 a.m. on 12th July.

**ADJOURNMENT**

[17:16]